HOUSE OF REPRESENTATIVES—*Thursday, October 2, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, giver of all grace and author of everlasting life, bless those who gather here to testify to the liberties with which we all have been blessed and to legislate for the welfare of our Nation. Temper our judgments and strengthen our resolve that we may faithfully serve in word and deed. Cause us to keep in remembrance our hostages who are separated from Nation and family. May we recall them in our prayers until that time when they return and know the freedom they deserve. During the coming days may Your presence be with us and with all Your people that we may seek justice, love, mercy, and ever walk humbly with You. In Your holy name, we pray. Amen.

THE JOURNAL

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

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 agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 5048) entitled "An act to amend the act entitled 'An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the battle of Manassas, and for other purposes,' approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b)."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 5295) entitled "An act to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 5612) entitled "An act to amend section 8(a) of the Small Business Act."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate numbered 15 to the bill (H.R. 6665) entitled "An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships, 1973, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 6816) entitled "An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State."

The message also announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, La.;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 7665. An act to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize 3 additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively;

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes; and

H. Con. Res. 413. Concurrent resolution to authorize the printing as a House document of a revised edition of "The Capitol."

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

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 3765. An act to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities;

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California;

H.R. 6086. An act to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rule relating to certain installment sales;

H.R. 6975. An act to eliminate the duties on wood veneers;

H.R. 8146. An act to provide a program of Federal supplemental unemployment compensation.

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

S. 2887. An act to protect the confidentiality of data made available to the Bureau of Labor Statistics and for other purposes; and

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

The message also announced that Mr. BENTSEN be a conferee, on the part of the Senate, on the bill (S. 1156) entitled "An act to amend and reauthorize the Solid Waste Disposal Act," vice Mr. Muskie.

PRIVATE CALENDAR

The SPEAKER. Pursuant to the order of the House of September 29, 1980, this is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ALICE W. OLSON

The Clerk called the bill (H.R. 5160) to amend the act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DR. HALLA BROWN

The Clerk called the Senate bill (S. 1578) for the relief of Dr. Halla Brown.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to

the request of the gentleman from Wisconsin?

There was no objection.

CERTAIN ALIENS

The Clerk called the Senate bill (S. 707) for the relief of certain aliens.

There being no objection, the Clerk read the Senate bill, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the following named aliens shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the countries of the aliens' birth upon paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act:

BANMAN-Redecop, Diedrich
Banman-Redecop, Aganetha
Banman-Redecop, Agatha
Banman-Redecop, Hallena
Banman-Redecop, Mary
BERGEN-Neudorf, Bernard
Bergen-Guenther, Susana
Bergen-Guenther, Justina
Bergen-Guenther, Helena
Bergen-Guenther, Bernhard
BERGEN-Reddekopp, Bernhard
Bergen-Neudorf, Helena
Bergen-Neudorf, Elizabeth
BERGEN-Neudorf, John
Bergen-Wall, Elisa
DUECK-Loewen, Cornelius
Plett-deDueck, Anna
Dueck-Plett, Cornelius
Dueck-Plett, Frederick
Dueck-Plett, John
Dueck-Plett, Anita
Dueck-Plett, Dennis
Dueck-Plett, Klaas
Dueck-Platt, Elizabeth
DUECK-Loewen, Edwin
Plett-de Dueck, Margaretha
Dueck-Plett, Bernard
Dueck-Plett, Norman
Dueck-Plett, Harold
Dueck-Plett, Peter
Dueck-Plett, Irene
Dueck-Plett, Raymond
Dueck-Plett, Robert
DUECK-Loewen, Henry
Kornelson-de Dueck, Mary
Dueck-Kornelson, Milton
Dueck-Kornelson, Dale
Dueck-Kornelson, Elizabeth
Dueck-Kornelson, Paul
Dueck-Kornelson, Kenneth
Dueck-Kornelson, Myrtle
DUECK-Plett, Lorenzo
Dueck-de Dueck, Erna
DUECK-Loewen, Norman
Kornelson-de Dueck, Elvira
Dueck-Kornelson, Glenn
Dueck-Kornelson, Carol
DUECK-Loewen, Peter
Wolfe-de Dueck, Maria
Dueck-Wolfe, Lorna
Dueck-Wolfe, Richard
Dueck-Wolfe, Terry
Dueck-Wolfe, Garland
DYCK-Quiring, Francisco
Dyck-Wolfe, Agatha
Dyck-Wolfe, Aganetha
Dyck-Wolfe, Daniel
Dyck-Wolfe, Franz
Dyck-Wolfe, Susana
DYCK-Teichroeb, Heinrich
Dyck-Martens, Aganetha
Dyck-Martens, Aganetha
DYCK-Neudorf, Jacob
Wiebe-Froessen, Helen
DYCK-Dyck, Peter
Dyck-Loewen, Katharina
Dyck-Quiring, Aganetha
Dyck-Quiring, Aganetha
Dyck-Quiring, Benjamin
Dyck-Quiring, Elizabeth
Dyck-Quiring, Heinrich
Dyck-Quiring, Jacob
Dyck-Quiring, Margarita
Dyck-Quiring, Maria
DYCK-Loewen, Peter
Dyck-Freesse, Agatha
Dyck-Freesse, Franz
Dyck-Froesse, David
Dyck-Froesse, Helena
Dyck-Froesses, Abram
Dyck-Froesses, Aganetha
Dyck-Froesses, Bernhard
Dyck-Froesses, Guillermo
Dyck-Froesse, Helena
Dyck-Froesses, Peter
Dyck-Martins, Johan
Dyck-Martins, Margarita
FEHR-Friesen, Peter
Peters-Friesen, Aganetha
FRIESSEN-Peters, Abraham
Dyck-Martins, Margarita
Friessen-Dyck, Elizabeth
FRIESEN-Friesen, Edward
Kornelson-de Friesen, Elizabeth
Friesen-Kornelson, Jim
Friesen-Kornelson, Dennis
Friesen-Kornelson, Ronald
Friesen-Kornelson, Floyd
FRIESEN-Friesen, Jacob
Friesen-Teichroeb, Elisabeth
Friesen-Teichroeb, Jacob
FRIESEN-Friesen, Johan
FRIESSEN-Peters, Corny
De Friessen-Dyck, Aganetha
Friessen-Dyck, Abraham
FROESE-Hamm, Cornelio
Froese-Bergen, Helena
Froese-Bergen, Jacob
Froese-Bergen, Katharina
Froese-Bergen, Katharina
Froese-Bergen, Margarita
FROESE-Peters, Pedro
Froese-Froesse, Elizabeth
Froese-Froesse, Pedro
Froese-Froesse, Jacob
Froese-Froesse, Elizabeth
GIESBRECHT-Bikert, Abraham
Giesbrecht-Klassen, Judith
Giesbrecht-Klassen, Abraham
GIESBRECHT-Friesen, Jacob
GIESBRECHT-Friesen, Peter
Froese, Katharina
GOERTZEN-Giesbrecht, Isaak
Goertzen-Knelsen, David
Goertzen-Knelsen, Francisco
Goertzen-Knelsen, Isaak
Goertzen-Knelsen, Katharina
Goertzen-Knelsen, Maria
Goertzen-Knelsen, Susana
GUENTHER-Fehr, Jacob
Guenther-Hiebert, Katharina
GUENTHER-Zacharias, Jacob
HARMS-Dyck, Abraham
Harms-Reimer, Abraham
Harms-Reimer, Maria
Harms-Reimer, Martha
HARMS-Andres, Abram
Harms—Neufeld, Abram N.
Harms-Neufeld, George
Harms-Neufeld, Helena
Harms-Neufeld, Jake
Harms-Neufeld, Johan
Harms-Neufeld, Margaretha
Harms-Neufeld, Maryann
Harms-Neufeld, Sara
Harms-Neufeld, Sara
Harms-Neufeld, Tina
HARMS-Dyck, Issac
Harms-Rempel, Ana
Harms-Rempel, Abraham
Harms-Rempel, Bernardo
Harms-Rempel, Isack
Harms-Rempel, Katharina
Harms-Rempel, Susana
Harms-Rempel, Susana
HARMS-Dyck, Johan
Harms-Guenther, Elizabeth
Harms-Guenther, Margaret
Harms-Guenther, Elizabeth
HARMS-Andres, Peter
Harms-Thiessen, Helena
Harms-Thiessen, Abram
Harms-Thiessen, Jacob
Harms-Thiessen, Helen
Harms-Thiessen, Johann
Harms-Thiessen, Berman
Harms-Thiessen, David
Harms-Thiessen, Gerherd
Harms-Thiessen, Peter
HARMS-Dyck, Peter
Harms-Wall, Abraham
Harms-Wall, Anna
Harms-Wall, Helena
Harms-Wall, Helena
Harms-Wall, Johan
Harms-Wall, Maria
Harms-Wall, Pedro
KLASSEN-Rempel, David
Rempel-de Klassen, Margarita
Klassen-Rempel, Heinrich
Klassen-Rempel, Franz
Klassen-Rempel, David
KLASSEN-Dyck, John
Klassen-Kroeker, Elisabeth
Klassen-Kroeker, Katherina
Klassen-Kroeker, Peter
KLASSEN-Wolf, Martin
KNELSEN-Hamm, David
Knelsen-Wieler, Aganetha
Knelsen-Wieler, David
Knelsen-Wieler, Franz
Knelsen-Wieler, John
KORNELSON-Dueck, Francisco
Plett-de Kornelson, Roseline
Kornelson-Plett, Rhonda
KRAHN-Rempel, Johan
Neufeld-Biekert de Krahn, Maria
Katharina
Helena
Maria
John
Margaretha
KRHAN-Martens, Wilhelm
Krhan-Neufeld, Elisabeth
Krhan-Neufeld, Jacob
Krhan-Neufeld, Katherina
Krhan-Neufeld, Maria
Krhan-Neufeld, Maria
Krhan-Neufeld, Susana
LOEPPKY, Wiebe, Cornelius
Loeppky-Penner, Susan
LOEWEN-Wiebe, Cornelius
Peters-Friessen, Maria
Loewen-Peters, Heinrich
Loewen-Peters, Kathrina
Loewen-Peters, Cornelius
LOWEN-Dueck, Edwin David
Plett-de Loewen, Irma
MARTENS-Schmitt, Heinrich
Martens-Schmitt, Anna
Martens-Schmitt, Abraham
Martens-Schmitt, Anna
Martens-Schmitt, Frans
Martens-Schmitt, Johan
Martens-Schmitt, Peter
MARTENS-Schmitt, Katherina
Martens-Dyck, Katherina
MARTINS-Smitt, David
Martins-Zacharias, Margaret
Martins, Annie
NEUDORF-Bergen, Cornelius
Neudorf-Friessen, Anna
Neudorf-Friessen, Anna
Neudorf-Friessen, Cornelio
Neudorf-Friessen, Jacobo
Neudorf-Friessen, Katharina
NEUFELD-Schmitt, Cornelius
Neufeld-Bergen, Hellen
NEUFELD-Loewen, Heinrich

Klassen–Niefeld de Neufeld, Justina
Neufeld–Klassen, Jacob
NEUFELD–Giesbrecht, Herman
Neufeld–Wiebe, Elma
Neufeld–Wiebe, Richard Herman
Neufeld–Wiebe, Susana
NEUFELD–Wieler, Johan
Neufeld–Wieler, Anna
Neufeld–Wieler, David
Neufeld–Wieler, Enrique
Neufeld–Wieler, Getruda
Neufeld–Wieler, Juan
Neufeld–Wieler, Mary
Neufeld–Wieler, Patricia Lynn
NEUSTATER–Henrichs, Johan
Neustater–Loewen, Elena
Neustate–Loewen, Katharina
Neustater–Loewen, Tina
NEUSTATER–Klassen, Peter
Neustater–Friessen, Gerardo
Neustater–Friessen, Pedro
Friessen–de Neustater, Elizabeth
PETERS–Bergen, Abram
Peters–Redakopp, Aganetha
Pedekopp–de Peters, Katharina
PETERS–Heide, Aron
Fehr–de Peters, Elisa
Peters–Fehr, Mary
PETERS–Beisbrecht, David
PETERS–Thiessen, Isaak
Peters–Kreeker, Anna
Peters–Kreeker, Abraham
Peters–Kreeker, Elizabeth
Peters–Kreeker, Katharina
Peters–Kroeker, Franz
Peters–Kroeker, Isaak
Peters–Geisbrecht, John
Peters–Peters, Anna
Peters–Neufeld, Peter
Peters–Peters, Anna
Peters–Peters, Margaret
Peters–Peters, Tina
Plett–Plett, Gerhard
Petkau–de Plett, Helena
Plett–Petkau, Wayne
Plett–Petkau, Burne
Redecop–Wiens, Peter
Redecop–Zacharias, Anna
Redecop–Zacharias, Abram
Redecop–Zacharias, David
Redecop–Zacharias, Franz
Redecop–Zacharias, Isaac
Redecop–Zacharias, John
Redecop–Zacharias, Margareta
Redecop–Zacharias, Susanna
Reddekopp–Unrau, Jakob
Reddekopp—Bergen, Susana
Reddekopp–Bergen, Jakob
Reddekopp–Bergen, Lena
Redekopp–de Berg, Margaretha
Reimer–Friesen, Diedrich
Reimer–Fehr, Anna
Reimer–Fehr, Cornelius
Reimer–Fehr, Eva
Reimer–Fehr, Isidro
Reimer–Fehr, Jacob
Reimer–Fehr, Johan
Reimer–Fehr, Maria
Reimer–Fehr, Maria
Reimer–Fehr, Martha
Reimer–Fehr, Sara
Reimer–Rempel, Diedrich
Reimer–Froese, Anna
Jake
Reimer–Wiebe, Heinrich
Fehr–de Reimer, Sara
Reimer–Fehr, Helena
Reimer–Fehr, Jacobo
Reimer–Fehr, Johan
Reimer–Fehr, Katharina
Reimer–Fehr, Peter
Reimer–Fehr, Henry
Reimer–Friesen, Helena
REIMER–Friesen, Jacob
Reimer–Peters, Anna
Reimer–Peters, Cornelius
Reimer–Peters, Margaretha
Reimer–Peters, Maria
Reimer–Peters, Margaretha
Reimer–Peters, Abraham
REIMER, Johan
REIMER–Schellemberg, Johann
Reimer–Froese, Helena
Reimer–Froese, Jacob
Reimer–Froese, Bernard
REIMER-Froese, Peter
Reimer–Fehr, Aganetha
Reimer–Fehr, Cornelius
Reimer–Fehr, Elizabeth
Reimer–Fehr, Heinrich
Reimer–Fehr, Juan
Reimer–Fehr, Pedro
Reimer–Fehr, Sara
Reimer–Fehr, Sarah Weibe
REMPEL–Enns, Cornelius
Plett–de Rempel, Elda
Rempel–Plett, Steven
REMPEL–Giesbrecht, David
Rempel–Friesen, Aganetha
Rempel–Friesen, Anna
Rempel–Friesen, David
Rempel-Frisen, Elizabeth
Rempel–Friesen, Katharina
REMPEL–Giesbrecht, Jacob
Wieler–Rempel, Elizabeth
Rempel–Wieler, Jacob
Rempel–Wieler, Anna
Rempel–Wieler, Johan
SCHMITT–Penner, Jacob
Schmitt–Thiessen, Helena
Schmitt–Thiessen, Maria
Schmitt–Thiessen, Gierhord
Schmitt–Thiessen, Bernard
Schmitt–Thiessen, Katharina
Schmitt–Thiessen, Helena
Schmitt–Thiessen, Peter
Schmitt–Thiessen, Franz
SCHMITT–Thiessen, Johann
Schmitt–Friessen, Margaretha
Schmitt–Friessen, Heinrich
Schmitt-Friessen, David
SCMITT–Sall, Johan
Scmitt–Klassen, Katharina
Scmitt–Klassen, Franz
Scmitt–Klassen, David
Scmitt–Klassen, Anna
Scmitt–Klassen, Aganetha
Scmitt–Klassen, Abraham
SIEMENS–Hine, William
Siemens–Peters, Margaretha
Siemens–Peters, George
Siemens–Peters, Nettie Colleen
TEICHROEB–Weibe, Bernardo
Teichroeb–Neufeld, Helena
Teichroeb–Neufeld, Monica Lyn
TEICHROEB–Weibe, Johan
Teichroeb, Peter Siemens
Teichroeb–Knelsen, Johan
Teichroeb–Siemens, Elizabeth
Teichroeb–Siemens, Johan
Teichroeb–Siemens, Katharina
Teichroeb–Siemens, Mary
Teichroeb–Goertzen, Anna
Teichroeb–Goertzen, Bernardo
Teichroeb–Goertzen, Franz
Teichroeb–Goertzen, Maria
Teichroeb–Goertzen, Peter
Teichroeb–Goertzen, Susana
TEICHROEB–Siemens, William
Teichroeb, Anna Guenter
WALL–Bergen, Isaak
Fehr-de Wall, Justina
Wall–Fehr, Isaak
Wall–Fehr, Jacob
Wall–Fehr, Johan
WALL–Smith, Jacob
WIEBE–Dyck, Bernhard
Wiebe, Tina Neufeld
WIEBE–Klassen, Franz
Wiebe–Redekop, Maria
Wiebe–Redekop, Jake
Wiebe–Redekop, Peter
Wiebe–Redekop, Susana
Wiebe–Redekop, Teena
WIEBE–Dyck, Gerardo
Klassen–Wiebe, Susana
WIEBE–Klassen, Henrich
WIEBE–Gunter, Issac
WIEBE–Peters, Isaak
WIEBE–Gunther, Jacob
Wiebe–Neufeld, Helena
Wiebe–Neufeld, Jacob
Wiebe–Neufeld, Tina
WIELER–Wiens, Benhamin
Wieler–Enns, Anna
Wieler-Enns, Cornelio
Wieler-Enns, Helena
WIELER-Klassen, Enrique
Wieler–Hiebert, Anna
Wieler–Hieberth, Francisco
WIELER–Wiebe, Peter
Wieler–Klassen, Anna
Wieler–Klassen, David
Wieler–Klassen, Elena
Wieler–Klassen, Katharina
Wieler–Klassen, Maria
FEHR–Klassen, Johan
Fehr–Peters, Agatha
Fehr–Peters, Agatha
Fehr–Peters, Ana
Fehr–Peters, Henrich
Fehr–Peters, Katharina
Fehr–Peters, Maria
Fehr–Peters, Peter
Fehr–Peters, Susana
NEUDORF–Buercker, Henry
Neudorf-Dyck, Aganetha
Neudorf–Dyck, Christina
Neudorf–Dyck, Henry
Neudorf–Dyck, Jake
Neudorf–Dyck, John
Neudorf–Dyck, Mary
Neudorf–Dyck, Peter
Neudorf–Dyck, Sysan
KLASSEN–Klassen, David
Wiebe–Klassen, Elizabeth
Klassen–Wiebe, David
Klassen–Wiebe, Hentry
Klassen–Wiebe, Peter
Klassen–Wiebe, Benjamin
Klassen–Wiebe, Helena
BANMANN, Diedrich
Banmann–Reddekopp, Susanna
Banmann, Maria
Banmann, John
Banmann, Jacob
BASCHMAN, Jacob Friesen
Baschman, Elizabeth Wieler
Baschman, Benjamin Wieler
Baschman, Jacob Wieler
BERGEN, Herman Neudorf
Bergen, Elisabeth Loewen
Bergen, Elizabeth
Bergen, Herman
Bergen, John
Bergen, Helena
Bergen, Jacob
Bergen, Susan
Bergen, Judy
DUECK–Barkman, Peter
Dueck–de Dueck, Marlene
DYCK–Abram Froese
FEHR–Neufeld, Jacob
Fehr–Penner, Aganetha
Fehr–Penner, Maria
Fehr-Penner, Johnny
FRIESEN, Bernhard Giesbrecht
Friesen–Katharina Funk
Friesen–Franz Funk
Friesen–Maria Funk
Friesen–Peter Funk
Friesen–Susana Funk
FRIESEN–Dyck, Clarence
Friesen–Dyck, Marolyn
FRIESEN–Teichroeb, David
Dyck–de Friesen, Anna
Friesen–Duck, Marlene
Friesen–Dyck, Ricky
FRIESEN, Gerhard Heidi
FRIESEN, Isaac Reimer
FRIESEN, Jacob Hiebert
Friesen, Anna Wieler
Friesen, Aganetha Wieler
Friesen–Jacob Wieler
FROESE, Johan Bergen
Froese, Aganetha Rempel
Frose, Bernhard Rempel
Froese, Gerhard Rempel
Froese, Jacob Rempel
Froese, Johan Rempel
Froese, Judith Rempel

Peters, Susana Knelsen
FROESE, Johan Hamm
Froese, Helena Ketler
Froese, Elisabeth Ketler
Froese, Helena Ketler
Froese, Johan Ketler
GIESBRECHT, David Dyck
Giesbrecht, Sara Redekop
Giesbrecht, Susie Redekop
Giesbrecht, Willie Redekop
GIESBRECHT, Peter Friesen
Giesbrecht, Elizabeth Neustaeter
Giesbrecht, Henrich Neustaeter
Giesbrecht, Jacob Neustaeter
Giesbrecht, Maria Neustaeter
GUENTHER—Friesen, Jacob
Doerksen—Wall, Katherina
Guenther, Helena O.
Guenther, Heinrich
Guenther, Eva
Guenther, Katharina
Guenther, Elizabeth
Guenther, Jacob
Guenther, Ana
Guenther, David
Guenther, Johann
HARDER, Peter
Harder, Anna Wiens
Harder, Agatha Wiens
Harder, Jake Wiens
Harder, Katherina Wiens
HIEBERT, Jacob Rempel
KLASSEN, Jacob Thiessen
Klassen, Helena Peters
Klassen, Anna Peters
Klassen, Elizabeth Peters
Klassen, Eva Peters
Klassen, Isaac Peters
Klassen, Jacob Peters
Klassen, Maria Peters
Klassen, Martha Peters
Klassen, Neta Peters
Klassen, Sara Peters
Klassen, Susana Peters
KLASSEN—Wiebe, Herman
Peters—Martens de Klassen, Helena
Johan
Herman
Sara
Jacob
Maria
Peter
Helena
Anna
Aganetha
LETKEMAN, Peter Harms
Letkeman, Maria Martens
Letkeman, Elizabeth Martens
LOEWEN, Frank Wiens
Loewen—Heide, Agatha
MARTENS, Frank Broese
Martens, Katerina
Martens, Frank Neufeld
Martens, David
Martens, Jacob
NEUFELD, David Teichroeb
Neufeld-Bergen, Judy
PETERS, Abram Guenther
Peters, Maria Bergen
Peters, David Bergen
Peters, Margareta Bergen
REDECOP, Benjamin Peters
REDDEKOPP-Zacharias, Jacob
Reddekopp-Wall, Helen
Cornelius
Margaret
Jacob
REDEKOP-Peters, Benjamin
Redekop-Klassen, Sara
Redekop-Klassen, Peter
Benjamin
Martin
Sara
Margartha
Susana
Helena
Maria
Franz
Abram
David
Heinrich
Cornelius
Wilhelm
REDEKOPP-Zacharias, Peter
Redekopp-Neufeld, Nancy
Redekopp-Neufeld, Maria
REIMER-Kornelson, Gustav
Petkau-de Reimer, Mary
Reimer-Petkau, Susie
Reimer-Petkau, Edward
Reimer-Petkau, Lena
Reimer-Petkau, John
Reimer-Petkau, Gustav
Reimer-Petkau, Alvina
Reimer-Petkau, Shirley
REIMER, Jacke
REIMER, Johan Fehr
REIMER-Fehr, Johan
Friesen-de Reimer, Elizabeth F.
Reimer-Friesen, Cornelius
Reimer-Friesen, Abram
REMPEL, Jacob Siemons
Teichroeb, Nattie Dyck
REMPEL-Siemons, Gerhardt
Rempel-Reimer, Justina
Rempel-Reimer, Susanna
Rempel-Reimer, Sara
Rempel-Reimer, Wilhelm
Rempel-Reimer, Abraham
Rempel-Reimer, Annie
REMPEL-Seinons, John
Rempel-Bueckert, Nettie
SIEMENS, Wilhelm Peters
THIESSEN, Wilhelm Reimer
Thiessen, Helena Siemons
WALL, Jacob Fast
Wall, Agatha Peters
Wall, Anna Peters
Wall, Nicolas Peters
Wall, Susana Peters
WIEBE, Abram Unrau
Wiebe, Margaret Hamm
Wiebe, Aganetha
Wiebe, John
Wiebe, Peter
Wiebe, Susie
WIEBE, Isaak Klassen
WIEBE-Klassen, Ben
Wiebe-Neufeld, Anna
WIEBE-Klassen, Katherin
Wiebe-Klassen, Agatha
Wiebe-Klassen, Eva

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.

EAZOR EXPRESS, INC.

The Clerk called the bill (H.R. 3459) to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States.

There being no objection, the Clerk read the bill, as follows:

H.R. 3459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limitations contained in section 2401(b) of title 28, United States Code, or section 536.45 (h) of title 32, Code of Federal Regulations, are not applicable in the case of any claim for damages presented in writing to the appropriate Federal agency in accordance with section 3675(a) of title 28, United States Code, or section 4802 of title 10, United States Code, within six months after the date of enactment of this Act by Eazor Express, Incorporated, for property damage at the Maspeth Terminal Yard, Brooklyn, New York, sustained as a result of the dredging of Newtown Creek, Queens County, New York, by the United States Army Corps of Engineers in April 1974. Notwithstanding the provisions of section 2401 of title 28, United States Code, or section 745 of title 46, United States Code, an action may be commenced against the United States with respect to the claim described in the preceding sentence if such action is commenced within six months of final denial of any claim filed under such sentence. The failure of the agency to make final disposition of the claim described in the first sentence of this Act within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final disposition of the claim for purposes of this Act.

SEC. 2. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

With the following committee amendments:

Page 1, lines 3 and 4, strike "section 2401(b) of title 28, United States Code" and insert "section 5 of the Act of March 9, 1920 (commonly referred to as the 'Suits in Admiralty Act' 46 U.S.C. 745)".

Page 2, lines 5 and 6, strike "section 2675 (a) of title 28, United States Code" and insert "the Act entitled 'An Act for the extension of admiralty jurisdiction', approved June 19, 1948 (46 U.S.C. 740)".

Page 2, lines 15 and 16, strike "section 2401 of title 28, United States Code, or section 745 of title 46, United States Code" and insert "section 5 of the Act of March 9, 1920 (commonly referred to as the 'Suits in Admiralty Act'; 46 U.S.C. 745)".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAHMUD ALI KHAN ALIAS FAZAL DAD

The Clerk called the bill (H.R. 4032) for the relief of Mahmud Ali Kahn alias Fazal Dad.

There being no objection, the Clerk read the bill, as follows:

H.R. 4032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mahmud Ali Khan alias Fazal Dad may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in his behalf by Madame Bilquis Sheikh, lawful permanent resident of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. TOOMAS EISLER AND CARMEN ELIZABETH EISLER

The Clerk called the bill (H.R. 5067) for the relief of Dr. Toomas Eisler and Carmen Elizabeth Eisler.

There being no objection, the Clerk read the bill, as follows:

H.R. 5067

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

the purposes of the Immigration and Nationality Act, Doctor Toomas Eisler and Carmen Elizabeth Eisler shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. KA CHUN WONG, AND HIS WIFE MARILYN WONG

The Clerk called the bill (H.R. 927) for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong.

There being no objection, the Clerk read the bill, as follows:

H.R. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the immigration and Nationality Act, Doctor Ka Chun Wong, and his wife, Marilyn Wong, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ERIC GEORGE SIX, ANN ELIZABETH SIX, AND KAREN ELIZABETH MARY SIX

The Clerk called the bill (H.R. 7764) for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

There being no objection, the Clerk read the bill, as follows:

H.R. 7764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct three numbers from the total number immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

With the following committee amendments:

On page 2, line 4, delete the word "fee" and insert in lieu thereof the word "fees".

On page 2, line 5, delete the word "alien" and insert in lieu thereof the word "aliens".

On page 2, line 9, delete the word "alien's" and insert in lieu thereof the word "aliens' ".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR SETTING ASIDE LANDS AND INTERESTS WITHIN WINEMA NATIONAL FOREST TO EDISON CHILOQUIN AND FOR TRANSFER OF MONEYS TO MR. CHILOQUIN FROM KLAMATH INDIAN SETTLEMENT TO SECRETARY OF AGRICULTURE

The Clerk called the bill (H.R. 7960) to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

There being no objection, the Clerk read the bill, as follows:

H.R. 7960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby directed to set aside in special trust for Edison Chiloquin of Chiloquin, Oregon, the beneficial use and occupancy of and to a tract of land including the area known as Chiloquin Village, located within sections 2 and 11, township 35 south, range 7 east, Willamette Meridian, Klamath County, Oregon.

SEC. 2. The Secretary of Agriculture shall reserve to the United States the legal fee to these lands. The uses of these lands shall not be inconsistent with its cultural, historical, and archeological character. Should the land and interests conveyed herein be used by Edison Chiloquin, his heirs, or assigns, or by others with their consent for other than traditional Indian purposes, they may revert to the United States to be held in perpetuity to protect the significant archeological, cultural, and traditional values associated with these lands.

SEC. 3. The Secretary of Agriculture in consultation with the Secretary of the Interior, shall determine and assure that the value of the beneficial use and occupancy of the area set aside in special trust for Edison Chiloquin is substantially equal to the amount of the share of the proceeds from Civil Numbered 74-894, U.S.D.C. Oregon, which share would otherwise be available to Mr. Chiloquin.

SEC. 4. The moneys to which Edison Chiloquin would otherwise be entitled as payment for his share of the Act of August 16, 1973 (87 Stat. 349) and Civil Numbered 74-894, U.S.D.C., Oregon, shall be paid to the Secretary of Agriculture, who shall deposit such moneys into a special fund in the Treasury. Such moneys shall remain available until expended by the Secretary of Agriculture for the acquisition of lands or interests therein within the former boundaries of the Klamath Indian Reservation which are determined by the Secretary of Agriculture to be suitable for national forest purposes. Lands or interests therein acquired under this section shall become part of the Winema National Forest and subject to the laws, rules, and regulations applicable to the national forests.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUN AE HEE

The Clerk called the bill (H.R. 5788) for the relief of Jun Ae Hee.

There being no objection, the Clerk read the bill, as follows:

H.R. 5788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Jun Ae Hee shall be held and considered to be the natural-born alien daughter of James and Amy Kline, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Jun Ae Hee may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James Kline, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.

The commitee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

FOR THE RELIEF OF VIKTOR IVANOVICH BELENKO

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2961) for the relief of Viktor Ivanovich Belenko, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Viktor Ivanovich Belenko, who was lawfully admitted to the United States for permanent residence on September 9, 1976, shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States; shall not be held or considered to be within any of the classes of persons described in section 313 of that Act; and, notwithstanding the provisions of section 310(d) of that Act, may be naturalized at any time after the date of enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

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.

RIP VAN REAGAN

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

Mr. RICHMOND. Mr. Speaker, among the tales in the rich folklore of New York is the story of Rip Van Winkle, who wandered into the countryside and fell asleep for 20 years. When he awoke, Van Winkle found a changed world. Try as he might to adapt to the changes, Old Rip just could not fit into the new scheme of things.

A modern version of this tale has Ronald Reagan playing the lead role. In the new story, Rip Van Reagan went to sleep with a prayer on his lips: "I hope," he said, "that the Federal Government will not bail out New York City."

When Mr. Reagan awoke, he found himself to be the Republican nominee for President. He also tried to fit into the new scheme of things: Now he prays for New York's votes. As Mr. Reagan wipes the cobwebs from his tired eyes, he offers a promise to help New York if elected.

It has been said that "history repeats itself: The first time as tragedy, the second time as farce." So it is with our two sleepers. The tragedy of the Rip Van Winkle story has become the farce of this year's Republican Presidential candidate.

THE ARREST OF ZUBEIDA JAFFER IN SOUTH AFRICA

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

Mr. MAGUIRE. Mr. Speaker, Zubeida Jaffer, a 22-year-old journalist for the Cape Times in South Africa is presently being held by the South African Government under the infamous section 6 of the Terrorism Act, the same law that Steve Riko was held under at the time of his tragic death. She is now being detained at the same Port Elizabeth prison where Biko died.

Ms. Jaffer, at the time of her arrest, had written a series of reports on the riots that occurred this year in South Africa. Her reports on developments in the black communities were far more detailed and far more authentic than any white journalist could have produced and is almost certainly the reason why she is being held.

Under section 6 she may be held indefinitely without trial, without being charged. She is denied the right to see her family. Under section 6 South Africans have been tortured.

Mr. Speaker, I see her arrest as another example of South Africa's blatant disregard for human rights and I urge my colleagues to join me today in writing to the Ambassador of South Africa to the United States requesting her release.

THE MISSING LINK IN REGULATORY REFORM

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

Mr. LEVITAS. Mr. Speaker, no chain is stronger than its weakest link and I want to identify today the missing link in the chain of regulatory reform. President Carter announced in 1976 a bold program for reforming the regulatory process and streamlining Government.

The many accomplishments which the administration has achieved in regulatory reform, however, have become ashen because the missing link is the regulation reform bill which was the centerpiece and linchpin of regulatory reform and which has widespread support on both sides of the aisle in the Congress and with the public. But the administration and certain powerful people in this body refuse to let the House of Representatives vote on this vital legislation before the election. These people have sabotaged this bill in the face of an overwhelming support for it. That is a grave disservice to the American people. Some of the advisers to the President and some of his friends in the Congress have rendered him a disservice by not letting the vital link be forged in a meaningful regulatory reform record. The voters in November are going to pass judgment on this. The American people are going to demand a true reform of the bureaucracy including a congressional veto over the rules and regulations issued by the unelected bureaucrats that control the lives of all the people in this country.

The American people are going to elect a Congress in November that will be even more supportive of an even stronger regulatory reform bill to curb the bureaucracy. I hope to be part of that effort and to bring Government back under control of the people.

ISRAEL'S INFLATION-INDUCED NEW CURRENCY

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

Mr. REGULA. Mr. Speaker, early in the year I remember reading that Israel had made a decision to convert its currency from the Israeli pound to the Biblical shekel. I noticed an article in Tuesday's New York Times announcing that yesterday was the day that the conversion to the new currency took place.

Israel has suffered through triple-digit inflation—an anual rate of 134 percent—and part of the reason for the conversion to the new currency was "too many zeros" in the old currency, these zeros having been made necessary by the inflation. In Israel, inflation was causing problems with normal transactions, as computers simply were not designed or programed for the extra zeros.

Much of the inflation in Israel is the result of indexing every aspect of the economy. As in this country, indexation including government spending has two main effects. First, it lessens the incentives to hold prices down or, perhaps more correctly, it increases the incentives to raise prices. And, second, indexation itself contributes to inflation as higher prices interact with higher incomes, because of inflation, which leads to still higher prices, which continues the upward price spiral.

I recall hearings held by the Budget Committee in which this topic of indexation was discussed. It was pointed out that Israel has plans to deindex much of what had been indexed in a drastic anti-inflationary move. I wish them godspeed, and I hope we in this country pay close attention not only to Israel's efforts to correct inflation, but also to their past experiences and causes of inflation.

The No. 1 priority of this Congress must be meeting the challenge of arresting inflation, or down the road we too may have to convert our currency.

CONGRESS MUST STOP LEAKS OF DEFENSE SECRETS

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

Mr. RUDD. Mr. Speaker, we are seeing a persistent and reprehensible series of leaks of highly classified U.S. defense secrets by officials of the Carter administration.

I was dismayed this week to turn on a network television news program and see Defense Department film footage of top secret laser weaponry shooting down a target drone.

When I was shown similar films at official briefings, they were highly classified.

Congress must determine who is responsible for such leaks—and whether they are prompted by disloyal motives, including ties or commitments to a foreign power or organization, monetary gain, or some other opportunistic reason.

Any Government official, no matter what his position, must be prevented from aiding the enemy by leaking U.S. secrets under any pretext, and must be prosecuted to the full extent of the law for any violation.

LAST WORD ON LAMEDUCK

(Mr. MICHEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, normally, at the close of a session, we would be saying our goodbyes to many of our colleagues but such is not the case today. We will all be dragged back here right after election for only the 6th lameduck session in the last 45 years.

I think we Republicans have made our case against the lameduck session. It is an absurdity and an embarrassment to us all.

I got to thinking, however, that there will be something sentimental about the lameduck session. It will be the last time that a good many of our friends on the other side of the aisle will be getting together before making way for a new and larger class of freshman Republicans.

I am sure it will be a very nostaligic, and emotional time, a going away party where hearts are heavy and longtime friendships are relived one last time. There will be a lot of memories rekindled before each goes his separate way.

I can see it all now, the Speaker with his burly arm wrapped around the shoulders of his colleagues singing that old refrain "Republicans are breaking up that old gang of mine," as the tearyeyed toasts are made to the great glory days of our friends on the other side.

CONGRESS SHOULD EXTEND REVENUE SHARING WHEN THEY RETURN IN NOVEMBER

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

Mr. CONTE. Mr. Speaker, I rise to call my colleagues' attention to the fact that because of maneuverings with the legislative schedule, one of the most vital programs of the whole federal system may go by the boards.

I am speaking, of course, about the local revenue sharing program. Because of this House's failure to act on the General Revenue Sharing Extension Act before the 1st of October, local governments will face real estate tax increases amounting roughly to $4.7 billion. We in the full House, of course, do not have to worry about the State revenue sharing program—it was given the kiss of death by the Committee on Government Operations earlier this year.

Mr. Speaker, this important program, a program which has seen so much success and has so much support nationwide, may not even be considered after the election. This is because the heat will be off—the State Governors and all the local officials, the people who can attest to the attributes of revenue sharing will have lost their ace card in lobbying—our preelection accountability.

I urge my colleagues to take a closer look at how these funds have been put to use when they are back in their districts this month, and further urge them to come back ready to support extension of revenue sharing when they return to Washington in November.

□ 1020

CARTER'S $4.6 BILLION PROPERTY TAX INCREASE

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

Mr. WYDLER. Mr. Speaker, on September 30, 1980, the general revenue sharing program expired. For the first time in 8 years our States and communities are without a revenue sharing program. I am sad to say that this administration has done nothing about it. What is the result—a $4.6 billion local property tax increase.

For all his proclamations and statements that he is interested in the plight of our States and localities, President Carter and his administration have done nothing to get the revenue sharing program reenacted.

Ask any mayor or county executive what Federal program in their opinion is the best for their governments and they will tell you revenue sharing. The program operates efficiently and economically, there are no rules or regulations to speak of. In sum, it is a model Federal program, but what does Mr. Carter and his administration do—nothing.

Now frankly, I am confused by all this. The administration continually tells us how much they want to do for American cities. And yesterday they let the program expire.

What is President Carter telling New York when that city stands to lose $300 million next year because of his fumbling?

What is he telling Nassau County which stands to lose $28 million?

What is he telling Chicago when that city stands to lose $71 million?

What is he telling Newark when that city stands to lose $10 million?

What is he telling Los Angeles County governments which stand to lose $200 million?

He is telling America's cities and counties "drop dead."

And it is not only our big cities and counties that are being victimized by Mr. Carter's policy, it is all 38,000 units of local government in this Nation: Urban, suburban and rural. Each one of these communities stands to have increased property taxes next year to make up for the loss of revenue sharing. American property taxpayers should know that their property taxes went up as of yesterday as a result of the administration's inaction. No amount of Carter rafshoonery will make them forget either.

THE ADMINISTRATION APPARENTLY DOES NOT SUPPORT REVENUE SHARING

(Mrs. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SNOWE. Mr. Speaker, the Washington Post editorializes today that "a lameduck session is a marvelous device for escaping political responsibility." It further states "a lameduck session is dangerous." This is certainly true in the case of the general revenue sharing program. Its future is at best uncertain. Due to the administration's and Congress inaction, we have no assurance that this bill will ever be taken up. Local government budgets, all 38,000 of them will now be thrown into panic and uncertainty.

For the last year those of us concerned with revenue sharing have been warning the administration that their indecision was endangering this vital program. After months of stalling and delay, last April the administration finally sent us their renewal proposal. I would point out that in a similar situation 4 years ago, President Ford sent his revenue sharing extension legislation to the Hill in April of 1975. a full year and 8 months before that program expired.

Many of the cities and towns in Maine start their fiscal year on January 1. They are already in their budget planning stage. How can they plan when this administration puts them on hold. The message from the administration is clear—do not count on any revenue sharing money. Many of the smaller towns in Maine use revenue sharing funds for essential services like police and fire. If they do not receive funds they will probably have to raise their property taxes. This could mean close to $30 million in increased property taxes across the State. Nationwide this could mean increased property taxes of $4.6 billion.

Mr. Speaker, when the administration wanted it, they railroaded targeted fiscal assistance, or targeted political assistance, out of committee and onto the floor in 2 weeks. But the administration apparently does not support revenue sharing, and their actions may well have killed it.

THE CARTER DOCTRINE ON THE MIDDLE EAST

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

Mr. JOHNSON of Colorado. Mr. Speaker, the latest action in the implementation of the Carter doctrine on the Middle East is to send four airplanes and approximately 300 troops to the defense—I am quoting the administration—of Saudi Arabia. The President of the United States, in my opinion, does not have the legal authority to send troops anywhere in the world at his whim, at the request of a foreign country. We have no treaty obligations to Saudi Arabia.

Mr. Speaker, a war for oil would be shameful; a show of military force in the Middle East to enhance his election prospects in November is disgraceful.

WAR COULD THREATEN AMERICA'S MINERALS LIFELINE

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

Mr. YOUNG of Alaska. Mr. Speaker,

in the face of the Iran-Iraq war, we would do well to consider America's vulnerability regarding strategic and critical minerals. America imports 42 percent of our manganese, 48 percent of our chromium, 76 percent of our cobalt, and 93 percent of our platinum from one small and highly volatile region of the world.

Therefore, today I will deliver to Gov. Ronald Reagan a letter signed by the minority leaders of both the Senate and House as well as 16 ranking Republicans on the committees and subcommittees of jurisdiction regarding the strategic and critical mineral issue. In that letter we detail the nature and severity of the impending crisis in nonfuel minerals, we condemn the purposeful scuttling by the Carter administration of a bipartisan review of the issue as well as the President's apparent willingness to ignore this issue; and we congratulate Governor Reagan for addressing strategic and critical minerals and pledge to him our support for the development of an effective legislative program to deal with this growing crisis of mineral dependence and vulnerability.

CARTER CAMP CHOOSES LOW ROAD

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

Mr. KRAMER. Mr. Speaker, with less than 5 weeks to go until the election, it has become evident that Jimmy Carter intends to pursue the low road in his bid for a second term. Patricia Harris threw the first mudball when she tried to link Ronald Reagan to the Ku Klux Klan. Then, in recent weeks, we have seen the President himself accuse Governor Reagan of being a racist and a war monger. This week, the Carter campaign turned its invective on JOHN ANDERSON, saying he is nothing more than a spoiler and should drop out of the Presidential race.

We can only speculate on why the Carter camp has chosen the low road. Perhaps it is because they cannot defend their record of the last 4 years. Perhaps it is because they are getting desperate and want to divert public attention away from the real issues of this campaign, including the need to curb inflation, create jobs, lower taxes, and reestablish a strong national defense. Perhaps it is because the President is not as self-righteous as his image makers have led us to believe. In any case, I am confident that if Jimmy Carter persists in taking the low road during the remaining weeks before the election, he will find that it leads to Plains, Ga., not Washington, D.C.

DEMOCRATS' DOUBLE STANDARD

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

Mr. SHUSTER. Mr. Speaker, while I expect to support the Committee on Ethics' recommendation which will be before this body today, I am troubled by the Democratic double standard that seems to prevail. Former Representative Diggs was convicted of 29 felony counts; yet last year the Democratic leadership refused to even let us consider expulsion. They moved to table the motion, the Members will recall, thereby refusing to even let us debate the issue.

What is different between the Myers case and the Diggs case? The big difference that is obvious is that we are one month away from an election. It seems perhaps that the Democratic leadership's ethical sensitivities exist in inverse proportion to the number of days remaining before an election.

ECONOMIC PERFORMANCE MEASURED BY MISERY INDEX IS WORSE TODAY THAN IN 1976

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

Mr. LUNGREN. Mr. Speaker, one of the early speakers mentioned the story of Rip Van Winkle and suggested that one of the candidates has difficulty telling the difference between fact and fiction. But just who is that one candidate? What do we have President Carter saying these days? According to an article that appeared in the Washington Post yesterday, he suggested indirectly that a Reagan victory would mean the "alienation of black from white, Christian from Jew, rich from poor, and North from South." That is an incredible statement that does not really mean anything, but it is in keeping with President Carter's statements of the past weeks.

Perhaps the reason why he is saying that is because he wants us to confuse fact with fiction.

In 1976 Carter charged that President Ford's economic performance as measured by a misery index was the worst in 50 years. When you add up the inflation rate with the unemployment rate at that time, it equaled a rating on the so-called misery index of 12.2 percent. What does that misery rate come to today? Nineteen point one percent. If 12.2 percent was good enough for Jimmy Carter to say we should get rid of Jerry Ford, 19.2 percent is certainly good enough to remove Jimmy Carter from the White House.

TAKE CARE OF OUR ECONOMIC NEEDS IN AMERICA

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

Mr. COLLINS of Texas. Mr. Speaker, I just heard the gentleman rise to talk about the need for funds for the farmers. Certainly the farmers need money. I want to tell you business needs money; the young people need money to buy homes; all America needs money. This morning as I went through my research data, I was reminded again of what this liberal Congress has been doing with the money of the people of America. It says here in this report that the totals for Federal foreign aid spending in 1976, the year before President Carter came in office, were $6,413,000,000. This past year it was $13,643,000,000. What the record shows is that this Congress borrows money, borrows money and gives it away in foreign aid, instead of investing it with the American people.

It is time that we take care of our economic needs in America before we waste more money on foreign aid.

□ 1030

NICARAGUA AND TERRORISM

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

Mr. LAGOMARSINO. Mr. Speaker, earlier this year, at the President's request, the Congress passed the special Nicaraguan aid bill, H.R. 6081. The legislation including several safeguard amendments was then signed into law, Public Law 96–257. A key amendment to the legislation offered by our collegaue, BILL YOUNG of Florida, required the President to certify to Congress before the release of any funds that the Sandinista government "has not cooperated with or harbors any international terrorist organization or is aiding, abetting or supporting acts of violence or terrorism in other countries."

On Tuesday of this week, the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs of which I am a member, held an oversight hearing on this Presidential certification which the President issued on September 12, 1980. The subcommittee heard testimony, both classified and unclassified, from Members of Congress, the Department of State, the Defense Intelligence Agency and the Central Intelligence Agency. It is the judgment of a majority of the subcommittee members that there is a high likelihood that Nicaragua is in fact engaging in those very activities described in the Young amendment and that this action represents official Sandinista policy.

I must express my great concern that for the President to certify to Congress that Nicaragua is not engaging in terrorism or exporting violence and revolution, indicates that either he was not told the facts by his advisers or he chose for political reasons to ignore them. Therefore, I call upon the President to review his decision and the entire determination process, keeping in mind that the law requires him to make all such loans immediately due and payable if such evidence is brought to light.

I am inserting the full text of Congressman YOUNG's statement in the Extension of Remarks of today's RECORD for your review.

OUR APATHETIC ATTITUDE TOWARD THE USE OF POISON GAS

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

Mr. DORNAN. Mr. Speaker, when I was a young boy, 12 years of age, at the

end of World War II, I could not understand how 6 million Jews could be exterminated without the democratic nations of the world ever raising a voice in protest. However, I now completely understand how the world can be blind to such unbelievable and indescribable evil.

I mentioned the other day, Mr. Speaker, that virtually the entire H'Mong people of Laos were being murdered, tortured, starved, and gassed out of existence. I also discussed the fact that medical experiments to assess the effects of the gas had been organized by the Soviet Union, and that this genocidal campaign had reduced the H'Mong population from an original of half-a-million to 70,000.

I had a briefing this morning that confirms that this gassing program is even worse than is generally known. I hope the ladies and gentlemen of the fourth estate up in the press gallery and all of us while on airplanes returning home to our districts will read this horrendous story which is the lead article in this month's Reader's Digest.

The final line of this story refers to a young H'Mong boy, who says with one tear going down his face, "I am so sorry my country is dying," he said in a voice of pain. "Please do something."

Mr. Speaker, it is a disgrace that the Department of State of our great country has known about the gassing of the H'Mong for 18 months and done nothing. It also knows that gas is being used by the Soviets in Afghanistan.

For God's sake, let us do something about this gassing and extermination of an entire people in Laos.

I also want to thank the Speaker for the courtesy he has extended me while I speak on this horrendous issue.

Do something.

CREDIT CONTROL

Mr. STANTON. Mr. Speaker, here in the Chamber yesterday afternoon the House by unanimous consent adopted the Senate-passed version of the Council on Wage and Price Stability, with an amendment. By unanimous consent of this House, Mr. Speaker, we sent the amendment to the other body. The amendment, Mr. Speaker, was to agree with the other body that the Credit Control Act of 1969 should expire in a year and a half from now.

Mr. Speaker, it is with regret that I learned today the other body did not take up the papers because the papers, due to a telephone call from Secretary Miller and Stu Eizenstat to the Speaker, asked for the papers to be returned to the House. Mr. Speaker, it is my understanding, and the staff has reported to me that this action was taken without consultation with the chairman of our committee, the gentleman from Wisconsin (Mr. REUSS) or the chairman of the subcommittee, Mr. MOORHEAD. Mr. Speaker, I wish to express my deepest disappointment in this action taken contrary to the unanimous consent of this House.

ADMINISTRATION SETS UP BOUNTY HUNT TO FILL HISPANIC QUOTAS

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

Mr. ASHBROOK. Mr. Speaker, while millions of Americans are unemployed, the administration has set up an almost $500,000 bounty hunt to find Hispanics to fill civil service jobs paying from $18,500 to $50,000 per year. Under this program, in which the Office of Personnel Management (OPM), and the Departments of Commerce, Housing and Urban Development, and Health and Human Services are participating, the Vacancy Outreach Service will be paid $167 to bring in a qualified Hispanic applicant.

This program has just begun. Phillip Shandler, writing in the Washington Star, quotes an OPM spokesman as saying that this first $455,000 represents just a pilot program, and added that, "If it does well, we may be able to get more money for this approach."

It should be emphasized that this program is not aimed at employing needy people, but at filling ethnic quotas in middle- and upper-grade jobs. By this means, the Federal bureaucracy is seeking to fill quotas in competition with colleges and businesses which are also trying to fill similar ethnic quotas already imposed on them by that same Federal bureaucracy.

This administration insists on cutting back the child nutrition programs—programs which provide food to school children. That is an area in which I have found myself in the unusual position of opposing a funding cut proposed by a liberal administration. There is not enough money for school lunches, but there seems to be no problem finding a half million dollars ready, and expecting plenty more, when liberal ideologies want to play their racial numbers game. As always, real needs take second place to liberal ideology.

FAILURE TO PASS REVENUE SHARING LEGISLATION

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, it is unthinkable that the House will recess today without completing consideration of revenue sharing legislation. Congress failed to act and as a result this important program expired on September 30. I urge my colleagues to remedy this error.

Clearly, the program is one of the most vital Federal programs available to local governments. It provides for stable budgetary and fiscal planning and insures the adequate provision of essential public services that range from health care to transportation needs.

Revenue sharing gives local governments maximum flexibility to quickly respond to pressing community needs. This program represents a wise use of taxpayers' money and lets each community decide how and where to spend its money.

If we fail to act on the reauthorization of the program, it will mean a loss of over $143 million to local communities in Massachusetts. My own congressional district alone received close to $90 million in the last several years. These were dollars that spelled growth and revitalization of hundreds of communities in Massachusetts.

Now these communities are severely hampered in goals they have set for community development. They must set their tax rates without the benefit of these badly needed funds. For instance, in the town of Hanson, in the 10th Congressional District, this will mean an additional $4.35 tax burden for every resident.

Multiply this figure for the hundreds of cities and towns in all the congressional districts in this Nation, and you will see a deterioration in facilities, services and ultimately the spirit of our citizens.

Revenue sharing is no gift. It is simply the process that allows Americans to receive a fair share of the Federal pie that they, in fact, pay for.

A vote for revenue sharing says we will not balance the Federal budget on the backs of our Nation's towns and cities.

The passage of this legislation represents a victory for local governments to beat back a bureaucratic bid at control of Federal funds.

A NOTE OF OPTIMISM; THE PERMANENT THINGS

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

Mr. BAUMAN. Mr. Speaker, I have listened this morning with great interest to all the gloom, doom, politics and other disasters on both sides of the aisle and it prompted me, since this is probably the last day of our session before the recess, to make some observations about other and different things. I learned long ago in politics to always close on a note of hope.

Mr. Speaker, the harvesters are in the field on the Eastern Shore of Maryland and the corn is coming in. It has been a bad summer and the drought has reduced the bushel yield, but there is corn and the beans look good. Along with the coming election ads I have already seen ads for Thanksgiving turkeys. The pumpkins have appeared at the roadside stands and the cider is on sale.

Mr. Speaker, the other morning I heard for the first time this fall the voice of the Canadian geese which to us in Maryland is a promise of hope and a good future. They have come home again.

No matter what we do here in the closing days or have done for the last 2 years, perhaps this Congress ought to think about these things too. They are, perhaps, more enduring and permanent.

APPOINTMENT OF CONFEREES ON H.R. 8146, FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACT OF 1980

Mr. CORMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, could I inquire of my colleague, the gentleman from California (Mr. CORMAN) if the House agrees today to go to conference, when does the gentleman think that would occur?

Mr. CORMAN. I would assume it would be sometime close to the 12th of November. As I understand it, the Senate has recessed until that time and, therefore, I assume they will not be appointing conferees until that time.

Mr. ROUSSELOT. Let me repeat, November 12 or thereafter. Mr. Speaker, I thank the gentleman for his comment.

Further reserving the right to object, I yield to my colleague from Minnesota (Mr. FRENZEL).

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

I was tempted to object to this unanimous consent request because I have little idea about what we would go into conference on. The Senate only passed its version last night and little is known about it now. But, it seems obvious we have to go into conference at some time. It is also obvious we cannot go into conference before November 12.

Because of difficult, controversial features, the matter could not be resolved. Regrettably it must be laid over until after the election. I suppose we may as well be prepared as soon as possible thereafter to go into the conference.

Mr. Speaker, I shall not object and I thank the gentleman for yielding.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

□ 1040

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, CORMAN, RANGEL, BRODHEAD, ROUSSELOT, and FRENZEL.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. 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:

[Roll No. 620]

Addabbo	Annunzio	Bafalis
Akaka	Anthony	Bailey
Alexander	Ashbrook	Baldus
Anderson, Calif.	Ashley	Barnard
Andrews, N.Dak.	Atkinson	Barnes
	AuCoin	Bauman
	Badham	Beard, R.I.
Beard, Tenn.	Fuqua	Mattox
Bedell	Garcia	Mavroules
Benjamin	Gaydos	Mazzoli
Bennett	Gephardt	Mica
Bereuter	Gibbons	Michel
Bethune	Gilman	Mikulski
Bevill	Gingrich	Miller, Calif.
Bingham	Ginn	Miller, Ohio
Blanchard	Glickman	Mineta
Boggs	Gonzalez	Minish
Boland	Goodling	Mitchell, Md.
Bolling	Gore	Moakley
Boner	Gradison	Moffett
Bonior	Gramm	Mollohan
Bonker	Grassley	Montgomery
Bouquard	Gray	Moore
Bowen	Green	Moorhead, Calif.
Brademas	Grisham	Moorhead, Pa.
Breaux	Guarini	Murphy, Ill.
Brinkley	Gudger	Murphy, Pa.
Brodhead	Guyer	Murtha
Brooks	Hagedorn	Musto
Broomfield	Hall, Tex.	Myers, Ind.
Brown, Calif.	Hamilton	Natcher
Brown, Ohio	Hammerschmidt	Neal
Broyhill	Hance	Nedzi
Burgener	Hanley	Nelson
Burlison	Hansen	Nowak
Burton, Phillip	Harkin	O'Brien
Butler	Harris	Oakar
Byron	Hawkins	Oberstar
Campbell	Heckler	Obey
Carney	Hefner	Panetta
Carr	Hightower	Pashayan
Carter	Hillis	Patten
Cavanaugh	Hinson	Paul
Cheney	Holland	Pease
Clausen	Hollenbeck	Pepper
Clay	Holt	Perkins
Cleveland	Hopkins	Petri
Clinger	Horton	Peyser
Coelho	Howard	Pickle
Coleman	Hubbard	Porter
Collins, Ill.	Huckaby	Preyer
Collins, Tex.	Hughes	Price
Conable	Hutchinson	Pritchard
Conte	Hutto	Pursell
Corcoran	Hyde	Quillen
Cotter	Ichord	Rahall
Coughlin	Ireland	Railsback
Courter	Jacobs	Rangel
Crane, Daniel	Jeffords	Ratchford
Crane, Philip	Jeffries	Regula
Daniel, Dan	Jenkins	Rhodes
Daniel, R. W.	Johnson, Calif.	Richmond
Danielson	Jones, N.C.	Rinaldo
Dannemeyer	Jones, Okla.	Ritter
Daschle	Jones, Tenn.	Robinson
Davis, Mich.	Kastenmeier	Rodino
Davis, S.C.	Kazen	Roe
de la Garza	Kelly	Rosenthal
Deckard	Kemp	Rostenkowski
Dellums	Kildee	Rousselot
Derrick	Kindness	Roybal
Derwinski	Kogovsek	Royer
Devine	Kostmayer	Rudd
Dickinson	Kramer	Russo
Dicks	Lagomarsino	Sabo
Donnelly	Latta	Sawyer
Dornan	Leach, Iowa	Scheuer
Dougherty	Leath, Tex.	Schroeder
Downey	Lederer	Schulze
Duncan, Tenn.	Lee	Sensenbrenner
Early	Leland	Sharp
Eckhardt	Lent	Shelby
Edgar	Levitas	Shumway
Edwards, Ala.	Lewis	Simon
Edwards, Okla.	Livingston	Skelton
Emery	Lloyd	Smith, Iowa
English	Loeffler	Smith, Nebr.
Erdahl	Long, La.	Snowe
Erlenborn	Long, Md.	Snyder
Ertel	Lott	Solarz
Evans, Del.	Lowry	Solomon
Evans, Ga.	Lujan	Spence
Evans, Ind.	Luken	St Germain
Fary	Lundine	Stack
Fascell	Lungren	Stangeland
Fazio	McClory	Stanton
Fenwick	McCormack	Stenholm
Ferraro	McDade	Stewart
Findley	McEwen	Stockman
Fish	McHugh	Stokes
Fisher	McKay	Stratton
Fithian	Madigan	Studds
Flippo	Maguire	Stump
Florio	Markey	Swift
Foley	Marks	Symms
Ford, Tenn.	Marlenee	Synar
Forsythe	Marriott	Tauke
Fountain	Martin	Tauzin
Fowler	Mathis	Taylor
Frenzel	Matsui	Thomas
Frost		
Traxler	Waxman	Wolpe
Trible	Weiss	Wright
Ullman	White	Wyatt
Van Deerlin	Whitehurst	Wydler
Vander Jagt	Whitley	Wylie
Vanik	Whittaker	Yates
Vento	Whitten	Yatron
Volkmer	Williams, Mont.	Young, Alaska
Walgren	Williams, Ohio	Young, Fla.
Walker	Wilson, C. H.	Young, Mo.
Wampler	Winn	Zablocki
Watkins	Wirth	Zeferetti

□ 1050

The SPEAKER. On this rollcall 365 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

IN THE MATTER OF REPRESENTATIVE MICHAEL J. MYERS

Mr. BENNETT. Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative MICHAEL J. MYERS, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives.

□ 1100

MOTION OFFERED BY MR. STOKES

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

The Clerk read as follows:

Mr. STOKES moves to postpone further consideration of House Resolution 794 until November 13, 1980.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) will be recognized for 1 hour.

The Chair would request that the Members be seated. The Chair thinks, in fairness to both the Member charged and the committee, that as many Members as possible should be present on the floor.

The Chair would ask the manager of both cloakrooms to notify the Members.

The Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I yield to my distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. BENNETT).

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the Extension of Remarks section of the RECORD, but this consent request does not apply to revisions of remarks to be delivered in the House today.

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

There was no objection.

Mr. STOKES. Mr. Speaker, my motion to postpone would postpone the proceedings until the 13th day of November, the second day after we return from the recess.

Mr. Speaker, this is a historic moment

in the House of Representatives. Not since 1861, nearly 120 years ago, has the House expelled one of its Members. As we consider the resolution of expulsion today against Representative MYERS, it seems to me that we should do so with all the care and due regard for both this institution and the individual involved. This institution makes the Nation's laws. Therefore, we have the obligation to be more concerned with the rule of law and the observance of law than any other institution in America.

The resolution of expulsion now before the House comes to the floor by virtue of a resolution adopted by the Ethics Committee on which I sit. Our committee passed a resolution which made a finding, pursuant to rule 14 of the committee's rules, that the committee should proceed promptly to hold disciplinary hearings for the sole purpose of determining what sanction to recommend to the House for the offenses he had committed. The decision of the committee to proceed under rule 14 was made after extensive discussion as to whether to proceed under rule 14 or rule 16 of the committee's rules. Had the committee proceeded under rule 16, we would have conducted a disciplinary hearing to receive evidence upon which to report findings of fact and recommendations to the House.

Instead, the committee chose a summary procedure under rule 14 which avoids the requirements of a normal disciplinary hearing such as rule 16 under which a Member would have the right to call witnesses, offer evidence, cross-examine witnesses against him and have the burden of proof rest on the committee staff with respect to establishing the case against him by clear and convincing evidence.

The truncated procedure under which rule 14 operates provides that if a Member, officer or employee of the House is convicted of a criminal offense for which a sentence of a term of at least 1 year may be imposed, the committee shall conduct a preliminary inquiry to review the evidence in order to ascertain whether it constitutes a violation over which we have jurisdiction.

If we make such a determination, a preliminary hearing is then held for the sole purpose of what action to recommend to the House respecting such an offense. The committee determined that Representative MYERS had been convicted as a result of the verdict of guilty by a jury at his trial. At the committee we learned that there is still pending at the trial court level a due process hearing which has been retained by the trial judge for an evidentiary hearing on whether the Member's due process rights were violated. This evidentiary hearing raises serious constitutional questions, alleging that the executive branch of Government improperly and unconstitutionally devised a Sting operation to test the probity of Members of Congress and that such a scan violated the constitutional doctrine of separation of powers.

It also raises serious questions under the speech and debate clause.

Now, I contend, Mr. Speaker, that I cannot vote to expel a Member, whose trial has not yet been completed, with this part of the trial still pending at the trial court level.

Additionally, the Member, while convicted by a jury, has not even yet been sentenced by the court.

Because rule 14 references conviction in the context of Federal, State, or local court proceedings, it is necessary, then, that we look at rule 32(b)(1) of the Federal Rules of Criminal Procedure, which provides that, and I quote:

A judgment of conviction shall set forth the plea, the verdict or findings and the adjudication and sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

Now, I cannot, Mr. Speaker, in good conscience vote to expel a Member where his sentence has not even yet been imposed, may never be imposed, and where no judgment or conviction has even been entered upon the court's records.

Therefore, it is indisputable that the trial process has not yet been completed, and there has been no final judgment in the trial court, which is necessary in order to proceed under rule 14 of the committee's rules.

In summary, Mr. Speaker, where the legislative branch seeks to use a conviction obtained in Federal court for purposes of adjudicating guilt in pursuance of its constitutional authority to expel its Members without a full trial and the accompanying panoply of protective seals that are attendant thereto, the predicate conviction should be imbued with a sense of complete and unequivocal finality so as to leave no doubt as to its validity.

I have chosen to confine my remarks just to these legal aspects, with the knowledge that other Members have other concerns, such as the political situation in which we find ourselves today. But it just seems to me that as 435 of us go home today, in order to try and cement our own reelection and our own place in history, it seems to me that it is totally unfair for us to deny one Member of this House the same thing that each of us is concerned about doing in terms of our own reelection. And it seems to me that, in a sense of fairness that this House owes this Member of the House, the obligation to have his rights determined, which can be determined, it would seem to me, by the 13th day of November when we come back to this House, I would urge the House to postpone this proceeding until we can do so in an atmosphere of fairness, the same kind of fairness that I think each and every Member of this House would ask of the other 435 Members with whom they serve.

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

The SPEAKER. The gentleman has consumed 9 minutes.

To whom does the gentleman yield?

□ 1110

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. HAMILTON), who is a member of the Committee on Standards of Official Conduct.

Mr. HAMILTON. Mr. Speaker, I rise in support of the motion to postpone House consideration of this resolution until the second day that we return from the recess on November 12.

Like many of you, viewing the tapes for me was a profoundly disturbing experience.

It is really very hard to believe that a Member of this House could so conduct himself. The tapes are powerful evidence of gross misconduct.

That conduct may very well be sufficient eventually to support a motion to expel, but this House has an obligation not only to discipline its Members for misconduct, but to do so in a manner that is scrupulously fair and above reproach.

How we act in these disciplinary cases is just as important as the conclusions we reach. The overall goal of a House disciplinary proceedings is to repair the damage that has been done to the integrity of the House by the Member's misconduct. That goal cannot be achieved unless our proceedings are fair to the accused.

I trust it is not necessary for me to say that I do not support or condone Mr. MYERS' actions. Personally I find those actions reprehensible. Nonetheless, I believe that to expel Mr. MYERS today is premature for several reasons. First, this motion to expell is premature because we simply should not dccide it in a pre-election atmosphere. It is not fair to Mr. MYERS to decide his fate in that kind of an atmosphere. The decision should be made on the basis of a careful study of the evidence and scrupulously fair procedures, not on the basis of political pressures. Members simply cannot free themselves from those pressures at the present time.

Despite the conduct of Mr. MYERS, indefensible as it may be, can anyone seriously contend that it is fair to Mr. MYERS to bring this matter to a vote today, with all of the urgent and immediate political pressures on the Members who face an election in a few days and with very little time to explain to constituents a tough vote.

Members sit here this afternoon or this morning with airplane tickets in their pockets, with bags packed and poised for the rush to the airport which will begin in a matter of minutes when this matter is disposed of.

It seems to me that the political pressures on Members to vote to expel are in many cases simply overwhelming.

Would any one of us, were we to find ourselves in Mr. MYERS' place, think that that was a fair deal? I think not.

It is not a cool, deliberate, dispassionate atmosphere in which an issue of this magnitude to Mr. MYERS and to the House should be decided.

Our zeal to prove to our constituents

just before election our own purity should not override our duty to treat the accused with fundamental fairness. I cannot see any great harm in delaying this expulsion vote until the second day after we return. The main aim of an expulsion is to remove the Member of the House from his legislative duties.

During the recess, Mr. MYERS, of course, will not be engaged in any legislative duties.

Second, this motion is premature because the due process arguments have not even been heard by the courts, let alone decided.

Mr. MYERS' final conviction in the court is still contingent, as the gentleman from Ohio mentioned, upon the court hearing his arguments that he has been denied due process by governmentally created conspiracy.

The questions raised in those arguments are important. Why was Mr. MYERS targeted for investigation? Was he lured into committing an act that he otherwise had no intention of committing? Did the Government commit a crime itself? Did the Government manufacture a crime?

Now I do not mean to suggest the answer to those questions, but attempting to prove them will result in the production of evidence that relates to an offense under rule 14.

What matters, in my judgment, is not that Mr. MYERS has not been technically convicted but why he has not been convicted. He has not been convicted because his due process arguments have not been heard, and it is premature to proceed to expel a Member until they have been heard and evaluated.

Now, third, the motion to expel is premature because it breaks so sharply with historical precedents of this House. If we choose to break those precedents, we should do so only after the most careful and deliberate consideration.

In the entire history of this Congress only 15 Senators and only three Representatives have been expelled. They have been expelled for treason or in one case, for conspiracy against a foreign government. No Member of the House has been expelled for less than treason.

Mr. MYERS is charged, not convicted, with corruption. No Member has been expelled for corruption.

Moreover, House expulsion proceedings against a Member convicted in the courts have always been suspended at least until the appeals process has been exhausted.

Mr. MYERS has not been convicted yet, much less exhausted his appeals.

If the court should fail to convict or if a conviction is reversed on appeal, this House could find itself in the position of having expelled a Member who has never been—and may never be—convicted of a crime, when the precedents of the House dictate expulsion only for treason.

Now precedents can, of course, and should be overturned for good reasons. Those reasons may eventually exist here; but in these rare and most serious expulsion cases, such strong and consistent precedents of the House should not be overturned prematurely or without scrupulous regard for the rights of the accused.

In sum, there are no good reasons to rush to judgment, except to meet our own political needs.

On the other hand, there are two good reasons, at least, to delay. First, Members will have the evidence and the time to permit a proper analysis of this due process question.

And second, Members will decide this important, unprecedented action in a nonpolitical and more dispassionate atmosphere.

I urge my colleagues to support the motion.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

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

Mr. PHILLIP BURTON. I would like to proudly associate myself with the gentleman's remarks, as well as the remarks of the gentleman from Ohio. There are few more thoughtful individuals serving this body than the gentleman in the well, Mr. HAMILTON. I fully support the effort to postpone this action until after the election. The action today regrettably, and we all know this privately, would be little more than a parliamentary lynching bee.

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

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

Mr. ICHORD. I thank the gentleman for yielding.

I agree with the gentleman from California. Certainly it is easy for me to do so as one who is not seeking relection. I might state that I went over and viewed the films yesterday, and I was very bothered by what I saw.

I do have one question of the gentleman in the well, the gentleman from Indiana and I would first say that I do associate myself with his remarks.

□ 1120

I thought that there was a conviction, and that the gentleman from Pennsylvania (Mr. MYERS) had appealed that conviction. I am greatly concerned about the issues of entrapment but I thought that there was a conviction which, of course, will not be final until the gentleman from Pennsylvania has exhausted his appeals.

Mr. HAMILTON. It is my understanding that the jury has returned a verdict of conviction, but that the court itself has not pronounced a sentence of conviction. The court set aside the due process question during the course of the trial and will hear those arguments on the due process question.

Strictly speaking, as I understand the technical meaning of the word conviction in its usual sense, there has been no conviction here by the court. Conviction occurs only upon the pronouncement of the sentence.

The important point is that the due process question has been set aside.

Mr. ICHORD. Then I must vote for the motion of the gentleman from Ohio.

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

Mr. HAMILTON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I wish to compliment the gentleman from Indiana for an excellent statement. It is not easy for any of us today to be here under the circumstances of this resolution. I do not think that I could add anything to what the gentleman says.

As an attorney, as a former law clerk for a Federal judge, I cannot in good conscience vote in any way other than to delay this proceeding until such time as there is a final action taken by the court.

I wish to associate myself with the remarks of the gentleman from Indiana and I compliment the very fine statement which the gentleman has made.

The SPEAKER. The gentleman's time has expired.

Does the gentleman from Ohio (Mr. STOKES) desire to yield any further time?

Mr. STOKES. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman is recognized for 2 additional minutes.

Mr. CHARLES WILSON of Texas. Will the gentleman yield?

Mr. HAMILTON. Yes, I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. I would like to associate myself also with the gentleman from Indiana's remarks. There is nothing that I can add in regard to the merits. Certainly it has been said better than I could say it; but I would like to point out to the House and particularly to the older Members of the House and to the Members of the House who were here before I got here, as the gentleman in the well was, that my predecessor was finally convicted of a felony and was—and no one ever suggested that he be expelled from the House, because he was a 20-year veteran, a very powerful Member, not a rather young Member. To me this whole thing smacks of a lynch mob and bullying the weakest possible Member.

I would like to associate myself with the gentleman's remarks and also to point out that in the case of my predecessor and in the case of many others, that this action has not even been suggested, much less brought up on the day of adjournment before an election.

Mr. HAMILTON. I thank the gentleman.

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

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

Mr. RANGEL. I would like to associate myself with the statement of the gentleman in the well, as well as the gentleman from Ohio.

Of course, my predecessor was convicted of no crime, and yet I think the records of this august body would indicate that there was a rush to judgment in the case of Adam Clayton Powell and the U.S. Supreme Court said not only was it unconstitutional, but I think most of his supporters felt it was immoral for the House to react in such an emotional way.

I, too, am a former assistant U.S. attorney. I think I share the feelings of all the Members that have had a chance to review those videotapes, that the conduct of the Member in question certainly was repugnant to all of the standards that I believe that the Nation expects

from this Congress; but I have to agree with the gentleman, that we do not have the responsibility to judge each other's character, unfortunately, and I think until this matter is finally resolved in the courts that we should really come back and address ourselves to the issue in a climate that is not as political as the one we find ourselves in today.

Mr. HAMILTON. I thank the gentleman.

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

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

Mr. SCHEUER. I wish to congratulate my colleague for a truly fine and noble statement and express my view that this is evidence of the greatness of this body, the fairness and the essential goodness of this body and I wish to state that I have never been more proud to be a Member of Congress.

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

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

Mr. MAZZOLI. The gentleman from Kentucky is reluctant to sound a discordant note, but I would ask the gentleman, my dear friend from across the Ohio River and my colleague for 10 years, he apparently makes two points. One is that this is not sufficiently clear in the record and that there are further due process arguments.

I ask the gentleman, if on November 13 if the House is disposed to continue this case, what happens if the gentleman from Pennsylvania's case has not been decided in a way the gentleman from Indiana would suggest?

Mr. HAMILTON. I do not know the schedule of the courts. I think it may very well be likely that the court will not have acted finally by November 13.

I think I really make two fundamental points, and that is that failing to include Mr. MYERS due process motions in the record and to deliberate on them and to discuss them was not fair to Mr. MYERS and I do not think most Members of this House have had the opportunity to do that.

Second, the point is, the one that the chairman (Mr. STOKES) made, that is that simply this is not the time.

We remove both of those defects by postponing until November 13.

Mr. MAZZOLI. Well, in other words, the gentleman, I believe, is stating to the gentleman from Kentucky and to the House that really there is no way to assure ourselves on November 13 or any date thereafter we will actually take this matter up, if the gentleman's view prevails in the House, which is until every appeal and every question is answered at the trial court level, that we would not reach a final judgment. Is that the gentleman's position?

Mr. HAMILTON. I think the gentleman misunderstands. The motion is to postpone until a date certain and it is my intention, and I think the intention of the sponsor of the motion that we will, in fact, take up the matter on November 13.

Now, why is that advantageous? It is advantageous for the first reason because you get rid of this preelection atmosphere that clouds the judgment, puts very great pressure on many, many Members in this Chamber.

Second, it is advantageous because it permits us to examine in more detail than I think the committee did the entire due process argument.

Mr. MAZZOLI. I thank the gentleman. I would just make one last comment. I continue to share the sentiments expressed by the gentleman from California that the gentleman from Indiana (Mr. HAMILTON) is one of our most thoughtful and decent Members of the House. He continues to be.

I am somewhat disappointed in the fact that the gentleman seems to characterize those of us who may have a different opinion as being somehow bludgeoned by the political realities and stampeded by this kind of preelection lynch fever. I certainly do not have that lynch fever to the gentleman from Pennsylvania. I do not have any feeling except one of profound sadness for the House of Representatives.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. BENNETT).

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. BENNETT. Well, I understand there is going to be a liberal treating of available minutes here and if there was not, there would be an inherent impropriety occurring at this point in the RECORD, because Members who wish to speak in opposition to this motion have not been assured they are going to have an opportunity to speak; so my 5 minutes is likely to extend beyond 5 minutes, because I see no other way to control that people have an opportunity to speak on the other side of this motion, so the 5 minutes may get extensive.

On that basis, I now would like to address the motion

The committee has discussed in detail the meaning of rule 14, including the word "convicted." On a number of occasions, but particularly during a lengthy meeting held in an executive session on September 3, after a thorough discussion the committee voted without dissent, voted 9 to zero to interpret a conviction so far as relevant here to mean a finding of guilt by a jury. This interpretation is not at all without judicial precedent, as has been contended here today. For example, courts have treated a guilty verdict prior to sentencing or prior to a formal judgment of conviction as having been sufficient finality so that the witness may be impeached by the conviction and the court decisions are set in an extension of remarks which I made on September 30 where I gave a preliminary notice of what I was going to say here today, so it could be read in advance.

Even if there were no judicial precedents at all or if the judicial precedents were to the contrary, that would not affect the situation here, however. A committee of the House has both the power and the responsibility to interpret its own rules so as to best carry out the legislative process. It is not up to a court to contradict a committee in the interpretation of its own rules.

In this case, the committee viewed the basic intent of rule 14 and determined that it must mean that the committee should promptly initiate a preliminary inquiry once a jury has found a Member guilty of a serious offense.

□ 1130

Otherwise a Member could continue to serve in the House for months or even many years after his conviction, no matter how serious was his offense, while courts decided various motions or appeals tangential to the basic issue at trial. This would frustrate the whole purpose of rule 14.

I must say rule 14, is to allow for prompt action following a jury finding of guilt. After all, the conviction merely triggers the preliminary inquiry which, in turn, allows the committee to turn to the relevant facts.

This gentleman is not being tried on the question of having been convicted. He is being tried on the basis of the evidence which was submitted and that evidence submitted came from the trial court proceedings plus the proceedings before the committee. He is not being convicted here of having been convicted there. The conviction only has a relevance insofar as it triggers the action of the committee.

Incidentally, that rule is mandatory. It does not say the committee may do it, it says the committee shall do it, and the committee did it, as the rules say.

It should also be pointed out that the due process motion now pending before the district court in Brooklyn is not based upon some alleged error at trial such as improper admission of evidence. It does not relate to entrapment, which Representative MYERS never pleaded as a defense at his trial, nor a claim of a lack of criminal predisposition on his part, for his motion specifically states that the presence of or the absence of criminal predisposition is totally irrelevant to his motion. Specifically it states as read to us here by Mr. STOKES. Rather, Representative MYERS' motion attacks the indictment alleging governmental misconduct in the carrying out of the Abscam operation.

The district court due process decision, whenever it does come, will not change what the committee has seen and heard on numerous tapes or suggests that the evidence given by Mr. MYERS himself is somewhat untrustworthy or inadmissible.

There is even a more important point. The committee did not base its recommendation solely on the trial evidence. Of equal, if not overriding importance, was the evidence given to the committee on two occasions by Representative MYERS himself. He admitted in that testimony he received $50,000 in cash thinking it was $100,000, that he believed this money was coming from a real sheik, that he thought the sheik was being ripped off by those with whom the Representative was dealing, and in return for the money he received, Representative MYERS promised to introduce legisla-

tion to benefit the sheik and that he, therefore, thereafter brought another Congressman to the sheik's representative, recommending that this Congressman be given a $10,000 campaign contribution.

Those are the things that Representatives MYERS said before our committee. His principal defenses were that he was play-acting and he never really actually intended to introduce the promised legislation.

As to his play-acting, it is simply belied by the tapes.

In any event, he has never explained how he could properly have taken substantial sums of money from someone who did not know it was anything but an act.

As for his never having introduced legislation, that is not a necessary element of the crimes of which he is convicted: bribery, conspiracy, and violation of the Travel Act. Thus the committee was fully capable of deciding and did decide Representative MYERS seriously violated the law and did so in complete conformity with its rules.

In the things that have been addressed, there have been addressed a number of things, one was the precedent in the House and in the Senate because the same provision applies under the Constitution, and it is not true that the only penalties which have ever gone to expulsion have gone for treason. If it had been, that is not a precedent, it was no decision that it should not be done under the rules. Particular people, particular evidence might have been found guiltless in a particular case but that does not set a precedent that we cannot do it and, as a matter of fact, the Constitution certainly does not imply that. If treason was the only thing, it would have just added that to the treason section of the Constitution or it could have just said treason. As a matter of fact, the first person expelled from Congress was a Senator and it was not for treason, it was for involvement in anti-Spanish activities of some years back.

Now, insofar as the matter of precedent is concerned, there is no precedent against bringing a case of this type. The argument has been made that he should be sentenced to go to jail and, of course, in the Diggs case we had this question come up. We had the question come up because the committee felt that in the case of Mr. Diggs' involvement with his staff, an internal matter, it was not a thing that in the opinion of the committee justified expulsion and the committee recommended, instead, censure.

Some Members of the Congress thought he ought to be expelled but it was decided by those Members and others that the proper thing to do was wait to see if he went to jail and then, if he went to jail, we could possibly expel him. But the committee made a decision in that case that it was not a case that warranted expulsion except if he had actually been put in jail and did not make a decision to do that. That was something the House itself left open and, of course, it became a moot case because Mr. Diggs resigned from the Congress and made that decision a moot case. He actually requested on several occasions, by extended motions, that is Mr. Diggs, that the matter be postponed until all things had been handled in his case and the committee, as it did in this case, denied that application.

So it is very consistent with what we did in the Diggs case.

Now, some very strong language has been used here and I am glad not too much of it has been used. I have been on this committee some time now and I remember in the past there were very negative things said about the committee. They have not really been said here today and I am glad that is so because we are not trying the committee.

The word "lynch" trial has been used several times here, though, and when you ask Members of Congress to serve on this committee I really think it is not very tasteful to say that the committee has indugled in any sort of activity of that type. This is a very painful procedure, requires a lot of time, anxiety, strain on the part of the Members and on the part of the committee and that is no reason to vote one way or the other in this matter on that basis, but I hope the language used on the floor of the House will reflect the thoughtful judgment of the people who use it, because there is nothing at all that would indicate that anything that Mr. MYERS wanted to do in this case was not done for him. He was offered complete opportunity for any evidence he wanted to offer. We heard all of the evidence. We never denied any of the evidence. We gave him ample time to present the matter to us.

So I must say, and I am about to conclude my remarks and anybody that wants me to yield to them please ask.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. Not until I finish my sentence. Does the gentleman have a lengthy statement?

Mr. HALL of Texas. I want to ask the gentleman one question.

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

Mr. HALL of Texas. I thank the gentleman for yielding. If it has been determined that the due process hearing has not been held yet, my question is this: If at the hearing on the due process matter it is determined by the court that Mr. MYERS' due process rights have not been afforded to him, would that not, in effect, vitiate and set-aside the judgment of the conviction?

Mr. BENNETT. It would not affect the triggering of the rule. The rule says conviction and the man has been convicted according to the decisions of the court and according, what is more important, according to the decision of the committee who gave the rule, and it is our responsibility under lots of decisions to make an interpretation of that rule.

So the conviction occurred, it triggered the procedure, and if the conviction is set-aside it will not in any way affect this proceeding. The only thing that conviction has to do with this is to trigger the rule. The conviction has occurred. It is a past tense proposition. The committee determined the evidence. The committee looked at the evidence. The evidence is not in controversy in this case.

It is only a question of whether the Government, the executive branch of the Government unduly did something, not entrapment, because that was not pleaded, but in some way did something it should not do. It has nothing to do with triggering the action of the committee and if it is set-aside for anything that is pending or could be pending it will in no way affect the action of this House.

Mr. HALL of Texas. Will the gentleman yield for one additional question?

Mr. BENNETT. I yield.

Mr. HALL of Texas. But if the due process proceeding is found in favor of Mr. MYERS, at that point in time he would not be convicted of any offense, would he?

Mr. BENNETT. He would no longer be. He is at the present time.

Mr. HALL of Texas. If we act now to expel, would we not have, would we not expel a person who has been convicted of no offense?

Mr. BENNETT. Most of the people in the history of this Congress who have been expelled from Congress have not been expelled on the basis of conviction. Most of them have been expelled on the basis of evidence of things that they have done that are wrong and that is what the Constitution says. It is only this rule, this rule is the only one here for the purpose for seeing to that when a man is convicted that his trial shall go forward in the House.

☐ 1140

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. I yield 1 additional minute to the distinguished chairman the gentleman from Florida (Mr. BENNETT).

Will the chairman yield to me on the point of the Member who just posed that question to him?

Mr. BENNETT. Since the gentleman has got all the time and he is not yielding half of the time, I guess I will try to get more time.

Mr. STOKES. I will be delighted to yield such time as my distinguished chairman wants. I discussed with him at the beginning how much time he wanted, and the chairman said to me at that time, "I probably will not take very long. I will take about 5 minutes."

Mr. BENNETT. I meant that myself personally because the gentleman did not tell me I could have half of the time.

Mr. STOKES. If the gentleman will yield, I would just like on that point to address the point with him. I think this is important to the Members to have this point addressed. I would just like to cite the case of *Corey* v. *United States*, reported at 375 U.S. 169, a 1963 case where:

> The defendant was committed to the Attorney General after conviction pending a study to be used as a basis for determining sentence. After three months of commitment the court suspended sentence and placed defendant on probation. The defendant's appeal within 10 days from the probation order was dismissed as untimely by the court of appeals on the ground that the time for appeal expired 10 days after entry of the commitment order. The Supreme Court re-

versed in an 8–1 decision stating unequivocally that "Final judgment in a criminal case," the Court has said, "means sentence. The sentence is the judgment."

Also quoting Berman against United States, another Supreme Court case.

Mr. BENNETT. I would like to respond quickly to that. Judge Ross, when interpreting the term "conviction" in rule 609 of the Federal Rules of Evidence, stated:

We find no significant difference between the jury's finding of guilt and the entry of judgment thereon as far as probative value for impeachment purposes. *United States* v. *Rose*, 526 F.2d 745, 757.

Judge Mulligan, when interpreting the term "conviction" in the same thing said in the case of *United States* v. *Vanderbosch*, 610 F.2d 95:

We hold that a jury verdict of guilty prior to entry of judgment is admissible for impeachment purposes * * *.

And it has been so decided in other circuits.

In so deciding we follow several other circuits which have held that there is no distinction between a jury's finding of guilty and the entry of judgment for impeachment purposes.

However, I want to say to you the committee is not controlled by that. Mr. MYERS has been found guilty by this committee. It is not a question of whether this has been a judgment by the court. Whether or not he remains convicted by the court is irrelevant to this. The relevance is that the conviction triggered the action of the committee, and the committee found him guilty and recommended to the House.

I must say to you, the committee must have tremendous staff if it is going into all of these tangential things having to do with court decisions, which have no pertinency to our rules and regulations we would be going to an operation here of 100 lawyers. It is no way to operate this way. That is not what the Constitution provides. It is not what the rules of the House provide. The rules of the House provide that this committee shall recommened to the House of Representatives when it has found wrongdoing and good evidence of it. We are not tied up with all those cases in Federal court.

Mr. BAILEY. Will the gentleman yield to me?

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. Mr. Speaker, I yield 1 additional minute to the distinguished chairman.

Mr. BAILEY. Mr. Speaker, was there not a stage in the committee proceedings where the decision was made to proceed under 14? I think this was the conscious decision made to accept the work product of the Federal district court to proceed under 14 as opposed to 16, and I believe, because I support the chairman in his interpretation of the powers of the committee under the Rules of the House and rules of this procedure where we are proceeding under 13——

Mr. BENNETT. I must correct one thing. We did not decide we were going to take what the court did. That is not what rule 14 says. Rule 14 says you have to look at all the evidence, but you can look at other evidence. The only evidence we took was to allow Mr. MYERS to come in and say what he wanted to say.

Mr. BAILEY. All right, but for the edification of the Members under rule 14 which provides a basic way for proceeding, under 14 it is indeed a "conviction" as opposed to actions which can be taken properly and timely but with a different procedural setup under different rules.

Mr. BENNETT. That is correct.

Mr. BAILEY. I will ask the chairman is that not correct?

Mr. BENNETT. Yes.

Mr. BAILEY. I, therefore, would just remind the House that the point that was made by the gentleman from Texas does go to the issue of a conviction under 14 since if an alternate rule had been chosen, we would not be dependent thereon.

Mr. BENNETT. The gentleman might be in a good position to say that except for the fact that all the law and all the procedural determinations that have ever been made in any comparable cases have said that the committee of Congress makes these decisions itself, and we have made that decision. After all, all we are trying to do is to bring these facts to the floor of the House. We should not entrap ourselves in any kind of procedural matter. This is not "a Philadelphia lawyer" case, this is a case of bringing the real facts before the House. We should not make such arbitrary rules——

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the gentleman's motion with great reluctance, because I have enormous respect for him and the others who have indicated their support for this motion.

As I listen to the debate, I think we are in danger of getting tangled up in a legal cobweb. And I say that as a lawyer.

To me it is immaterial whether or not there has been a final conviction in this case. We have before us the statements made by Mr. MYERS on the videotapes and the statements he made before the committee.

From Mr. MYERS himself, then we have the incontrovertible fact that he was selling his services as a Congressman for substantial sums of money. To me it makes no difference whether the services were real or, as he claims, pretend. If they were only pretend, the corruption is no less.

Mr. MYERS has thus brought shame on himself and on this House. And we will bring added shame on ourselves if we fail to make clear to the American people in a decisive and vigorous way that such conduct will not be tolerated by this House.

To take any lesser action than expulsion would, I am afraid, demonstrate to our already disillusioned young people that the Congress protects its own and condones the kind of influence peddling Mr. MYERS engaged in.

Even to defer a decision would be seen as a copout, deservedly. The people of this country—and especially the people of Pennsylvania's First District are entitled to know how we feel about Mr. MYERS' conduct. Those of us who believe in good conscience that Mr. MYERS should not be expelled from this House should, I submit, be willing to go on record to that effect now.

If we bite the bullet now, and the decision is to expel Mr. MYERS, he may nonetheless be reelected. If so, the situation next January would be different. Once his constituents had spoken in the face of all the facts, I for one would not favor barring MYERS from taking his seat.

On the other hand, if we lay the matter over until November, what we then do will be academic—little more than a gesture.

Like I am sure everyone in this Chamber I feel desperately sorry for MICHAEL MYERS and his family, and I find it painful to hurt them. But the question before us far transcends such personal sentiments. The question before us, as I see it, is simply this: What must we do to preserve as best we can the confidence of the American people in the integrity of this institution?

□ 1150

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I have seen the tapes referred to by the gentleman from New York, I have read the committee report. I think the conduct engaged in by Mr. MYERS is reprehensible and, if we do proceed to a final vote on this issue today, I shall vote to expel him.

I deeply believe that this is precisely the wrong time for this House to act. I say that for a very simple reason. I am not a lawyer. I do not know what the proper interpretation of past legal precedence would be in this instance. However, Mr. Speaker, I do know what is going on in this House this week. This is the last week of the session and almost every Member is doing what I am doing. We are closeted in meetings with our staffs, we are trying to clear the deck to get out of here. We are paying attention not to the Myers case, but we are paying attention to what we have to put into our briefcases to go home and conduct an election.

I would submit, that is not the correct atmosphere in which to take the historic action which we will be taking today.

The gentleman from New York mentioned the tapes. Well, I checked this morning, and less than a majority of this House have bothered to go see the tapes. Now, those are supposedly exhibit No. 1 in the case that the committee is bringing. I do not say this to criticize the committee. I know from past experience that there is nothing this committee can do, there is no way that this committee can proceed without meeting an objection from one-quarter of the House or the other. However, I would simply say, to me it is fundamental. We have an obligation, even to the worst among us. We have an obligation to give this case our undivided attention and I would submit that the numbers of people who have gone down to view the tapes indicates that people have been distracted,

they have their mind on a lot of other things.

There is no doubt in my mind, frankly, that Mr. MYERS will be expelled, whether it is today or whether it is after we come back.

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

Mr. OBEY. I would first like to complete my statement.

All I would suggest is that we owe it to history to expel Mr. MYERS for the right reasons, if he is to be expelled, and we owe it to ourselves to provide sufficient time to this case so that we walk out of here knowing that we have given the House and Mr. MYERS the fairest possible opportunity to present his own case, and I submit we have not been able to do that, for reasons which are no ones fault but we have not been able to do that in the last week of this session.

Mr. SPENCE. Mr. Speaker, will the gentleman now yield?

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman from New Jersey.

Mr. HUGHES. I just do not want the record to reflect that the great majority of Members did not see the tapes. I for one did see the tapes. There was no sign in. I am not sure they were taking names. Just about every Member I have talked to have seen the tapes. Most of those I have talked to have read the transcript and the telephone conversations. I would not want the record to reflect we have not tried to prepare ourselves for this important day.

Mr. OBEY. All I can say to the gentleman is that I, too, have talked to a good many Members around here and I have talked to a good many Members who have not read Mr. HAMILTON's dissent. for instance. I have talked to a good many Members who have not seen the tapes and I am not criticizing them because I know the conditions under which we are operating.

Mr. Speaker, I simply suggest we owe it to the House, if we are going to take an act of expulsion, and this is the first time that will have occurred in this century, we should be better prepared to do that than I think many of the Members of the House are today.

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. I yield the gentleman 1 additional minute.

Mr. OBEY. I now yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, the gentleman makes a very good point. The gentleman is in favor of voting to expel but not now. The gentleman feels this is the wrong time.

Mr. Speaker, I would ask the question what would the position of the gentleman be should Mr. MYERS not be reelected and this body does not have the opportunity at the right time to vote for expulsion.

Mr. OBEY. Mr. Speaker, as I understand it the motion is not to postpone the consideration of this matter until January, the motion is to postpone it until the second day of the session in November and I do not think that that question applies in that case.

Mr. SPENCE. There are those who take the position the courts will rule wrong because the courts have said they will not rule until after January.

Mr. OBEY. I have not taken that position. As I say, I am not a lawyer. I simply know from moving around this House that this matter has not received the attention it ought to receive from the membership, if we are going to act on something as fundamental as the expulsion of a Member.

Mr. SPENCE. Mr. Speaker, I think everyone has his own reason for wanting to avoid the responsibility that only we have. We can use any one we want to accomplish that.

Mr. STOKES. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. EDGAR) for a unanimous-consent request.

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that the time limit of 1 hour be extended by 15 minutes and that that 15 minutes be yielded to the chairman of the Committee on Standards of Official Conduct so that those who care to speak against the motion would have at least some time to make their point.

Mr. Speaker, I ask unanimous consent to do that because of the importance of this particular action today.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I want to address a question that seems to be bothering many Members of the House and that is the feeling that what we do here seems to depend on what happens in the courts. I would like to make the point that the gentleman from New York (Mr. BINGHAM) made that we are not bound in any way by what happens in the courts.

The point has been made that, one, there is no conviction within the meaning of the law in this case, since no final judgment has been entered. Let me make two points on that. First, the case law is very clear that a jury verdict of guilty is a conviction for purposes of impeachment. There are three or four Supreme Court cases principally in 1977 and 1979, that make that clear.

Second. Mr. Speaker, no matter what is the case law on it, as the chairman has pointed out, we make our own rules in this House on what constitutes a conviction. I do not think that point should concern us at all.

Another point seems to be the due process hearing has not been completed and there is concern that perhaps the judge will say the FBI behaved so outrageously in this case that the whole trial will be vitiated.

□ 1200

Well, let me say to you, if that happens, that is a matter for the Judiciary Committee to go into. It is not a matter for the Standards Committee to go into. The tape is there. It is there for all time. Whatever happens on the due process hearing; whatever happens on the appeal process; whether the case is reversed because the judge did not instruct the jury properly, or whether the FBI overreached, does not change one iota what is there on the tape, and that is what we have to deal with.

Now, appeals can drag on for months. They can even drag on for years, and one reason we adopted rule 14 is that it is not proper for someone who is convicted by a jury of an offense, a serious offense, to be allowed to continue to serve for month after month, and even years, after his conviction while the court ruled on some tangential matters.

I regret that this matter comes up at this time, but I would say to you, on November 13 or whatever the date it might be put over to, nothing will have been changed. There will be no different evidence. The job we face then will be unpleasant; it is unpleasant right now, and as the gentleman from New York said, I think we do owe it to the voters of the Pennsylvania district to make some judgment on this.

We have given Mr. MYERS every right to testify. We offered him the right three times, and he testified twice before the committee. We have offered to call any witnesses which he wanted to call. I think the committee has acted in all good faith and with all due process on this, and I would urge that the motion be denied.

Mr. BENNETT. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Speaker, I had not desired to speak or wanted to speak, and I think I speak for the majority of my colleagues on the Ethics Committee that this is a sad day for all of us. I want to try to straighten out as best I can, to the best of my abilities, some of what has been said that morning, because those of us who are lawyers and those of us who are not lawyers, both on the committee and in the House, I think could not help but be confused by some of the terminology. Because the time is short, I will speak as briefly as possible, but try to make several points and reinforce what Judge PREYER has just said to you.

First of all, from the mouth of the court itself, the judge in the case, the due process hearing will not be heard at least until January or February, if that made any difference to the deliberations of this House. It does not. Our requirement is constitutional. Article I, section 5: We shall discipline our Members, our membership; and it gives in the Constitution the right to expel, which I suppose means—I assume means the duty to expel if the merits meet the case.

As the gentleman from North Carolina just said, we will know—you will know—no one will know—any more on November 13 than we do now. Mr. MYERS has had a full hearing before the Ethics Committee. His counsel, with his consent, stipulated the record from the trial, stipulated the record that was essential for the Congress to act.

The tapes—three statements by Mr. MYERS himself—entrapment was never pleaded. The question that is somehow

a part of this due process language, really, the legal defense of entrapment has not been pleaded either before the courts or before the Congress.

So that, the due process hearing, whatever happens at any time, will not change the evidence that is now before the Congress by way of the Ethics Committee.

In fact, this discussion that you have heard, this legal discussion, one thing was omitted. The conviction that triggered the preliminary hearing before the Ethics Committee, that conviction being defined as a finding of guilt by the jury, was agreed to unanimously by the Ethics Committee, unanimously by those that now dissent, that we were defining under our rules as required by our rules that the finding of guilt by the jury in the case in itself triggered the preliminary inquiry that led to this action. Our rules have been followed.

I do not speak to the merits. The committee's action, I think, speaks for itself. The precedent again, I think, is the only one left. It is not really a precedent. In 1861 three Members were expelled for treason, the treason being, arising under the circumstances of the Civil War. This is a question of ethical conduct. It is a question that has been an issue, that has been confessed to by Mr. MYERS before your committee and before the Congress. It has not been a legal precedent before simply because a legal precedent has not occurred. There have not been these facts, and we have the sad duty to dispose of it.

But, we will know no more on November 13 or January 15, there will be no more evidence. Whatever happens in the court or to the courts or to the process will be irrelevant to our constitutional duty in article I, section 5.

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

Mr. FOWLER. I will be glad to yield to the gentleman.

Mr. STOKES. Under the point raised by the gentleman in the well with respect to the unanimity of a vote to proceed with the preliminary inquiry, would the gentleman from Georgia agree that at that point all the committee had before it and all the committee knew was what we found out from the newspapers and other reports, and that was that there had been a conviction in a court of law, and at that time the question had not been raised to our committee with reference to the fact that a due process hearing was pending and that this man had not had his full rights at the trial level. Would the gentleman agree to that?

Mr. FOWLER. The question, I think the gentleman from Ohio will agree with me, for whom I have the greatest respect, as he knows, always has been the technicality of whether or not, absent the sentencing by the court and any future motions—due process, procedural, or otherwise—whether or not technically a conviction has occurred, because that is really the only thing raised by Mr. MYERS through his counsel, and the committee in dealing with that question, in reading our own rules, decided that the finding of guilt by that jury, quite absent from sentencing, quite absent from any subsequent due process motions or any other motions to be filed, that that in itself was a conviction under our rule that mandated—not permissive—that mandated a preliminary inquiry under our rules to go forward, and that was——

Mr. STOKES. The gentleman will agree, there was no vote on that issue.

Mr. FOWLER. It was voted on and it was unanimous.

Mr. STOKES. The vote was on whether we would proceed under rule 14 and 16, and we had a divided vote on that.

□ 1210

Mr. FOWLER. That was a prior vote, I agree with that. This is the question:

Mr. MYERS, with all due respect, I am not arguing the merits. I said nothing about the merits. I am sticking to the motion.

Mr. MYERS is asking to have it through his counsel; as a good lawyer, he is asking to have it both ways. He is saying to us that he has not been convicted but at the same time he is asking in the public forum the people of his district to judge. He is saying that he will be judged on election day by this conviction, and, therefore, he is asking us to delay until they have an opportunity to speak on a conviction that has occurred in the courts that he says is not a conviction before the U.S. Congress.

Mr. STOKES. Mr. Speaker, the gentleman did not address my question.

Mr. BENNETT. Well, I will answer the question.

Mr. FOWLER. Mr. Speaker, I did my best.

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, I did address it on September 3.

I, as the chairman, said,

The motion before us by Mr. SPENCE to interpret the word, "conviction," to be action by the jury in this matter, all those in favor let it be known by raising your right hand. All those opposed, no.

I accepted it as unanimous. So it is a matter of record. We did have a 9-to-0 vote on this precise issue.

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

The SPEAKER. The time of the gentleman from Georgia (Mr. FOWLER) has expired.

Mr. FOWLER. I would be glad to yield if I still had time.

The SPEAKER. Does the gentleman from Florida (Mr. BENNETT) desire to yield time?

Mr. BENNETT. Yes, Mr. Speaker, other Members have requested time.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I just want to take a moment to explain why I asked for the additional time.

I think the decision that we make today is a difficult one. Under the procedure of offering a motion to table to a date certain, on November 13, the gentleman who offered that motion, LOU STOKES, a well-respected Member of the House, does have control of the full hour.

It was my feeling, in the course of the debate and as the discussion was proceeding, that most of the organized statements prepared on that motion were being made, and if that motion to postpone this to a date certain were to succeed, some of the discussion and the debate focusing on the issue of expulsion would not take place.

Let me speak just briefly to the motion. I plan to vote against the motion to postpone. I have a great deal of respect for the author of the motion, LOU STOKES, who was chairman of the House Assassinations Committee. I also have a great deal of respect for Mr. RICHARDSON PREYER, who spoke in the well on the other side of this issue.

My feeling is that our action should take place today because there is never a good time for expelling a Member of the House. The precedent in this case, in my view, is an ethical precedent stated by the rules of the Ethics Committee, which reported out a motion by a 10-to-2 vote, as I understand it, to expel Congressman MYERS.

I think, after a careful consideration of all the facts, after a viewing of the tapes, and after a reading of the material that has been provided, that we are faced with a very difficult question, and all of these questions are difficult in times of political election.

Mr. Speaker, I would simply state that these are difficult days and difficult votes, but I believe the time for a decision on this matter rests today.

Mr. BENNETT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HUGHES).

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

I would just like to associate myself with the remarks of my colleague, the gentleman from Georgia. I think he did point out the facts—and my efforts to get time earlier were to point out exactly what he pointed out—and that is that our findings can be totally divorced from a conviction in a criminal court. That basically is irrelevant.

When I came to the floor today, I had some concern as to whether or not our colleague from Pennsylvania had an opportunity to present whatever evidence he wanted bearing on any issue, including the due process issue. Even though that is not totally relevant, I think it is important from the standpoint of fairness. I understand that, in addition to the record that is stipulated, our colleague, Mr. MYERS, had an opportunity to present whatever evidence he wanted to present on any of the circumstances leading up to the conduct that he is being charged with today.

Mr. Speaker, under those circumstances, I intend to support the committee and its findings.

Mr. BENNETT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, based upon the evidence, including the video tapes taken by the FBI and Mr. MYERS' own statements, the committee has concluded, as has a trial jury, that Mr. MYERS is guilty of having violated the law by accepting $15,000 in return for his promise to use his influence to assist a supposed foreigner with immigration and other matters, by conspiring with

others to do so, and by traveling interstate to do so.

In my opinion, Mr. MYERS should be expelled from the House of Representatives now, not on the basis of the trial but on the basis of the evidence of what he did.

As has been said, he awaits a hearing of his case regarding the entrapment defense. If we must suspend, as has been suggested here, and defer on that ground, must we again suspend and defer on the same grounds in November?

Surely appeals will drag on for a year or more into the next Congress or the Congress at bat, but if this Congress fails to expel him, surely later sessions will argue whether they have any jurisdiction over acts committed in this session. Therefore, again, we must act now. Otherwise we craft a precedent for avoidance of expulsion regardless of crimes for all time.

The argument that no Member has been expelled except for treason cites a precedent that needs to be changed now. Let us act now so that it never again can be argued that betrayal of trust and commission of the crime of bribery or any crime short of treason is acceptable for membership in this office, even on a technicality which does not bind the House.

There are two ways to look at the historical record which shows that no Congress has expelled any Member for corruption or for any reason at all since December 3, 1861.

I look at that record, Mr. Speaker, and say to you, "It's about time that we did."

Mr. BENNETT. Mr. Speaker, I yield the remainder of my time, which I calculate to be 2 minutes, to the gentleman from Louisiana (Mr. LIVINGSTON).

The SPEAKER. The gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 2 minutes.

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

I would like to associate myself with the remarks of the gentleman from North Carolina, as well as the gentleman from Georgia, the gentleman from New Jersey, and others who have spoken here before.

Basically, this motion hinges on the allegation that there are other proceedings which may determine the fate of Mr. MYERS in the court system. But that is another system entirely, and we are here to judge one thing, and one thing only: whether or not Mr. MYERS brought discredit upon this House of Representatives.

I submit to you that if you have taken the time to go downstairs and see those tapes, if you have taken the time to read the transcript wherein Mr. MYERS by his own mouth, not once but twice, admitted each and every act of which he is charged in the courts and in this body, then you can do no other than to find him guilty as charged. Once that is done, you must make up your mind. Do you want to defer this interminably? Do you want to wait on the outcome of the other body, the judicial branch of Government? Or do you want to reach a resolution of this matter, and do you want to send a message to the country, to the people of this Nation, that we will not tolerate the placing of this body up for sale on the auction block?

I submit to you that if we are going to make a decision, we have the facts at hand by Mr. MYERS' own mouth.

I like Mr. MYERS. I am sorry for him. But these facts and this situation are out of his control and out of ours.

Mr. Speaker, it is time to make a decision. It is time today to expel Mr. MYERS from this body.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

□ 1220

Mr. ECKHARDT. Mr. Speaker, there is absolutely no doubt that this body may expel a Member whether or not a court finds him guilty or innocent. There is no question about that. The gentleman from New York is absolutely correct. But when we make that decision, we should be absolutely assured that we have followed the process that we ourselves have established. And, of course, there is no question of greater gravity than the question of expulsion. It is comparable to the question of impeachment and conviction of a President and removing him from office. And I feel that it rests on exactly the same standards, that is, one must find not a mere crime, but one must find a high crime or misdemeanor or "and" misdemeanor, as the Constitution says.

Now, if the facts which have been disclosed in the newspapers are correct, I would vote to expel Representative MYERS. I think that such would constitute a high offense so deeply related to the operation of this body, the proper operation of this body, that it should result in expulsion. But I think that process is of the utmost importance here. The Constitution is process, Magna Carta was process, the greatest documents in the history of the Anglo-American people are process, and I submit that proper process will not have been completed if this case has been heard simply under rule 14.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield for a reading of the Constitution?

Mr. ECKHARDT. I yield to the gentleman from Florida.

Mr. GIBBONS. I am reading from section 5 of the first article of the Constitution, published by the House of Representatives.

It says:

Each House may determine the rules of its proceedings, punish its Members for disorderly Behaviour, and, with a concurrence of two thirds, expel a Member.

Mr. ECKHARDT. I thank the gentleman for reading that. I think that precisely establishes the standard.

The problem is, however, that the committee has established rule 14 which essentially deals with a case in which a conviction has been completed and in which the committee desires to utilize that court conviction after additional hearings as a basis for determination of fact.

In that section it is provided that a preliminary hearing will be held to determine whether or not the offenses occurred. If on the basis of the report of the committee staff on the preliminary inquiry the committee determines that an offense was committed over which the committee has jurisdiction under such case, the committee shall notify the Member, officer, or employee of its determination and shall hold a disciplinary hearing for the sole purpose of determining what action is recommended to the House respecting such offense.

In other words, that section essentially accepts the determination of conviction, and then only addresses the question of the appropriateness of the penalty.

Rule 16, on the other hand, deals with a determination by Congress that an offense of a nature not necessarily of a criminal matter, not necessarily resulting in a conviction, should result in the expulsion of a Member. It provides extensive process. Initially the process is for the determination of whether the offense occurred and, second, what penalty should be applied to that offense.

If this body is to proceed to the extreme penalty of expulsion, this body should not proceed under rule 14 in a case of this nature. The question of entrapment is an important question to be determined. There should at least be a final determination by the court and a final judgment before rule 14 is put into play.

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

Mr. ECKHARDT. In just one moment. Let me complete this total thought.

The point is simply this: That we may choose either to expel a person for a crime for which he is convicted, or we may choose to expel him without the conviction of a crime. Indeed, reprehensible conduct which may not be criminal may result in expulsion. But if the latter course is taken, the fair and just process for making that determination is under the committee's rule 16.

I yield to the chairman.

Mr. BENNETT. Well, just as you may have misled some Members of the House, I am sure innocently, as to what the Constitution said our duty was under this section——

Mr. ECKHARDT. I do not yield at this point. I did not mislead the House.

Mr. BENNETT. Let me correct the last error you made.

Mr. ECKHARDT. I did not mislead the House, even if you say I did it unintentionally.

I said to the House that the rule is specified in this section. I said that it is comparable to the question of impeachment. I did not state that that was the language of the section.

Now I yield to the gentleman.

Mr. BENNETT. I understand, I am glad the gentleman clarified that.

Rule 14 is very specific. It does not say anything about just taking the transcript and deciding on the punishment, as you have implied. The rule is good grammar, it is good English, and it says:

The committee shall review the evidence of such offense.

It does not say "review the procedures before the court," but "review the evi-

dence of such offense and to take in such other evidence it wants to take."

So it is not true that we are finding Mr. MYERS guilty of having been convicted in the court. That only triggered the rule. The rule says that you have to look at the evidence as to the offense.

Mr. ECKHARDT. But the rule then proceeds to say that if on the basis of the report of the committee staff on the preliminary inquiry—and it refers to a preliminary inquiry—the committee has jurisdiction under such case, the committee shall hold a hearing for the sole purpose of determining what action is recommended respecting the penalty.

I think the whole implication there is that under this particular rule the emphasis is on the conviction of the court and not on an independent determination of an offense.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I believe that political corruption is probably the most serious crime that can occur in a democratic society. At the same time, I think that we have an obligation to make sure that when we go after that corruption, that we provide those who are accused with all of the procedural safeguards of our democratic process.

We have received in the last day or so a letter from Common Cause. It is an organization concerned very much about process in this body. And that organization, going on record for expulsion, nonetheless suggests that we follow some very serious safeguards. One of the things that they suggest, and I read: The House should fully debate the expulsion resolution one day and not vote on it until the following day. They make that suggestion, obviously, to make sure that we do not act in the heat of the moment.

Mr. Speaker, we have had in the statements made by the distinguished chairman of the Committee on Standards of Official Conduct, I think some very clear guidelines as to what is really involved here, and I extend my appreciation to him for making it very clear that we are not talking just about Mr. MYERS' conviction, but about the evidence that is involved in his case.

We have had submitted to us by the committee the entire transcript of the trial, which was the evidence that was spoken about. We have 45 minutes of tapes which were summaries of some 6 hours of tapes. I do not know how many of us saw it. We have the report of the committee itself. We have a report on prior cases of exclusion, sanction and expulsion.

I suggest, Mr. Speaker, that few of us have had the full opportunity to go through all of that material to determine what the facts really are. By adopting this motion, it seems to me that we give ourselves the opportunity to explore all of the facts.

I read, for example, in the majority report that some of the defenses by the gentleman from Pennsylvania (Mr. MYERS) were "unbelievable," particularly as to his supposed "play-acting." And yet I read at page 2152 of the transcript of the trial, a cross-examination of the prime informant, Mr. Weinberg, referring to a prior setting up of a U.S. Senator from New Jersey and as to how that transpired.

□ 1230

I read:

Q. You were downstairs, you gave the instructions before the person went in the room, right?

A. I was with the people down in the room.

Q. What the jury heard . . . is what you told the people and Mr. Errichetti before the person went into the room where the Sheik was?

A. That is correct.

Q. He was told what to say and how to do it, you will go on stage twenty minutes, it is all bullshit?

A. Yes.

Q. That was presentation before a person who really was not a Sheik?

A. That is correct.

Q. An F.B.I. agent?

A. Yes.

Q. It was play acting to be put on before whoever was in the room, Tony Amoroso and the person who was the Sheik?

A. Yes.

Q. According to the script as the jury heard it?

A. I don't know about the script here.

Mr. Speaker, it seems to me that we must now assume the burden that has been passed from the Committee on Standards of Official Conduct to us; they have done their job, found the trigger. They made a recommendation to us. Now it is our job to read all of this material, to absorb it and make a judgment.

I suggest that 2-hour discussion on this floor does not give us that opportunity; we are not in a position to make the kind of intelligent judgment that not only our contemporaries, but history will judge us for.

I urge the adoption of the gentleman's motion.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Speaker, I am not ready to vote today on the merits of this case, but I think that probably we should consider the timeliness of this action and where we are being led by our Ethics Committee.

Suppose we act today and on November 4, a higher authority—and, colleagues, there is a higher authority than this House in this matter, the constituents of Mr. MYERS' congressional district—reverse our ruling of expulsion, and Mr. MYERS presents himself as he should next January for admission to this body, and the U.S. Supreme Court already ruled under the Powell case that we cannot at that time deny him that seat.

I think the question we should ask is whether we expel and if so for how long does our Ethics Committee expect us to expel—for the months of October, November, and December, a 3-month expulsion? That is certainly the point to which we are being led by our Ethics Committee. But I anticpate that they are here today asking us to extricate Mr. MYERS from among ourselves for all time. I think that is on the minds of most of the people in this House. I caution you by rushing to judgment today you are passing the mark, you are going beyond the point and the law of this land will not let you return once that point is reached.

The other thing, we are being told today here that these court proceedings have nothing to do with the bringing of this resolution. If that be so, I am given to understand that there are other Members of this body who are accused of like crimes, and if court proceedings have nothing to do with our deliberation today, where are the resolutions for the other Members? Do they not have a right to be paraded out here before an election and summarily executed? Do they not have that equal right, and should we not, in clearing our conscience for election purposes, execute five or six rather than just one? Do we not have the right as Members of this House, and Mr. Speaker, I ask, where are the others?

Mr. BENNETT. The Congress passed a resolution which implied, if not specifically said, that when the court proceedings had come to this juncture we should take action. We have taken action on every one.

Mr. HOLLAND. Should not the gentleman and Judge PREYER and Mr. FOWLER retract their statements today then that the court proceedings really have nothing to do with this?

Mr. BENNETT. I do not think any of them said it had nothing to do with it. It triggered the action in the first place. No other case has come to this point. No other case has a conviction.

Mr. HOLLAND. Mr. Speaker, I urge passage of the motion.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I will be brief.

Contrary to what may be a common perception on the floor of the House, I am not an especially good friend of Mr. MYERS. I am not opposed to a proper punishment after a proper procedure.

I suppose I bear the responsibility for having been the mainspring in trying to organize the efforts behind this motion. I am deeply proud and take a great deal of pride in being a Member of this body and having been sent here to represent the people back home, just like all of the Members have.

I do respect very much the chairman of the Ethics Committee. I know him personally. I serve on another committee with him. He is a fine gentleman, a good man.

There are fundamental issues here that transcend the guilt or innocence of MICHAEL MYERS. They are simply more important.

My personal opinion of the process involved is that it is absolutely atrocious. It is a horrendous affront to any basic fundamental system of justice of fair play.

You have seen selectively chosen and edited tapes. Quite honestly, I did not see them. Those tapes were chosen by the Department of Justice. No other tapes have been seen.

In fact, I will tell you something, a little decision that was made 2 days ago or a day ago by the second circuit, and I will be very happy to stand corrected;

but I understand they have ruled all the tapes, not the tapes that were given to the committee to be viewed by you, where the defendant or the actor, however we wish to define it, does not have an opportunity to cross examine them, does not have an opportunity to take you, the jurors who go one by one to see specifically chosen pieces of evidence upon which you are supposed to judge him; and if he has done——

Mr. BENNETT. There is one little error the gentleman might want to correct. The second circuit ruled all the tapes that went to the trial would be made public. That is exactly the tapes the committee released, so there is not a difference. They are the same tapes.

Mr. BAILEY. Are they all the tapes that were ever taken?

Mr. BENNETT. Yes; Court decision was to release all the tapes that were used at the trial.

Mr. BAILEY. That is not my question, Mr. Chairman.

Mr. BENNETT. They will be the same tapes that you have seen. There is not a difference between the tapes.

Mr. BAILEY. That is precisely my complaint.

Mr. BENNETT. I do not understand.

Mr. BAILEY. We have not had an opportunity——

Mr. BENNETT. That is every tape introduced by the Government and the defense, every one.

Mr. BAILEY. Yes, sir, I know that. If the gentleman will let me finish my argument, I think the gentleman will understand.

The reason the so-called technical due process hearing that was deferred by judgment of Federal District Court is so important is that it does go to fundamental issues like evidence that will be seen in court and evidence that has been seen or experienced by the gentleman. I do not take issue with the very correct statement that the chairman has made that we could have proceeded under the committee rules via other means. I take no issue with that. I think that is correct, but we chose a process. We chose it because of a respect for the Constitution, and there is no doubt in any mind today——

The SPEAKER. The time of the gentleman from Pennsylvania (Mr. BAILEY) has expired.

Mr. BAILEY. I ask for an additional 3 minutes.

Mr. STOKES. I yield the gentleman 3 additional minutes.

□ 1240

Mr. BAILEY. There is no doubt in my mind today that we will invite the U.S. Supreme Court in here to the floor of this House to make decisions for us that we should properly be making ourselves.

I am not defending this conduct. None of us who are speaking for this motion are defending the conduct. We are speaking for what we believe to be a correct and proper treatment of a person who has been accused of a wrongdoing.

I will finish by reading a quote from a Supreme Court decision in the matter of *United States* v. *Brewster*, 408 U.S. 501:

> The process of disciplining a Member in the Congress is not without countervailing risks of abuse since it is not surrounded with the panoply of protective shields that are present in a criminal case. An accused Member is judged by no specifically articulated standards and is at the mercy of an almost unbridled discretion of the charging body that functions at once as accuser, prosecutor, judge, and jury from whose decision there is no established right of review.

Important words, "no established right of review."

> In short, a Member would be compelled to defend in what would be comparable to a criminal prosecution without the safeguards provided by the Constitution. Moreover, it would be somewhat naive to assume that the triers would be wholly objective and free from considerations of party and politics and the passions of the moment.

Well, I will say this to all of you. Before I cast my vote to punish a Member of this body, and I do not want the office badly enough to act in violation of this precept, I would at least be able to say to myself that I have given every opportunity to review and judge in a fair process.

I sincerely ask all of you to consider the possibility that we are not doing so.

Mr. PREYER. Mr. Speaker, will the gentleman yield briefly?

Mr. BAILEY. Yes, I yield.

Mr. PREYER. On the matter of the tapes, I would point out to the gentleman that all 6 hours of the tapes are available, have been available at the recording studio, as well as the 45 minutes. The 45 minutes was excerpted, since most Members are not intimately involved and few Members would listen to 6 hours of tape. They are the same 45 minutes played at the open hearing on the sanctions before the Standards Committee. No question was raised by respondents counsel that there was anything unfair about the excerpts or that they distorted the tapes in any way.

Mr. BAILEY. May I respond. My position is relatively simple. It is plainly that if we are going to judge someone in a matter that is comparable, as the court says, and I agree with them, to a criminal proceeding, we at least owe the respect due to that proceeding to look at all the evidence, judge it in its balance in accordance with some standard of procedure which seems to be fair.

I do not see any reason to restate the gentleman from Texas' argument (Mr. ECKHARDT). I do not see any reason to restate that argument. I think you know very well the point he was making. You adopted, the committee adopted a specific course of action. One of the questions that underlies adopting that course of action is whether or not the committee and this Congress will abide by its own rules.

I explored the possibility of a point of order on that. I did not win the argument; but it lies, nonetheless, that if we are going to take an action, it should be in accordance with a specific procedure, specific rules that provide some form of predicability.

We did have a possibility of proceeding under another rule; but under that rule the procedural items are different. They are specifically different in the rules. They provide for different procedures. They provide for a different approach to a preliminary hearing. They provide for different treatment of the matters before the committee. Those are important things. They are fundamental things. They are vital things. They are larger than the guilt or innocence of Mr. MYERS. They go to the way we treat people and how we function.

There is little doubt in my mind from what I have seen and what I have read, it appears to me, my gut reaction is that there is wrongdoing. That is fine, but we are not simply standing here and endorsing a decision. We are endorsing a procedure, a way of doing things. You are inviting the court to come in here and decide things for us by this action, and we are doing more than that. We are asking them to define our procedures and you are looking at a situation which will go on for years.

We must establish decent and better ways of proceeding on this matter. I only suggest—I only suggest that we defer, evaluate and rationally look at some of these choices that we are making in a little better and more studied atmosphere. That is all that I suggest. I hope that we will adopt the motion.

Mr. PREYER. If the gentleman will yield, I would say that under our procedures we did hear from Mr. MYERS twice and all that is necessary is to read his statement, rather than listen to the 6 hours of tapes.

The SPEAKER. The gentleman's time has expired.

Mr. STOKES. Mr. Speaker, how much time do I have left?

The SPEAKER. Fourteen minutes.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. I appreciate that, Mr. Speaker. I shall be very brief.

There are several things that trouble me about what we are doing and I am going to support the gentleman's motion, the gentleman from Ohio.

One of the things that troubles me is it is virtually impossible to separate out the court action from what transpires under the rules of the House. It simply cannot be done. The court action triggers this whole business. We look at tapes that were produced through court action. So that is the first point I want to make. You cannot, you cannot separate out the court from what we do in this House, and to suggest that what the court has done is irrelevant is absolutely foolish. There can be no separation.

There is something else that we have not discussed or even looked at in this proceeding. I have some serious questions about the legality of an agency of Government to have entered into the kind of operation that was entered into which resulted in Mr. MYERS and others being indicted. Surely, surely, if you might have some questions about that also, then how can we proceed under our rules without first going to the basic question of whether or not an agency of Government has acted illegally, and that is exactly what the courts are attempting to determine in the Myers case.

Finally, the final point I want to make, it has been said that we ought to go to the people to show that we will not abide

any corruption or wrongdoing in the Congress. We will not countenance it. I think it is important that we do that; but my colleagues, I think it is also important that we go to the people to reaffirm the most precious thing that we have got in this country and that is due process. That is the only thing that separates us from a totalitarian government. That is the only thing that separates us from a government which would be repressive and oppressive, due process. If you believe in it, you will vote for the Stokes motion.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, the key issue here is that the conviction is not final. Motions and petitions are still pending that may result in the jury's verdict being set aside on the ground that the Government's behavior was improper. These motions are by no means frivolous—the allegations go to the heart of the question of whether a crime was committed.

There is an even stronger reason for not taking action at this time. As we are well aware, the propriety of the technique used, mentioned in the Abscam investigation, was the subject of much controversy here in Congress and the media and now in the courts.

Congressional efforts to evaluate these techniques were frustrated by the ongoing nature of the criminal proceedings and our inability to obtain full data. We were, therefore, unable to come to any definite decision.

Now, this issue will be fully explored in the course of motions before the trial court. The motion alleges that "the criminal conduct alleged in the indictment was the product of Government overreaching in that the acts were inextricably intertwined with a scheme initiated, planned, and executed by the Government."

□ 1250

Mr. MYERS' claim in the motion is that "the conduct of the Government was so outrageous that the Government should have been precluded from bringing the charges."

The motion relies on several court decisions in one of which Associate Supreme Court Justice Powell stated:

> Police overinvolvement in crime would have to reach a demonstrable level of outrageousness before it could bar conviction. (*Hampson* v. *U.S.*, 425 U.S. 484.)

Given the substantial questions concerning that conduct and the uncertainty about whether this conviction will stand or will be set aside, it is really fundamentally unfair for us today to pass judgment now, at least until definitive judgment has been made by the courts.

While it is not obligatory for us to wait for the appellate process to be exhausted before disciplining a Member for the commission of a crime, this is no ordinary criminal conviction. It involves issues and techniques unprecedented in the history of the United States.

I disagree strongly with those who say there is nothing more we can learn before passing judgment. Would not a reversal of the conviction be an issue relevant to our deliberations today?

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I know that we are under considerable pressure. I know that the committee acted under its mandate. But I think the atmosphere is very reminiscent of what a famous historian, William E. Lukenberg, states in his history about the coming of the Spanish-American War and why it happened at the time and the advisability of the Congress and everybody else to resist the onslaughts. He said the current was too strong, the demagogs were too numerous, and the fall elections were too near.

I think we can say—not that I am alleging there is any such thing as demagoguery as far as this body is concerned. We know that there are no demagogs in the House. Perhaps there are up in the gallery, but not in the House.

I would like to point the attention of the House to page 81 of report No. 1. I understand this committee has proceeded under the mandate of House Resolution 608.

I was the only one who voted against that resolution and the reason you will find on page 81 of this committee report in which you will see that there is a clause in section 6 that says the committee may restrict access to information received from the Justice Department to such Members of the committee or the House as the committee may designate. But it does not say who in the committee is going to make that determination. Not a one of us can in conscience vote today to expel without ascertaining whether that section was used in the case of the proceedings of the committee on the case of Mr. MYERS.

Second, I think that we are charting new courses, despite the attempt of the chairman to explain away in the remarks he had in the RECORD on September 30, in anticipation of this hearing, which I think that act in itself ought to give us grounds for postponement because it precipitates issues that would tend to color and prejudice the case that we are entertaining this afternoon.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. I thank the gentleman. I know of no committee that serves in the House that I have higher respect for or more respect than I do for the gentleman from Florida (Mr. BENNETT) or the gentleman from South Carolina (Mr. SPENCE). I think that the members of your committee show more courage in bringing this to the floor and have shown more courage, but now that it is on the floor I hope that the Members of the House show courage.

I have heard from many lawyers here today, and I was not a lawyer. I was a businessman before I came to Congress. But today we do not meet as lawyers or we do not meet as businessmen. We meet as Congressmen, and there is one thing that is uppermost in all of our minds. That is the fact that an election is coming up 1 month from now and we all know this.

This must be the most unpopular vote that I have ever seen in a long, long time. In my seven terms I have never seen a vote that I consider more unpopular. But the issue is are we going to vote for our hearts, are we going to vote for our conscience, or are we going to vote to see whether we come back to Congress.

I would say that it does not matter whether any one of us 435 come back, but it does matter how we stand in principle. Today we have an issue here that the gentleman from Ohio has put to us. He has said that we should postpone, we should postpone this issue because they have not had a court decision rendered. They have not had the judgment rendered, the final decision.

Being a businessman, being a layman, that makes sense to me. This is not the time and today, from the bottom of your hearts, I hope that you will show the courage that they have shown in bringing this matter to us. I hope that you will join me and vote with the gentleman from Ohio (Mr. STOKES). Let us vote to postpone this issue.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. DAVIS).

Mr. DAVIS of South Carolina. Mr. Speaker, I, too, would pose a question just like my colleagues from Texas (Mr. COLLINS). I am worried about the integrity of the House and I am worried about us rushing to decision. I worry about the fact that we sit here as jurors today if the motion of the gentleman from Ohio (Mr. STOKES) fails. We do not even have a presentation of the evidence in this House. Yes, we have had the opportunity to see it, but all of us have not.

So I wonder if everyone, with a good, clear conscience, can cast that final vote so when you vote on the motion to postpone, I think about whether or not you are ready, ready to vote on expulsion.

Now I would like to propound a question to the chairman of the Committee on Standards of Official Conduct. That is this, Mr. Chairman, could you answer this question: There are several other of our colleagues who are involved in this so-called same operation. The argument has been made that the court decision is not effective here, it does not render the question here really responsible because of the court decisions or court action. What will be the other action when the same tapes are made available or will they be requested to be made available if one of the other Members of this body is acquitted? I would ask that question and I would like to know what will be the process that the committee will follow if one of the other Members are acquitted?

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

Mr. DAVIS of South Carolina. I yield to the gentleman.

Mr. BENNETT. It is not my understanding that I will be on the committee next year under the House rules.

Mr. DAVIS of South Carolina. But we will be back here in November. One of the trials could be concluded prior to our coming back in November.

Mr. BENNETT. I cannot speak for the committee.

Mr. DAVIS of South Carolina. But you

are the chairman of the committee. Say the trial is going on right now and concludes prior to November.

Mr. BENNETT. You are saying one that is completely identical with Mr. MYERS case?

Mr. DAVIS of South Carolina. What would happen if this Member is acquitted?

Mr. BENNETT. If he is acquitted, and the committee has any reason to believe from any information in the committee files, or presented to it, that even though he was acquitted he was guilty of things that should come before the House of Representatives, the committee would operate under rule 16 and have a case on that.

Mr. DAVIS of South Carolina. Then would you not think it would be best that all of the House be presented with all of the evidence before they make that judgment?

Mr. BENNETT. They have all of the evidence. They have all of it. They have every iota of evidence.

Mr. DAVIS of South Carolina. I would ask you this fundamental fairness question: Would you not think it best that the entire jury see all of the evidence?

Mr. BENNETT. If you have not seen it it is your own fault. It has been available a long time.

Mr. DAVIS of South Carolina. I have not said that I have not seen it. What I am saying is one thing is that all of the Members of this House have not seen it.

Mr. BENNETT. I do not know. That has been asserted, but I have never seen any evidence of that.

Mr. DAVIS of South Carolina. I would just request that the committee maybe in the next presentation make arrangements where the evidence is presented here on the floor.

Mr. BENNETT. In my chairmanship of the committee it has been my experience that those people who want postponements on all decisions in Congress and then get them are seldom people who do any better on the second go-round. They had the opportunity. The opportunity has been available.

☐ 1300

The SPEAKER. The time of the gentleman has expired.

● Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the motion made by Mr. STOKES of Ohio to delay the consideration until November 13, 1980, of House Resolution 794, a resolution to expel Representative MICHAEL O. MYERS from the House of Representatives.

I am thoroughly incensed by the actions of Representative MYERS as exposed by the video tape and evidence presented to the House Committee on Standards of Official Conduct. As evidenced by the tape, he disgraced the public trust.

However, I question if this body should judge Mr. MYERS before the judicial process has run its course, and at a date so close to congressional elections.

Mr. MYERS has not been sentenced by a court, a scheduled evidentiary hearing has not begun, and the appeals process has not yet been initiated. Mr. MYERS has not been accorded the full due process of law as set forth in the U.S. Constitution.

I am aware that the committee and this body may proceed under committee rule without regard to Representative MYERS' due process rights. However, I prefer to respect and enforce this constitutional mandate.

Finally, Mr. Speaker, the Constitution may give us the right to expel Members; however, the right to choose who shall represent the First District of Pennsylvania belongs only to the people of that district. Now that we are so close to the date of that constitutionally mandated decision, I believe we should allow the governed to be the first to cast judgment.●

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

I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to postpone offered by the gentleman from Ohio (Mr. STOKES).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 75, nays 332, not voting 25, as follows:

[Roll No. 621]

YEAS—75

Addabbo	Edwards, Calif.	Obey
Alexander	Evans, Ga.	Patten
Annunzio	Fary	Perkins
Applegate	Fish	Price
Bailey	Ford, Mich.	Rangel
Bellenson	Ford, Tenn.	Richmond
Benjamin	Garcia	Rodino
Boggs	Gaydos	Rosenthal
Boland	Gonzalez	Rostenkowski
Bolling	Hamilton	Roybal
Burton, Phillip	Holland	Sabo
Cavanaugh	Ichord	Scheuer
Chisholm	Kelly	Simon
Clay	Lederer	Smith, Iowa
Collins, Ill.	Leland	Stark
Collins, Tex.	Long, La.	Stewart
Conyers	Mathis	Stokes
Davis, S.C.	Mikulski	Van Deerlin
Dellums	Mitchell, Md.	Weiss
Derwinski	Moorhead, Pa.	Wilson, C. H.
Dixon	Murphy, Ill.	Wilson, Tex.
Donnelly	Murphy, N.Y.	Wyatt
Drinan	Murphy, Pa.	Young, Alaska
Early	Murtha	Zablocki
Eckhardt	Nolan	Zeferetti

NAYS—332

Akaka	Bouquard	Courter
Ambro	Bowen	Crane, Daniel
Anderson, Calif.	Brademas	Crane, Philip
Andrews, N.C.	Breaux	D'Amours
Andrews, N.Dak.	Brinkley	Daniel, Dan
Anthony	Brodhead	Daniel, R. W.
Archer	Brooks	Danielson
Ashbrook	Broomfield	Dannemeyer
Ashley	Brown, Calif.	Daschle
Aspin	Brown, Ohio	Davis, Mich.
Atkinson	Broyhill	de la Garza
AuCoin	Buchanan	Deckard
Badham	Burgener	Derrick
Bafalis	Burlison	Devine
Baldus	Butler	Dickinson
Barnard	Byron	Dicks
Barnes	Campbell	Dornan
Bauman	Carney	Dougherty
Beard, R.I.	Carr	Downey
Beard, Tenn.	Carter	Duncan, Oreg.
Bedell	Chappell	Duncan, Tenn.
Bennett	Cheney	Edgar
Bereuter	Clausen	Edwards, Ala.
Bethune	Cleveland	Edwards, Okla.
Bevill	Clinger	Emery
Bingham	Coelho	English
Blanchard	Coleman	Erdahl
Boner	Conable	Erlenborn
Bonior	Conte	Ertel
Bonker	Corcoran	Evans, Del.
	Cotter	Evans, Ind.
	Coughlin	Fascell
	D'Amours	Fazio
	Daniel, Dan	Fenwick
	Daniel, R. W.	Ferraro
	Danielson	Findley
	Dannemeyer	Fisher
	Daschle	Fithian
	Davis, Mich.	Flippo
	de la Garza	Florio
	Deckard	Foley
	Derrick	Forsythe
	Devine	Fountain
	Dickinson	Fowler
	Dicks	Frenzel
	Dornan	Frost
	Dougherty	Fuqua
	Downey	Gephardt
	Duncan, Oreg.	Giaimo
	Duncan, Tenn.	Gibbons
	Edgar	Gilman
	Edwards, Ala.	Gingrich
	Edwards, Okla.	Ginn
	Emery	Glickman
	English	Goodling
	Erdahl	Gore
	Erlenborn	Gradison
	Ertel	Gramm
	Evans, Del.	Grassley
	Evans, Ind.	Gray
	Fascell	Green
	Fazio	Grisham
	Fenwick	Guarini
	Ferraro	Gudger
	Findley	Guyer
	Fisher	Hagedorn
	Fithian	Hall, Tex.
	Flippo	Hammer-schmidt
	Florio	Hance
	Foley	Hanley
	Forsythe	Hansen
	Fountain	Harkin
	Fowler	Harris
	Frenzel	Harsha
	Frost	Hawkins
	Fuqua	Heckler
	Gephardt	Hefner
	Giaimo	Heftel
	Gibbons	Hightower
	Gilman	Hillis
	Gingrich	Hinson
	Ginn	Hollenbeck
	Glickman	Holt
	Goodling	Hopkins
	Gore	Horton
	Gradison	Howard
	Gramm	Hubbard
	Grassley	Huckaby
	Gray	Hughes
	Green	Hutchinson
	Grisham	Hutto
	Guarini	Hyde
	Gudger	Ireland
	Guyer	Jacobs
	Hagedorn	Jeffords
	Hall, Tex.	Jeffries
	Hammer-schmidt	Jenkins
	Hance	Johnson, Calif.
	Hanley	Johnson, Colo.
	Hansen	Jones, N.C.
	Harkin	Jones, Okla.
	Harris	Jones, Tenn.
	Harsha	Kastenmeier
	Hawkins	Kazen
	Heckler	Kemp
	Hefner	Kildee
	Heftel	Kindness
	Hightower	Kogovsek
	Hillis	Kostmayer
	Hinson	Kramer
	Hollenbeck	LaFalce
	Holt	Lagomarsino
	Hopkins	Latta
	Horton	Leach, Iowa
	Howard	Leath, Tex.
	Hubbard	Lee
	Huckaby	Lehman
	Hughes	Lent
	Hutchinson	Levitas
	Hutto	Lewis
	Hyde	Livingston
	Ireland	Lloyd
	Jacobs	Loeffler
	Jeffords	Long, Md.
	Jeffries	Lott
	Jenkins	Lowry
	Johnson, Calif.	Lujan
	Johnson, Colo.	Luken
	Jones, N.C.	Lundine
	Jones, Okla.	Lungren
	Jones, Tenn.	McClory
	Kastenmeier	McCloskey
	Kazen	McCormack
	Kemp	McDade
	Kildee	McDonald
	Kindness	McEwen
	Kogovsek	McHugh
	Kostmayer	McKay
	Kramer	McKinney
	LaFalce	Madigan
	Lagomarsino	Maguire
	Latta	Markey
	Leach, Iowa	Marks
	Leath, Tex.	Marlenee
	Lee	Marriott
	Lehman	Martin
	Lent	Matsui
	Levitas	Mattox
	Lewis	Mavroules
	Livingston	Mazzoli
	Lloyd	Mica
	Loeffler	Michel
	Long, Md.	Miller, Calif.
	Lott	Miller, Ohio
	Lowry	Mineta
	Lujan	Minish
	Luken	Moakley
	Lundine	Mollohan
	Lungren	Montgomery
	McClory	Moore
	McCloskey	Moorhead, Calif.
	McCormack	Murtha
	McDade	Myers, Ind.
	McDonald	Natcher
	McEwen	Neal
	McHugh	Nedzi
	McKay	Nelson
	McKinney	Nichols
	Madigan	Nowak
	Maguire	O'Brien
	Markey	Oakar
	Marks	Oberstar
	Marlenee	Ottinger
	Marriott	Panetta
	Martin	Pashayan
	Matsui	Patterson
	Mattox	Paul
	Mavroules	Pease
	Mazzoli	Pepper
	Mica	Petri
	Michel	Peyser
	Miller, Calif.	Pickle
	Miller, Ohio	Porter
	Mineta	Preyer
	Minish	Pritchard
	Moakley	Pursell
	Mollohan	Quillen
	Montgomery	Rahall
	Moore	Railsback
	Moorhead, Calif.	Ratchford
	Murtha	Regula
	Myers, Ind.	Rhodes
	Natcher	Rinaldo
	Neal	Ritter
	Nedzi	Robinson
	Nelson	Roe
	Nichols	Rose
	Nowak	Rousselot
	O'Brien	Royer
	Oakar	Rudd
	Oberstar	Russo
	Ottinger	Santini
	Panetta	Satterfield
	Pashayan	Sawyer
	Patterson	Schroeder
	Paul	Schulze
	Pease	Seiberling
	Pepper	Sensenbrenner
	Petri	Sharp
	Peyser	Shelby
	Pickle	Shumway
	Porter	Shuster
	Preyer	Skelton
	Pritchard	Smith, Nebr.
	Pursell	Snowe
	Quillen	Snyder
	Rahall	Solarz
	Railsback	Solomon
	Ratchford	Spellman
	Regula	Spence
	Rhodes	St Germain
	Rinaldo	Stack
	Ritter	Stangeland
	Robinson	Stanton
	Roe	Stenholm
	Rose	Stockman
	Rousselot	Stratton
	Royer	Studds
	Rudd	Stump
	Russo	Swift
	Santini	Symms
	Satterfield	Synar
	Sawyer	Tauke
	Schroeder	Tauzin
	Schulze	Taylor
	Seiberling	Thomas
	Sensenbrenner	Traxler
	Sharp	Trible
	Shelby	Udall
	Shumway	Ullman
	Shuster	Vander Jagt
	Skelton	Vanik
	Smith, Nebr.	Vento
	Snowe	Volkmer
	Snyder	Walgren
	Solarz	Walker
	Solomon	Wampler
	Spellman	Watkins
	Spence	Waxman
	St Germain	Weaver
	Stack	White
	Stangeland	Whitehurst
	Stanton	Whitley
	Stenholm	Whittaker
	Stockman	Whitten
	Stratton	Williams, Mont.
	Studds	Williams, Ohio
	Stump	Wilson, Bob
	Swift	Winn
	Symms	Wirth
	Synar	Wolff
	Tauke	Wolpe
	Tauzin	Wright
	Taylor	Wydler
	Thomas	Wylie
	Traxler	Yates
	Trible	Yatron
	Udall	Young, Fla.
	Ullman	Young, Mo.
	Vander Jagt	
	Vanik	
	Vento	
	Volkmer	
	Walgren	
	Walker	
	Wampler	
	Watkins	
	Waxman	
	Weaver	
	White	
	Whitehurst	
	Whitley	
	Whittaker	
	Whitten	
	Williams, Mont.	
	Williams, Ohio	
	Wilson, Bob	
	Winn	
	Wirth	
	Wolff	
	Wolpe	
	Wright	
	Wydler	
	Wylie	
	Yates	
	Yatron	
	Young, Fla.	
	Young, Mo.	

NOT VOTING—25

Abdnor	Hall, Ohio	Roberts
Albosta	Holtzman	Roth
Anderson, Ill.	Jenrette	Sebelius
Biaggi	Leach, La.	Shannon
Burton, John	Mitchell, N.Y.	Staggers
Corman	Mottl	Steed
Dingell	Myers, Pa.	Thompson
Dodd	Quayle	
Goldwater	Reuss	

☐ 1310

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the unanimous-consent request made by the gentleman from Florida (Mr. BENNETT)

which was agreed to, the Chair will remind Members that any revisions of remarks actually made on the floor during the consideration of House Resolution 794 should be confined to grammatical corrections, and extensions of remarks will be placed in the extensions portion of the RECORD.

The gentleman from Florida (Mr. BENNETT) is recognized for 1 hour.

Mr. BENNETT. Mr. Speaker, although technically speaking I could control all of the time, in all fairness I think I should yield half of the time to the gentleman from Pennsylvania (Mr. MYERS). I plan to do that at the conclusion of my remarks and the remarks of those people on the Democratic side who wish to be heard. That will leave about 15 minutes on our side. I then plan to yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE) which will assure me of having 5 minutes at the end.

Mr. Speaker, I rise in support of House Resolution 794 which calls for the expulsion from this House of Representative MICHAEL J. MYERS.

I find this an extremely difficult statement to make. Indeed, calling on this body to expel one of our colleagues is one of the most unpleasant tasks I have faced in many years in Congress. Nevertheless, I submit, Mr. Speaker, based uyon the evidence presented at Mr. MYERS' criminal trial—at the conclusion of which a jury found him guilty of bribery, conspiracy and violation of the Travel Act—as well as the evidence presented before our committee, this House can appropriately consider no other sanction except expulsion.

The committee, as well as the Federal court jury which convicted Mr. MYERS, had available to it and reviewed at length, video tapes and audiotapes of Mr. MYERS' own statements and acts with which he was charged. Moreover, Mr. MYERS appeared and testified before our committee and essentially admitted his involvement in what we were forced to conclude were blatant breaches of the rules and indeed of the fundamental integrity of the House of Representatives.

As is by now all too familiar about what happened, in 1978, the FBI began an undercover operation known as Abscam in which FBI agents and an informer posed as representatives of Middle Eastern businessmen or sheiks who were interested in investing in the United States.

On July 26, 1979, Anthony Amoroso, an undercover FBI agent using the name of Tony DeVito, held a meeting in Florida to talk about these sheiks with Angelo Errichetti, the mayor of Camden, N.J., and Howard Criden of Pennsylvania, lawyer, and Louis Johanson, his law partner.

Errichetti later told Criden that on a prior occasion he had been paid a substantial fee to introduce the sheiks to a Congressman and he inquired if Criden and Johanson knew any Congressman who would be willing to meet with the sheiks in exchange for a portion of a fee.

□ 1320

Johanson contacted Congressman MYERS, and MYERS agreed to the arrangement. Errichetti then informed DeVito that MYERS was prepared to "do anything" for the sheiks and a meeting with MYERS was arranged.

On August 22, 1979, MYERS and Errichetti met with DeVito at the TraveLodge Hotel at Kennedy Airport, N.Y. DeVito described to MYERS in general terms the sheiks' desire to insure that if they fled their country, they would be able to enter and remain in the United States, and he asked how MYERS could be of assistance in this.

MYERS replied, "Where I could be of assistance in this type of a matter, first of all, is private bills that can be introduced." MYERS explained that as soon as the sheiks had entered the United States, "I'd have to put a bill in at that point." Elaborating on the process, he indicated that once the bill had been introduced, he would be able to use the hearing process to delay any action for a year or 18 months, after which time it would be much easier to arrange for the sheiks to stay in this country. In addition to the introduction of a private bill, MYERS indicated that he knew people in the State Department and volunteered to meet with them when he returned to Washington.

MYERS then suggested that the sheiks invest in MYERS' district. He said, "That gives me the out that I need to go full guns."

Throughout the meeting, the Congressman repeatedly promised to assist the unidentified sheiks. "I'll be in the man's corner a hundred percent," he said, "and I'll deliver a lot of other people in his corner," he assured DeVito. "Feel free to call me, and, you know, matter of fact, you can come down, we'll meet down in Washington if you want." He also commended DeVito for going about things the right way. "Money talks in this business and bull s---walks. And it works the same way down in Washington," he explained.

As the meeting drew to a close, MYERS again gave his guarantee that he would assist the sheiks. DeVito then handed MYERS an envelope containing $50,000 in cash. "Spend it well," DeVito said as MYERS accepted the envelope and replied: "Pleasure."

Five months later, on January 24, 1980, two other undercover agents, Michael Wald, using the name of "Michael Cohen" and Ernest Haridopolos, using the name of "Ernie Poulos," met with MYERS and Criden at the Barclay Hotel in Philadelphia. Early in the meeting, Cohen raised the subject of the sheiks' immigration problem, indicating that the situation had become worse in the sheiks' country and suggesting that, because of the sheiks' confidence in MYERS, they were planning to come to the United States.

Cohen said the sheiks were considering building a $34 million hotel complex in MYERS' district, but were concerned about the Mafia and about securing the necessary zoning variances and approval of the city council. MYERS agreed to deal with the Mafia on behalf of the sheiks. He also promised to "use his office" to help with zoning variances and the city council, expressing confidence that he could convince the council members from his district to vote in favor of any necessary provisions. He said he would use "my influence, my office, and my personal friendship" with council members, and he assured Cohen that the city council would be no problem. "City council we can handle. Forget city council. Those that we can't handle, we can buy."

Another issue discussed at this meeting was the amount of money MYERS had received in the August meeting. MYERS expressed some dissatisfaction with the amount that he had received.

Representative MYERS testified in his own defense at the criminal trial, and at our committee proceedings. He did not deny having received an envelope containing $50,000—which he thought was $100,000—for his personal use. He attempted, however, to explain the circumstances surrounding the receipt of these moneys. In essence, Mr. MYERS claimed that in advance of the crucial meetings he was told he was about to engage in play-acting and he would never have to do anything affirmative in return for the money except to make promises.

The Committee on Standards of Official Conduct found, as the jury did, that Mr. MYERS' story is inherently unbelieveable and is contradicted by events revealed in the tapes. Moreover, even if we were to accept Mr. MYERS' testimony at face value, we still would conclude that his conduct was in violation of the most fundamental standards for congressional conduct. Mr. MYERS has not explained why wealthy foreigners would pay substantial sums of money in return for a wholly fictitious charade if they knew it was a charade, or, if they did not know it was a charade, why Mr. MYERS was entitled to take these sums upon promising to use his influence in the performance of his official duties.

The committee can only conclude—as the tapes conclusively show—that Mr. MYERS was sincere in his belief that he was dealing with persons willing to pay for his influence as a Representative, that he took money in return for promising to use that influence on their behalf, and that he thereby acted corruptly, in violation of law, and in total disregard of his duties and obligations as spelled out in clauses 1 through 3 of House Rule XLIII.

Mr. Speaker, I would like to respond at this point to two concerns currently circulating among some Members of the House and which surfaced somewhat here in the debate earlier today.

The first concern expressed is that Representative MYERS has not been "convicted" under rule 14 of the committee's rules because he still has a "due process" motion pending before the district court in Brooklyn, and if that court were ultimately to grant his motion, it is argued, the committee would have expelled a Member on the basis of a nonexistent conviction.

However, the motion before the district court is not based upon some alleged error at trial, such as improper admission of evidence. Rather, it attacks the indictment, alleging governmental misconduct. The district court due process decision will not change what the committee has seen and heard on numerous tapes, or suggest that such evidence is somehow

untrustworthy or inadmissible. The action of the committee is based on evidence, not on the fact that there has been a conviction. All the conviction did was to trigger the requirement that the committee take action under rule 14.

The committee based its recommendation only in part on the trial evidence. Of equal, if not overriding, importance was the testimony given to the committee on two occasions by Representative MYERS himself. He admitted in that testimony that he received $50,000 in cash, thinking it was $100,000; that he believed this money was coming from a real shiek; that he thought the shiek was being "ripped off" by those with whom the Representative was dealing; that in return for the money he received, Representative MYERS promised to introduce legislation to benefit the shieks; and that he thereafter brought another Congressman to the shieks' representatives, recommending that this Congressman be given a $10,000 campaign contribution.

Any contention that Representative MYERS has not been "convicted" within the meaning of rule 14 is simply in error, as has already been stated here, and the record vote shows it. The committee has voted without dissent to interpret a "conviction" in rule 14 to mean "a plea of guilty or a finding of guilt by a jury," and the committee's action is supported by court decisions which have been set out previously in the CONGRESSIONAL RECORD.

The other concern circulated by some Members is that the committee is treating Representative MYERS differently, and somehow more severely, than it did former Representative Diggs. This is not true. Even though the Diggs case is very much distinguishable from the Myers case in several important aspects, such as the seriousness of the acts committed, the fact remains that Representative Diggs' counsel twice attempted to have the committee defer action pending the completion of his judicial proceedings, and on both these occasions the committee denied these applications.

In the Diggs case, the offenses were internal to his staff and did not involve the sale of his vote; and in the opinion of the committee, Diggs' action did not warrant expulsion, although the question of whether he should be expelled if jailed was urged by some Members. Diggs resigned from Congress, rendering moot the question of whether being jailed for his offenses of lesser magnitude than MYERS would warrant expulsion.

Representative MYERS and his counsel have been accorded every opportunity by the committee to appear and present evidence. Representative MYERS testified twice. Not once was any of his profferred evidence rejected. The relevant portions of the trial record were stipulated. Even special counsel's report, received by the committee in executive session, was sent to Representative MYERS out of a sense of fairness. The Representative's counsel made no objection to special counsel's summary of the evidence at trial. Representative MYERS' case, by every reasonable standard, has been fairly and comprehensively adjudicated by the committee.

Mr. Speaker, the Constitution places upon this House the duty to judge the qualification of its Members and to discipline its Members for serious offenses of the type committed by Representative MYERS. No matter how unwelcome, how unpleasant, how distasteful we may find it, we must perfrom that duty honorably and forthrightly. It is our responsibility.

In determining what is the proper sanction in this case, and in considering whether there are any mitigating factors which should lessen the severity of our action, it is simply impossible to find excuses for a man who broke so many laws and rules; who broke them not only as an individual who happened to be a public servant, but as a public servant trading upon that very elected office; who used his influence in the U.S. Congress as bait and as barter to wring huge sums of money from those who he thought needed that influence; who for purely personal gain promised everything, anything, his vote, his contacts, his connections; who made a mockery of the seat in which his constituents had placed him with honor.

There can be no other choice of sanctions for such actions. Representative MYERS must be expelled.

□ 1330

The SPEAKER. The gentleman from Florida (Mr. BENNETT) has consumed 12 minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would like to take the well for a minute.

The SPEAKER. Does the gentleman from Florida (Mr. BENNETT) yield time to the gentleman from Pennsylvania?

Mr. BENNETT. Mr. Speaker, I will yield at this point. How much time does the gentleman want?

Mr. MYERS of Pennsylvania. Mr. Speaker, so I understand the rules, am I going to be given 30 minutes?

Mr. BENNETT. If the gentleman wants it. Suppose at this moment, Mr. Speaker, I give the gentleman 20 minutes.

Mr. MYERS of Pennsylvania. I will probably not use all the 20 minutes, but I would like to be extended some time.

Mr. BENNETT. Mr. Speaker, I will give the gentleman half my time now, which is 30 minutes. I will give all of that time to the gentleman now.

Mr. MYERS of Pennsylvania. Mr. Speaker, I certainly thank the committee chairman.

The SPEAKER. The gentleman from Pennsylvania (Mr. MYERS) is recognized for 30 minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, the last vote was this: I only received 75 votes, and I certainly want to thank the Members who had courage enough to stand up and vote. I know it was very difficult to do, and I certainly thank them for their courage.

When I stand here today, I am going to cut my remarks down, because obviously I am not going to change anybody's mind on how they are going to vote, but I would like to start off, first of all, and say I am sorry I put the House in this position. I do not feel good about it. I told that to the committee, and certainly I owe this House an apology for my actions.

But my actions that were viewed on that video tape certainly were not "OZZIE" MYERS. That was play-acting from the word "go," and I was following a script which was given to me. I was led into a trap that was cleverly disguised with bait, the bait being: First, money; second, employment for my district; and third, to help a friend land a hotel casino in Atlantic City.

I was set up from the word "go." I cannot change that. I cannot change anybody's feelings, but that is what happened.

But it was suggested to me as the easy way out: "Why don't you resign?" Maybe it would have been an easy way out, but I cannot resign. I just cannot resign because I did not violate my office, and I feel that this is the best way, by coming to this well, to have this issue before the Committee on the Judiciary, to thoroughly review all the evidence until the Abscam cases are completed, and to take the proper measures to see that this injustice does not happen again.

I think far more important than my expulsion from this body is certainly my constitutional rights. I am going to, if I may, refer to the Diggs matter, of course, not to bring up any evidence in the case, but just to use a comparison in the timetable that the Committee on Standards of Official Conduct took and how much I was allowed to present my arguments.

In my particular case—well, let us first go to the Diggs case. All right, here is the Diggs case. On October 7, 1978, a jury verdict was reached in the Diggs case. On March 21, 1979, 5½ months after the jury verdict, a formal resolution to inquire into the official conduct of Representative Diggs was adopted by the Committee on Standards of Official Conduct. On June 7, 1979, 8 full months after the jury verdict, the committee adopted a final motion to hold a hearing on discipline of Mr. Diggs. On July 19, 1979, 9½ months after the jury verdict, the committee filed its resolution and reported recommendations of censure of Mr. or, of course, Congressman Diggs.

On July 31, 1979, just a few days shy of 10 full months from the jury verdict, the House voted to censure Mr. Diggs after a complete consideration of all of the evidence involved in that case.

In my particular matter, my timetable goes like this: On August 30, 1980, the jury reached its verdict in my case. On September 3, 1980, just 4 days after the jury verdict, the Committee on Standards of Official Conduct scheduled a preliminary inquiry into my matter—exhibit C of the committee report.

On September 10, 1980, just 11 days after the jury verdict, a preliminary inquiry was held—11 days. I appeared, as you heard. I appeared before that committee and gave testimony of my own free will, which is also contained in the committee report.

At this hearing, my attorney, Plato Cacheris of Washington, D.C., made a motion that the committee keep phase 1, the preliminary inquiry stages of those hearings, open for the purpose of allowing me an opportunity to supplement the record with testimony, transcripts, and exhibits concerning the violations of my due process rights in the investigation of the entire Abscam case.

The following day, this motion was made formal and was submitted to the committee in writing—exhibit H in the committee report.

On September 16, 1980, just 17 days after the jury verdict, the committee denied my motion to keep the records open in the matter. That is exhibit P of the committee report. And that very day they scheduled a hearing for September 24, 1980, to determine what sanctions to recommend to this body.

On September 24, 1980, only 25 days or 3½ weeks, however you want to count it, after the jury verdict, the committee filed its resolution and report recommending my expulsion.

Today I stand before you, just 1 month and 2 days after the jury verdict and before sentencing that is required to complete my conviction. And I am standing here opposing this resolution, knowing full well that I do not have a Chinaman's chance of this going down, but I am doing it as a matter of principle. I feel that it is important that we carefully examine the vast differences of timetables in my case and, of course, in Congressman Diggs' case.

I would like to just summarize and review those for you now just to give you a breakdown of how I was treated versus another Member who obviously committed a very serious action.

Let us review the amount of time that the committee took to investigate each case and to bring a resolution to the floor of the House.

The committee, after its investigation following the jury verdict in the Diggs case, allowed 5½ months in this case before holding its first hearing in the matter. In my case the committee allowed me 4 days before they held their hearing.

In the Diggs case the committee allowed themselves 8 full months to investigate the matter before moving to hold a hearing to discipline Mr. Diggs.

What did they allow me? They allowed me just 17 days.

And again, in the matter of Mr. Diggs, a period of 9½ months elapsed from the jury verdict to filing a resolution to censure. In my matter, merely 25 days elapsed before filing the resolution to expel.

Where there is any justification for that, I will never know, in using that timeframe.

□ 1340

In looking at these comparisons I have just given you, I want to know—that is one of the reasons I am taking this well—how can any Member justify this severe action that we are considering in this well today versus the timeframe that I was put under to try to defend myself without any consideration for my due process arguments?

Can this body justify spending only 3½ weeks considering a sanction as severe as expulsion, when you allowed 3½ weeks considering a sanction as calling for censure?

Do the Members of the House want to stampede out of these doors upon completion of this vote, run from the Chamber on the final day before an election recess, having expelled me without any consideration of due process of law or any regard of my constitutional rights as an American citizen?

Forget about being a Member of Congress. My constitutional rights are more important here than me being expelled, not only to me but to this body as an institution, to this Congress.

I hope that the Members will not let the political pressures of the vote force them into joining a lynching mob—because that is exactly what I think it is—in order that they can wash their hands clean of Abscam. I hope that some day everybody can wash their hands clean of Abscam. But we will not be able to do that until we are given our due process arguments and have an opportunity to present these to a court of law.

I would have no objections at any time in the future that this body would want to call up this very resolution and bringing evidence to this floor, including films, and showing them on a screen in this Chamber, as long as I have had an opportunity to exhaust due process.

Things that I will uncover at my due process hearings I do not have here today, and I did not have to present to that committee. In my case I was the only defendant to testify in my own behalf, and the reason I was the only defendant was because the codefendants who were indicted in my case were also indicted in other matters, so they feared to take the stand that they would have been quizzed on the other matters. I did not have an opportunity to let a jury hear what they would have told the jury, how I got involved in Abscam. And that is the most important thing that I wanted that jury to hear, but certainly those were arguments of law that the judge ruled, and they would be taken up at the due process hearing.

In no way did I or my lawyer delay the proceedings, as far as due process. We asked for an immediate due process hearing prior to the trial. The judge decided to hold the trial first. Why, I do not know. That is his decision. But he did promise to give us a due process hearing after the trial, which is now pending before that very court.

What you see on film, like I said when I first started out, is strictly play-acting, and I am telling you, when I get a chance to prove how I got led into this trap, you will understand how this could happen and how it may happen to some other people and how it could happen. And that is why the Judiciary Committee must act to put an end to this.

You know, I do not have really too much more to say. All of the arguments I had intended to make about rule 14, I think some of the previous speakers prior to the last vote certainly made them clear. But in closing my remarks—does the gentleman from California (Mr. CHARLES H. WILSON) wish me to yield to him?

Mr. CHARLES H. WILSON of California. Yes, if my friend will yield, and you are my friend.

Mr. MYERS of Pennsylvania. I will be happy to yield to the gentleman.

Mr. CHARLES H. WILSON of California. I watched the tapes, OZZIE, and I think that, like yourself, I was terribly disappointed and felt that they were extremely damaging; and I am sure that you, yourself, when you saw them replayed, were embarrassed by what you saw and what you heard.

Now, one of the gentlemen—I think it was Mr. PREYER—had indicated that there were 6 hours of tapes, and we were shown 45 minutes of tapes. Maybe it was because of repetition, or something of this sort. But I did notice an extremely different OZZIE MYERS on the first tape in August than in the next one in January, I think January 24 of this year. It appeared to me that your voice had slurred and that you were perhaps inebriated in that meeting. It was at this meeting where the profanity and the language which made the tape so damaging took place.

Now, can you tell the Members here—and I do not mind saying I am going to vote against expulsion if there is a record vote—but can you tell the group if you were deliberately plied with liquor? I think there sometimes can be extenuating circumstances as to what a person does and says. Can you give us some background as to what did happen in this particular case?

Mr. MYERS of Pennsylvania. I would be happy to.

Mr. CHARLES H. WILSON of California. And if there was anything helpful to you on the 5 hours and 15 minutes of tapes that were left out that we did not get the opportunity to see.

Mr. MYERS of Pennsylvania. Well, first talking about the amount of time in the tapes that were introduced as evidence in my particular trial, there was approximately 6 hours of tapes introduced in the trial. It was mentioned to me by a member of the press that on some of the tapes in which I participated where I was filmed in them, that I could have cut different sections of that out and used it in a reelection campaign ad, when I was in talking about jobs for my district.

So, depending upon how you look at them, if you pick pieces out—and, of course, I do not blame the committee, they picked the most damaging pieces out. Obviously, that was the job of the prosecutor, Mr. Prettyman. I am not saying that he did not do his job and I am not saying that the committee did not do their job. I am saying to you that what is on those tapes is play-acting, which I was instructed to do prior to going to those meetings. When you talk about my behavior on the second set of tapes, was intoxicated; I was drinking FBI bourbon, if you know what that is, big glasses full of it. I could hardly talk. You saw my condition.

Mr. CHARLES H. WILSON of California. I understand you were a beer drinker. You came right off the wharves of Philadelphia. You were a longshoreman.

Mr. MYERS of Pennsylvania. I cannot ever remember, Mr. WILSON, drinking a bourbon on the rocks. I do not ever remember drinking that. I hardly remember drinking that. And I hardly remember drinking those several that night after I finished drinking them. But that is what happened. Of course, when I have my opportunity to explore all of

these avenues under the due process arguments which will be held before a court, certainly I intend to do that.

Let me just say one other thing about the tapes. At the initial outset of the trial, the prosecutor, Mr. Puccio, told His Honor Judge Pratt that there were some 50 hours of tapes, 50 hours of tapes in my particular matter. Several were lost. Four were lost. Several were altered. Evidence came out in the trial. We brought tape experts in, the very tape experts who were involved in the Watergate tapes, considered to be world renowned experts in that area. But the damage of what was shown on video tape was so devastating to a jury, they did not see what happened off-tape, and I was not allowed to present those arguments because they are questions of law, as I was told by the court, and certainly I believe that to be accurate. But before I can completely put my case in front of this body, I must be given an opportunity to uncover additional evidence and to call witnesses so that I can present all of the facts as they really took place.

Mr. CHARLES H. WILSON of California. I agree with the gentleman when he says that the committee headed by Mr. EDWARDS must come up with some reforms on the way that matters of this type are handled.

Mr. MYERS of Pennsylvania. There is no question about that.

Mr. CHARLES H. WILSON of California. Because we have to follow some of the judicial procedures that are so important in these matters.

Mr. BENNETT. Mr. Speaker, will the gentleman yield for a clarification of something?

Mr. MYERS of Pennsylvania. I will yield to the chairman.

Mr. BENNETT. I want to say, with regard to why rule 14 was not used in the Diggs case, the Diggs case was why rule 14 came about, in my opinion. It was not in existence during the Diggs case, and it was passed in March 1979. So the reason why the same procedures were not used is because we found those procedures were too lengthy. In fact, Mr. Diggs offered many, many motions. He had bills of particulars and discovery and endless, endless motions, for which we gave him all the time he wanted to be heard at great length and great delays in between. We would have done the same thing with you if you had asked, because we have never cut anybody short or tried to cut them short. We try to be fair with regard to everybody. But rule 14 did not exist when the Diggs case was on.

Then I want to say, since the drinking question has been raised here, I am not a real good observer about whether people are drunk or not. Maybe you were. But the point that I want to make is that the next day, according to evidence, you did touch base again with the people who were giving you the money and asked why you were not getting more money. And then in two subsequent telephone calls, in which you certainly did not sound very drunk in those telephone calls, you also asked about why not more money.

Finally, I would like to say that you were given every opportunity to submit any evidence you wanted to submit. In this matter we would have liked very much to have more evidence if you had it. And you know that this committee certainly——

Mr. MYERS of Pennsylvania. Let me just reclaim my time, Mr. Speaker, to answer what you just said.

On the very first day that I appeared before the committee I asked to keep the preliminary stages open, and that was denied. And I was told to put it in a formal stage the next day, which was the following day after the first meeting. That was denied to me. So do not tell this body that you gave me every opportunity. I want to bring the additional evidence in that is not yet uncovered. And I would like to be given that opportunity. So do not try to tell this body that you gave me every opportunity. You certainly did not.

Mr. BENNETT. The evidence you had already submitted was sufficient for you to go ahead with the case. That is the reason——

□ 1350

Mr. MYERS of Pennsylvania. I did not submit the evidence. You obtained the evidence from the trial. You got the transcript from the trial.

Mr. BENNETT. The gentleman had the opportunity. The gentleman did not give the evidence.

Mr. MYERS of Pennsylvania. How can I give evidence that I have not had a hearing on yet?

Mr. BENNETT. Neither the gentleman nor his attorney told us there was some evidence that the gentleman would like to give, that the gentleman was not having an opportunity to get. We were not told that.

Mr. MYERS of Pennsylvania. We did not tell the gentleman that?

Mr. BENNETT. I do not remember.

Mr. MYERS of Pennsylvania. I can show the gentleman in a letter.

Mr. BENNETT. The gentleman may have said he wanted to postpone it until after the due process case was over, which is an entirely different issue, having nothing to do with the merits of this case. That has nothing to do with the merits of the case.

The merits of the case are whether or not the gentleman took money for something, in return for a promise to use his office.

Mr. MYERS of Pennsylvania. Mr. Speaker, let me say this, if I may, in response to the gentleman. The gentleman gave me all of 32 days from the time the jury came down from their verdict to this very day that I stand in this well, so if the gentleman calls that anything but fast track or anything but stampede, or anything but unfair, well, then the gentleman may call it what he wants. I am telling the gentleman what I call it.

When I get an opportunity to clear my name in a court of law, I will do just that. But I understand I am not going to change the gentleman's vote or anyone else's. I am only saying to the gentleman, do not try to let people in this body think, or around this Nation, that I was given due process. I certainly was not. That is my whole complaint.

If every Member in this body upon the conduct just displayed on what the gentleman let them see over in the video room, voted to expel me, that would be their choice. I am only asking the gentleman and this body to do that once I have had an opportunity to due process of law. That is the only thing I am saying. I am saying that this body that has the power, the most powerful legislative body in the land, is going to violate my constitutional rights as a Member, is grossly unfair. That is the point I am making. I am not arguing the merits of what the gentleman showed or what these Members saw.

I am only asking for due process. I think every American citizen is entitled to that; at least under the Constitution, the way I read it, they are. That is the importance of this.

Certainly it is embarrassing to me to take the well to be expelled. Do you think I am proud of that?

Let me just go on now. In closing, I guess there is not much more I can say, and I do not think anything I have said today is going to change anyone's mind, but in closing, I just want to say this. When I walked over here today, when I was sitting on the floor, I know what it feels like now to sit on death row. In a way I am awaiting execution, and you, the Members of this body, are the ones who will decide my fate.

As you go to that voting machine to put your cards in, keep in mind, use a comparison when you hit the button, when you vote to expel, that it will have the same effect as hitting the button if I were strapped in an electric chair in this well.

That is all I have to say.

Mr. Speaker, I would like to reserve the balance of my time, if I may.

The SPEAKER. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, in my 10 minutes, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLLENBECK).

Mr. HOLLENBECK. Mr. Speaker, I rise in support of this recommendation. There have been many allusions made to the Diggs matter. I have some rather lengthy remarks prepared which distinguished this matter from the Diggs matter. I intend to insert those in the section entitled "Extension of Remarks" to make them a part of the history of this case.

In very short summation, due to the time restraint, I will say very simply that I feel that if the ultimate disciplinary action is not taken in this case we will lose expulsion as a viable weapon for this House to defend its integrity in any matter; and this House will deserve then the low esteem in which so many people hold it.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, this afternoon this House is being asked to expel

a fellow Member. As has been mentioned previously, this is the first time in over 100 years and for the first time in this House for something other than treason; 1861 was a tumbultuous year. The country was divided. States were divided. Families were divided. Three Members who had sworn to uphold their oath of office to defend the Constitution and this Government chose, out of an overt political conscience to, in fact, take up arms against that country they had sworn to defend. It was clearly an act of treason. Expulsion was the proper punishment.

Today we are faced with a Member who took that same oath, who has been convicted of bribery and conspiracy and been judged guilty of selling his office, of committing a covert act of contempt against this political system, just as surely as taking up arms in an overt act against this country is a threat from without.

The destruction of that fragile bond of trust between the elected and the electorate, the destruction of that key link for representative government is a threat from within.

We are not talking about just errant behavior. We are talking about a wanton disregard of the office he was sworn to uphold, a wanton disregard for his colleagues.

As was indicated by the counsel for the committee, not once but twice Mr. MYERS lied under oath before his peers on that committee, a wanton disregard for any sense of duty to his colleagues, to his constituency and to the fabric of representative government.

To this date, to this hour, Mr. MYERS claims no wrongdoing. Even an actor can reject a script.

The SPEAKER. The time of the gentleman from California (Mr. THOMAS) has expired.

Mr. THOMAS. Mr. Speaker, I ask for an additional 2 minutes.

Mr. SPENCE. I do not have an additional 2 minutes. The chairman did not allow that to me.

Mr. BENNETT. I think I should try to get some time.

Mr. THOMAS. Could I have 1 minute?

Mr. BENNETT. I will give the gentleman 1 minute.

Mr. THOMAS. Perhaps the saddest factor is that this case will be remembered, in terms of quotes, to go along with Thomas Jefferson when he said, with a firm reliance on divine providence:

> We mutually pledge to each other our lives, our fortunes, and our sacred honour.

And Abraham Lincoln, when he said:

> A Government of the people, by the people and for the people shall not perish from the earth.

We are going to have to reluctantly add—and you are familiar with it now—"Money talks and you know what walks." Perhaps that is a comment on today. It ought not to be a comment on tomorrow, for my constituents, for your constituents, but for the constituents pointedly in the First District of Pennsylvania.

Mr. MYERS, by his own words and deeds, must be a Member of this House no longer.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Speaker, none of us takes pleasure in participating in these proceedings this morning, but under the circumstances we have no alternative.

I have previously argued on this floor that the House must exercise its power to expel a Member for misconduct very sparingly, that we must have evidence of extraordinary wrongdoing before we take it upon ourselves to override the wishes of the voters of a Member's district.

Unfortunately in the case of Mr. MYERS, we have such evidence.

It has been suggested that we should not take action until a Member has exhausted his right of appeal, but what happens in the courts has little bearing on this case.

□ 1400

Even if his conviction is overturned, the facts will not be altered. The evidence, never challenged by Mr. MYERS, proves conclusively that he did, in fact, accept $15,000, that he asked for $85,000 more, that he promised to use his influence as a Member of this body in return for the money.

The question before the House today is whether or not these actions constitute a violation of the rules of the House and, second, what sanctions should be imposed.

Given the nature of the evidence presented to the committee and Mr. MYERS' own testimony, there can be no question of his guilt, and given the nature of his offense, there can be no question about the penalty we should impose. The only appropriate sanction for Mr. MYERS is expulsion.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the resolution of expulsion. In the previous debate there has been some confusion about the role of Mr. MYERS' conviction in the Standards Committee proceedings. Under committee rule 14, following the conviction of a Member, the trial record is received as evidence before the Standards Committee. Under article I, section 5 of the Constitution, the Standards Committee proceedings are independent of judicial proceedings. The committee rule under which this proceeding has been brought to the floor is merely designed to prevent the duplication of effort so that the same evidence presented and introduced at the trial does not have to be represented or reintroduced before the Standards Committee.

Committee rule 14 works to the benefit of both the committee and Representative MYERS by saving both the time and the expense of a duplicative effort.

In the case before us today, special counsel for the committee and counsel for Representative MYERS have stipulated to the accuracy of the relevant portions of the trial record.

In addition, Mr. MYERS has appeared twice before the Standards Committee and his entire statement was received both times without exception.

Thus, the House must make an independent determination of Mr. MYERS' guilt, based on the record.

The SPEAKER. The gentleman's time has expired.

Mr. SENSENBRENNER. Mr. Speaker, may I have 30 seconds additional?

Mr. BENNETT. I yield to the gentleman 30 seconds.

Mr. SENSENBRENNER. That record is clear. The gentleman from Pennsylvania has admitted taking $15,000 of bribe money. He has disgraced this House. He must be expelled.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, once again, I do not want to belabor this issue. I do not enjoy this, but I want to say categorically that my statement should not be viewed as political. My race is behind me. I do not have an election in 30 days.

I believe in what we are about very strongly. Again, the issues are very simple. Mr. MYERS got $15,000 cash. He asked for an additional $85,000 cash. In return for those sums of money, he promised to introduce legislation in the U.S. Congress and to use his influence as a U.S. Congressman with the State Department, the immigration authorities, the Philadelphia City Council, Philadelphia labor unions and, indeed, the Mafia. In short, he let it be known that his performance in the U.S. Congress was for sale.

Mr. Speaker, I believe this conduct, more than any other, more than any other that we have discussed in the time that I have been in this Congress, cannot be tolerated in a democracy.

I believe we must send a message to the people that it will not be tolerated and that Mr. MYERS should be expelled.

Mr. SPENCE. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 4½ minutes.

Mr. SPENCE. I reserve the balance of my time.

Mr. BENNETT. Mr. Speaker, I think in due course I shall reserve the balance of my time, because I would like to conclude. I have 3¼ minutes, I think, left; so Mr. MYERS can proceed.

The SPEAKER. The gentleman from Pennsylvania has 6 minutes. The gentleman from Florida has 6½ minutes. The gentleman from South Carolina has 4½ minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, I had a request from Congressman GONZALEZ, of Texas. If he is here and wishes to speak, I would be happy to yield some time to him. If he is not, I do not have any other requests for time; so I would yield back the balance of my time, unless Mr. GONZALEZ is here. He had asked for time.

So I would reserve the balance of my time at this point.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time.

The Chair recognizes the gentleman from Florida.

Mr. BENNETT. Well, I do want to conclude at the end, so eventually Mr. MYERS will either have to use or give it back.

Would the gentleman from South Carolina want to go ahead? Since I have a minute and something more than I thought I had, I yield another minute and a half to the gentleman from South Carolina.

The SPEAKER. The gentleman from South Carolina is entitled to 6 minutes.

Mr. SPENCE. I thank the chairman.

Mr. Speaker, it would be repetition to say that it is a difficult thing to do what we all have to do here today. You know, no one has a corner on knowledge. We can look at the same facts and arrive at different conclusions. I do not disparage anyone else's conclusion, how they arrived at it. I just try to do the best I can. I do not doubt anyone's sincerity as to the conclusion he or she has come to so far on the other motion or, for that matter, on our final ultimate decision.

You know, I have been on this committee now, it was established in 1968. I have been on it since 1971, I suppose probably longer than anybody except maybe the chairman. I have considered getting off on many occasions, and one reason I did not was because I thought it was equally important with this body judging people of wrongdoing to prevent people from unjustly being convicted of wrongdoing. I have stayed on this committee, I think, mainly because of that.

We have considered many matters before in the last 9 years. They have all been difficult. Most of you have never heard of most of them. They were baseless and we dealt with them and I think and I hope that we have prevented unnecessary, unjustified publicity, which would be harmful to our fellow Members.

We have dealt with other problems in a more informal way; but on a few occasions we are forced, really, to bring to you a recommendation such as the one today. I do not care who it is, it is not an easy matter to do. In the 10 years I have been in this body, I have disagreed with people politically and otherwise, but I have never missed the opportunity to tell audiences when I had it that I have never met or served with a finer group of people than I have been privileged to serve with since I have been in Congress. I do not take back that statement today. They are sincere, hard-working, dedicated people, and this body has been criticized in spite of that, saying that we cannot take care of our own problems and police our body. I think, to the contrary, we have dealt more harshly sometimes with our Members than the ordinary person in life, because we judged them guilty of ethical misconduct, in addition to criminal violation.

It is a very difficult matter to sit in judgment on anyone else in our society.

□ 1310

We on the committee have had this unpleasant task and now the burden is on each of you. Some of you may want to take the easy way out. We have heard a good many suggested ways today for various reasons and we can rationalize it. We are all sinners. We all fall short of perfection. We are all guilty of some wrongdoing at some time in our lives. We are all human. Let him who is without sin cast the first stone. Why take it out on him? You are making an example of him.

I have heard all of these things and I have worried about them and I have had to deal with them myself. But no matter which one of these excuses some might want to take in an effort to avoid our responsibility, there is no way to shift the burden that you and I alone share.

Mr. Speaker, the basic point is that there is nothing unique about people who are not without fault sitting in judgment of others who have been judged or charged with wrongdoing. We can find no one who is entirely without fault to do the job that we must do. We must ourselves sit in judgment of our colleague. Otherwise we would be living in a jungle where no law or rule of civilized behavior could be enforced because no one could qualify to sit as a judge or a jury.

This is your House and my House. We hold these seats as custodians for the people we represent. No one else is responsible. No one else can vote for us. No one else, no person, nobody, no branch of government, no agency, no organization, can determine this question for us. No one else can police this House but those sitting here today at this time in this place.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I will yield to the gentleman when I get through.

The SPEAKER. The time of the gentleman has expired.

Mr. SPENCE. I cannot even yield to myself, it looks like, Mr. WILSON.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would yield 1 minute to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. I wonder if I might ask the gentleman from South Carolina, I think, did you say without this committee this place would be a jungle? Was that the statement?

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

Mr. CHARLES H. WILSON of California. I yield.

Mr. SPENCE. No, sir, I think the gentleman knows what I said.

Mr. CHARLES H. WILSON of California. No; I misunderstood you. I think you were justifying the existence of the committee.

Mr. SPENCE. I said, Mr. WILSON——

Mr. CHARLES H. WILSON of California. Perhaps I misunderstood you.

Mr. SPENCE. Mr. WILSON, I am sorry if you did. You can read the RECORD later on, but I think you will find that I said that if we took the position that since we were all wrongdoers and fall short, and therefore we were not qualified to judge other people, that we would have no law or rule which we could enforce in a civilized society. It does not take a whole lot of elaboration, I do not think.

Mr. CHARLES H. WILSON of California. Thank you.

Mr. MYERS of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Pennsylvania for permitting me to participate in this flow of debate. But I would like to respond somewhat to the previous speaker, my friend from Carolina. He says that pity them that sit on this committee; it is a great sacrifice to sit in judgment on people. But nobody put them there at the point of a gun. They accepted a chore. We honor them for that and we appreciate the difficulty.

Then in the same vein he says now, those who are here, and by implication meaning those such as I who are rising in opposition to this resolution, and prior to this rose in support of the resolution to postpone as being those that are alluding to the excuse that because we are all sinners we, then, ipso facto, forgive all sins. Now, I do not know who has raised that issue here. I must have missed it. Certainly I am not. I would not think of it.

At the same time the gentleman punishes those who take an opposite view and I want to take strong exception to that because it is not fair. In fact, I would say that the easy thing was the other way around, to sit in judgment. The overwhelming vote a while ago should proclaim that. The statements made here should proclaim that.

What I am rising to is a question of elementary justice and, actually, believe it or not, the honor and the decorum and the proper respect for true parliamentary procedure that I think the House is abdicating and has continued to abdicate

Earlier, I alluded to page 81 in the report because it printed, in toto, the full version of the resolution this House passed with only one dissenting vote and that was mine, the so-called Abscam resolution, because there you set up the procedure that now piously some are saying is it not terrible. Yes; we will vote for expulsion but, gee whiz, because there is no question of guilt or anything, and I saw the peepshow. By the way, I have not seen the peepshow and I never had to see any peepshow to get erotically aroused and, therefore, I do not see why I would have to see the peepshow in order to get indignant about the misdeeds or alleged misdeeds by a colleague.

I think every one of us shows moral indignation of the highest sort, particularly right before elections.

But those are collateral issues. They have nothing to do with the central point that we ought to refer to and I think one of those is exactly what is reflected at page 81 of that report in that section 6. Now, this was voted out like that, willy-nilly. This is what is involved here, because in adopting this recommendation of the committee, and I do not fault the committee, I mean, they did what they did and they were charged with that responsibility, but it is not theirs any longer. It is ours. We have to answer to ourselves and our consciences now.

What I am saying is that the committee has departed from its own rule. It has first established and then departed. And that is the second point.

But going back to the first, what you said and overwhelmingly approved, and will be the constant source of mischief to every Member, is a revelation of the erosion of the institutional integrity of not only the committee process but of the House itself, which is self-evident now. This is what we are testifying to in approving this resolution under these conditions because, first, you have said that it is all right for this particular committee to deny access to any documentation or evidentiary facts provided by the Justice Department to this committee, to any member of this committee or a Member of the House. It does not say who; it does not say who is first-class, second-class, or a third-class Member of this House. But this is what you have done.

Now, we do not know whether or not Mr. MYERS or his attorney ever had a chance to demand access to all of the documentation the Justice Department could have made or would have made or should have made available over and above that presented in the criminal prosecution and which would be vital to the determination, in our judgment, as to whether or not at this point we should expel. And it has nothing to do with the merits or the demerits of the degree or intensity of his sin or whether he sinned at all or not.

What we are talking about now has already been said more eloquently and in constitutional and legal language, better said than I can by prior speakers, from Mr. ECKHARDT to Mr. BAILEY, who I think did the finest job of all of focusing on the issue.

Now, I think that this will be a gross miscarriage of justice. It will be denying the fundamental reason why we have a right to be Representatives, why a government exists. After all, a government that cannot be just is fundamentally wrong and has lost its reason for being. We are not being just here.

□ 1420

This is the point I am trying to make now. Forget about compassion. I also happen to believe that a government must be compassionate and that we all must be compassionate, because without compassion I think we also have forfeited the right to represent people.

The SPEAKER. The time of the gentleman has expired.

Mr. MYERS of Pennsylvania. I would like to yield the balance of my time to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Speaker, like all of my colleagues none of us want to be here today. This is a very regretful proceedings for any of us to participate in. And like the 204 of my other colleagues who have viewed the tapes, I was disappointed, and I think that the conduct of Congressman MYERS was reprehensible and certainly that he should be disciplined and chastized most severely by this body.

It has oft been said that how many opinions you get will depend on how many lawyers are in on the conversation. I am afraid that what we have heard today—conviction, not conviction—and the action, the speedy action by this body's having concluded this in 32 days from the date of Mr. MYERS' conviction, will only invite any citizen of the First District of Philadelphia into a court proceedings, and that was argued quite ably before by many lawyers on the previous motion.

But I am concerned because I would never want to see a court, even the Supreme Court of the United States, intercede in the functions of this body and the functions of this body are to properly discipline its Members. If we fail in that function today—and I think we are—we are inviting any citizen of that district to petition the court to straighten our conduct out.

The gentleman, the chairman of the committee, who has worked most diligently on these proceedings, and I think fairly in his opinion, has stated that the conviction and the conviction alone in a court of law triggered the very action that we are taking today. I think that is a very significant point.

Conviction, according to the Rules of Federal Criminal Procedure and according to the Supreme Court of the United States, has not yet occurred in the Myers matter and will not occur until the due process hearing is completed. When that is completed, there will be a conviction. Until that time we are premature in our actions, and we invite our actions to be interceded by the courts, and we should not.

I invited or suggested to the committee last week—I am not a member of the committee, but I suggested to them—have you gone into the entire history of this, not only the 45-minute tape——

The SPEAKER. The time of the gentleman has expired.

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

Mr. MYERS of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. I invited the committee last week to consider, and I painted the scenario for them, that what if someday a Chief Executive should walk upon the scene in Washington and decide that he does not like to deal with an elected Congress. And remember, we are the only ones in this country who stand for election in this Federal Government every other year, and we do 33 days from now. But suppose some Chief Executive decides that he does not like people who have to answer to the electorate every 2 years, and that he will set out on a course of action to involve us, to embarrass us, to accuse us. Where will we draw the line? That is why I suggested to the Committee on Standards of Official Conduct that they look behind us, not to exculpate or find Mr. MYERS any different than perhaps they would, had they proceeded under rule 16, but to inquire fully into how did Abscam originate? How much was spent? How many Members of Congress—we know of 20—were targets? How many were to be targeted? What was the purpose of the targeting? How many days and nights of tapes did we watch to go behind and to determine whether expelling Members of Congress should be done? Only you can proceed under rule 16 to do that. That is where I feel that we have invited the courts to intercede because, had the committee gone under rule 16, they could have had that full hearing and then we would follow their recommendations I think quite lawfully. But proceeding under rule 14 as they did, where the conviction which has not yet been completed "triggered the committee action," pulled us into our action here today, it unfortunately will invite the Federal Courts into it before the matter is finally determined. It would have been far wiser had we adopted the motion to postpone and let the people of the First District of Philadelphia answer those questions for us on November 4.

I thank the gentleman for yielding.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would like to ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. That permission has already been granted.

The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. I have some more requests for time.

I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, although I think there has been a rush to judgment under its truncated process in some loose treatment of process generally, nevertheless, I must recognize that the Constitution permits consideration of other than a conviction. I think the committee had the right to make such a determination. I think it had evidence upon which that decision was based, and I cannot say that the nature of the offense is less than one of such gravity which is similar to the grounds for impeachment of a President and removal from office. Therefore, I shall be compelled to vote in favor of the committee's recommendation.

Mr. BENNETT. I yield 1 minute to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. I thank the chairman very much.

Mr. Speaker, let me first say the gentleman from Kentucky is not a member of the committee, but because of the profundity of the question and its grave nature, he has attempted to avail himself of the information and was at the reviewing room on Monday morning. There are just a couple of points I would like to make. I commend the chairman of the committee and the full committee for the work that they have done. It is a very difficult task, to say the least. I left that room after seeing the tapes, not with any anger or vengeance toward the gentleman from Pennsylvania (Mr. MYERS) but with a sense of ethical sadness for the House and the whole process. I think when I vote in favor of the recommendation of the committee, it will not be with any vengeance or malice toward the gentleman from Pennsylvania but, again, with sadness

for him and his family, and with pride that the House has faced a very grave issue and faced up to that issue.

I would like to address the Members of the House too, and ask them to read, pages 32, 33, 34, and 35 of the committee report. The questions of the chairman of the committee, the gentleman from Florida (Mr. BENNETT), the gentleman from Wyoming (Mr. CHENEY), and the gentleman from Georgia (Mr. FOWLER), in my judgment, nailed down very clearly the adequacy of the charges made and the fact that the House is compelled to vote to expel the gentleman from Pennsylvania (Mr. MYERS).

Mr. BENNETT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Speaker, I want to say that as one member of the committee I echo the need that so many Members have expressed for the Committee on the Judiciary to conduct a full investigation into the manner and means by which the Department of Justice acted. It needs to be done. As we have tried to say, that would not mean it would not have a bearing on what we have heard from the gentleman from Pennsylvania's, Mr. MYERS' own mouth by our own investigation of what he did. But that needs to be done.

Second, I would like to commend Mr. MYERS for not resigning. The reason that this may be a precedent-shattering case is that in three or four instances Members took the easy way out, and Mr. MYERS has faced his punishment, whatever that may be, and faced his colleagues. For that he deserves to be commended.

Lastly, I want to say in response really to the gentleman, my friend from Texas (Mr. GONZALEZ), there are three issues that no one can decide but each of us here.

□ 1430

They all have to do with justice. The first question is has justice been accorded Mr. MYERS.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. FOWLER was allowed to proceed for 1 additional minute.)

Mr. FOWLER. The first question is whether or not justice has been accorded Mr. MYERS. For the committee, a large majority would submit that in every way possible that we could, we believe justice has been accorded. Mr. MYERS was given every opportunity to present every defense, every witness.

Second is the question of justice to this institution, because we are all on trial and we all have to make the decisions as to whether or not the integrity of this institution has been violated, if you find that the allegations brought by this committee to you are so heinous that only expulsion can uphold the integrity of the institution.

Lastly, I suppose, is the question of justice to the people that we represent and in that, as Learned Hand said: "Justice delayed is justice denied." We are all stewards of this trust and if the question is so heinous that this body must deal with the sanction, the ultimate sanction, then the only fulfillment of all of our contracts to the people that we represent is to perform this most sad duty.

● Mr. FUQUA. Mr. Speaker, it is with a heavy heart that I have listened to this debate. I love this House and that for which it stands.

Though I can feel compassion for a colleague, though I can feel sympathy for a fellow human, and though my heart goes out to the families of those who may stand so accused in the well of the House now or in the future, my duty is clear.

I have wrestled with my conscience to determine my course of action today and in the future. I do so with as much thoughtful consideration as anything I have done as a Member of Congress. As a matter of fact, I have said a few prayers over the subject.

It is my feeling that we, as Members of this House, owe it to those who have the unpleasant duty of judging their fellow Members, in this case the House Committee on Standards of Official Conduct, an opportunity to present their findings. Those who would use that process for partisan political means violate my personal sense of responsibility. Should any Member feel that the committee is not performing its responsibilities in a timely and reasonable fashion, they should so inform the House and then the House set a reasonable time for the committee to complete its work.

Those men and women who serve on that committee have my deep appreciation for doing an unpleasant job which has no pluses for them personally, but which is vital if the American people are to have faith in their elected representatives and their Goverment.

I wish to state that my personal position, henceforth, is that I will vote to expel any Member of the U.S. House of Representatives who is convicted of a crime which carried with it the possible penalty of a prison term of at least 1 year. In so doing, I feel I will be fulfilling my responsibilities and my oath of office. Since terms in the House are only 2 years, to follow the procedures of the courts where interminable delays and appeals can consume years and make any proceeding in the House a moot question, some method must be found for us to act expeditiously and also with fairness.

Henceforth, from this day, I shall vote to expel any Member convicted in a court of law for a crime which carries with it the penalty of 1 year in prison, regardless of the recommendation of the committee or a vote of my colleagues. I think it would be a standard which it would be well for others to adopt. This is a very personal statement of my strong feelings of my responsibilities to those who have elected me to represent them.

The evidence in the case before us today is overwhelming. I am saddened that one who would take the oath of office to preserve and protect the Constitution and one who has the privilege of helping enact the laws by which this great Nation will be governed would so wantonly violate those tenets.

For me, the only course of action is to vote for expulsion not only as a punishment for the actions of this individual in bringing disrepute to his office, but also to serve as a firm warning to those who will serve hereafter.●

● Mr. GONZALEZ. Mr. Speaker, the committee investigated this matter under authority of House Resolution 608, which is reproduced in the committee report, volume 1.

I direct attention to page 81 of the report, wherein House Resolution 608 is reproduced. There is a clause there, in section 6, which says that the committee "may restrict access to information received from the Justice Department to such members of the committee or House . . . as the committee may designate."

I voted against this resolution because that clause clearly made second-class citizens out of some members of the committee, if the committee majority decided to exclude information from its own members. I cannot think of a more pernicious thing than to have investigators of equal rank and authority able to deny information available to others of equal rank, authority and, most important, responsibility.

My question is this: Did the committee, at any time, ever invoke its powers to restrict access to information to its own members?

I think we have to be aware of precedent here. No one can say that the actions of Mr. MYERS were honorable, but neither could we say that those actions are any more gross in character than those of Mr. Diggs, who was only censured. The committee did not move to recommend expulsion of Diggs until all his court appeals had been exhausted. In this case, the actions of the trial court are not even finished, let alone appeals.

It seems to me that we are confronted here with a set of sliding standards. The crimes involved are equally odious in the Diggs case, but the committee felt he was entitled to exhaust appeals. How do you justify the different treatment?

We have to bear in mind that other trials involving this same investigation will be occurring. The evidence in some of these cases is more ambiguous than the evidence here. Let us suppose, however, that convictions result. Would the committee, notwithstanding the fact that the evidence may be more ambiguous in subsequent cases, also recommend expulsion upon a decision of the jury, notwithstanding the status of appeals? In other words, is the standard for expulsion a pronouncement of guilty by the jury notwithstanding appeals in criminal matters? If that is so, would you not be obliged to recommend expulsion on the basis of any pronouncement by jury of guilt even though that verdict may be overturned?

Suppose we vote to expel Mr. MYERS today, and the people of his district reelect him on November 4. What would you recommend the House do in the post-election session, or when it convenes for the next Congress? If Mr. MYERS is reelected on November 4, notwithstanding his expulsion, it seems to me that they judge him differently than we do. Are the people of that district entitled to be represented by a scoundrel if that is their choice?●

● Mr. HOLLENBECK. Mr. Speaker, I feel that this is the most solemn moment in the history of the House. We are shortly to vote on the expulsion of one of our membership.

Mr. Speaker, consideration of an expulsion resolution involves two competing interests—that of the House to discipline and police itself and that of a constituency free to elect the Member of its choice.

Now, first let me dispose of any suggestions that this matter is analogous to or subject to the precedent of the Diggs matter. My time is limited hence I will permit others to address other serious points.

Floor consideration of the Diggs case in July 1979 resulted in the censure of Representative Diggs for misuse of clerk-hire allowance. To my mind, it was a serious offense, involving the misapplication of public funds to solve the Member's personal financial worries, and warranted censure.

But, most important, Representative Diggs was convicted in Federal district court in October 1978, subsequent to the time during which the committee could act, and was reelected in November. Because the committee, proceeding under rule 16, rule 14 not having been adopted yet, recommended and the House agreed to, censure and restitution in that case, the competing interests of the House and the constituency never directly clashed, although the committee's report discussed the precedents.

I am inserting, at this point, my remarks concerning Diggs and in answer to questions raised today. I trust that, this time, Members will comprehend them.

First, there has been considerable controversy over the committee not recommending expulsion of the gentleman from Michigan. The questions most often posed in this regard are: First, "Have we the power to expel?" and second, "If so, why was expulsion not recommended in this case?"

The committee declined to recommend expulsion of Congressman DIGGS for reasons stated at page 20 of the report. Probably the most important of those reasons was the opinion of the committee that the offenses charged, although very serious, simply did not warrant the ultimate punishment of expulsion—a punishment meted out only three times in the history of the House—a punishment which has never been imposed for an act short of treason, a punishment which has not been imposed in over a century. Viewing Mr. DIGGS' cooperation with the committee's investigation, his apology to the House and his agreement to repay the full amount by which he personally benefited from misuse of his clerk-hire allowance, the committee determined that a fair disposition would not include a recommendation of expulsion. Since the committee determined that expulsion was not to be included in the recommended sanctions, it was unnecessary to resolve the constitutional question of power to expel a Member.

This is not to suggest, however, that the committee did not consider the issue of this House's power to expel a Member. On the contrary, the limited precedents on the issue were briefed in detail by counsel and considerable debate was held on the matter. Contrary to the stated opinions of some of our colleagues, the power to expel a Member, articulated in article I, section 5, clause 2 of the Constitution, is not unlimited. In the instant case, where the Member was reelected after his conviction on criminal charges, a recommendation to expel could have directly conflicted with the constitutional right of Mr. DIGGS' constituency to freely choose whomever they wish to represent them. In the interest of expediting a fair resolution of the issue at hand—that is, the question of Mr. DIGGS' official conduct—the committee, after determining that expulsion was inappropriate, chose not to delay the proceeding by further discussion of the power to expel.

Finally, with respect to the expulsion issue, I would like to associate myself with the remarks of the gentleman from South Carolina regarding the effect of yesterday's vote on H.R. 391. Clearly, as that vote indicates, the majority of the Members of the House agree with the Committee on Standards of Official Conduct that expulsion is not an appropriate remedy in this case.

A second question raised by a number of our colleagues regards the effect of this disposition on the power of the House to later consider a resolution to expel the Member if and when his criminal conviction is upheld and he is incarcerated. It is, first of all, my fervent hope and sincere anticipation that the gentleman from Michigan, who at his criminal trial emphasized his dedication to his constituency, would see fit under such circumstances to resign, so that a new representative could promptly be chosen to replace him. If that is not the case, nothing in the committee's recommendation or report, or in the committee's predisposition negotiation with Mr. DIGGS, should be construed as precluding subsequent House action to expel the Member. That is, the recommended disposition of this matter is not intended to bar the House from expelling Mr. DIGGS if he is incarcerated and unable to actively represent his constituency.

A third question of common interest concerns the relationship of the House's action today and the criminal proceedings involving the Member. It is the opinion of the committee that the two are totally independent, that the ultimate disposition of charges in each forum is unaffected by the other. The committee's action is not intended or expected to influence the U.S. court of appeals decision in the Member's pending appeal. Reversal by the appellate court of the criminal conviction would in no way affect the House action here under consideration.

A fourth question—or rather category of questions—which warrants only a brief response, concerns the issue of the Member's race. While some have suggested that racism fueled the investigation of Congressman DIGGS, others have claimed that a racial "double standard" precluded serious consideration of a harsher sanction. The committee, of course, denies that the race of the Member had any bearing whatsoever on its investigation. We cannot prevent some persons, either in or out of the House, from making such insinuations, but we are confident that our record, as well as the record of the entire House, in dealing with disciplinary proceedings refutes any such suggestions. We have attempted to the best of our ability to observe justice and fairness in every case, judging each on the evidence presented. We have been extremely cognizant of our obligation to observe the due process rights of any Member or person involved in one of our proceedings. With regard to this specific case, it is most important to note that the Member has admitted guilt, apologized to the House, agreed to make restitution, and agreed to accept censure because of his misconduct. Believing that to be a fair disposition, the committee incorporated each of those points in its recommendations.

The suggestion that censure rather than expulsion was recommended so as not to offend the black vote is not worthy of a response.

Another question raised, which I shall examine today is:

What has happened to Representative NEWT GINGRICH's House Resolution 142?

House Resolution 142 was referred to the committee where it was subject to consideration during the committee's inquiry into the conduct of Representative DIGGS, which inquiry commenced prior to House Resolution 142 on the committee's own initiative. Because of the committee's recommended resolution, House Resolution 378, which we discuss today, and assuming the resolution is adopted, no further action is scheduled by the committee with respect to House Resolution 142. In this connection, Representative GINGRICH has been quoted as saying that the disposition of this case recommended by the committee satisfies him, particularly in view of the Member's admission of guilt, and his apology therefor.

In dealing with this matter did the committee consider in depth the issue of punishment for offenses committed prior to the most recent election? Some have asked.

The issue of punishment for offenses committed prior to a Member's election is dealt with in the report, including the supplemental views of the gentleman from Wisconsin (Mr. SENSENBRENNER). The committee is of the unanimous opinion that the power of the House to punish for prior misconduct, at least the imposition of those sanctions that fall short of expulsion, is clear and well established by many legislative precedents. It is felt that this power can be invoked without conflicting with the right of each congressional constituency to select its representative, whereas the exercise of the power to expel obviously could conflict with those rights. Because of its recommended disposition of this case, the committee found it unnecessary to express an opinion on whether the power to expel extends to prior misconduct. My colleague's will expand upon this point.

I constantly overheard some colleagues asking why not recommend that Mr. DIGGS be denied the right to vote on the floor of the House until his appeals are final?

Any attempt to deny the Member the right to vote could raise serious constitutional problems because such action obviously interferes with the right of his constituency to have a voting representative. Most felt that allowing a Member to hold his seat in the House, but denying him a vote, is perhaps worse for his constituency than expulsion. At least following expulsion the seat is vacant and a special election can be held providing the constituency the opportunity to elect a voting representative.

Mr. Speaker, I also note that the committee does not express a viewpoint on whether Mr. DIGGS may resume his chairmanships as that is a matter of party responsibility and under current practice would be a decision for the Democratic caucus. We specifically did not express a viewpoint on that matter.

I also note that the committee has acted while appeals are pending in the Federal courts concernings the Diggs conviction.

This subject is dealt with extensively in the memorandum filed by counsel for Representative Diggs in support of a motion to defer the proceedings, and the memorandum in opposition filed by special counsel to the committee. The House has responsibility to act in a totally independent disciplinary procedure with respect to allegations of misconduct, particularly of the kind relating to the Member's official duties. The committee has usually deferred initiating a formal inquiry during the course of the criminal investigation, grand jury proceeding, indictment and trial. That was done in this case. However, the appellate process can be very lengthy, even extending over the terms of two or more Congresses. The factors contributing to a decision to defer an inquiry into the conduct of a Member who has been indicted but not tried, principally problems of pretrial publicity, substantially diminish thereafter.

If a Member eventually is imprisoned, he obviously will be unable to serve his constituency. If that event occurs and the Mem-

ber does not resign, it will be a matter for the House to deal with at the time. As I stated before, there is nothing in the committee's recommended disposition of the case that limits or affects any action the House might wish to take under those circumstances, in my opinion.

Some have asked me about the costs involved in this matter. The cost of these proceedings thus far has been over $50,000.

The committee printed the original trial record to provide the Members with the opportunity to become fully acquainted with the nature of the offenses with which Representative Diggs was charged both by the Department of Justice in the criminal proceedings and the committee in its proceedings. Volume II is a transcript of the evidence taken at the trial and is very lengthy.

I have heard questions concerning the attention paid to this matter by the Members. I am pleased at the diligence of the committee on this matter. The chairman was initially and accidently ill advised by special counsel who suggested the proceeding could be concluded in 60 days. However, in defense of special counsel, he did not anticipate the challenge to the committee's jurisdiction and the efforts to defer the proceedings undertaken by counsel for Representative Diggs. Moreover, special counsel was of the opinion that the matter could be disposed of following the procedures outlined in committee rule 14 adopted earlier this year. That rule now provides that, following a conviction, if the conduct that was the subject of the criminal proceedings also involved the Member's official duties, an evidentiary hearing could be avoided and a phase two hearing immediately commenced. In a phase two hearing, only the question of the appropriate punishment is before the committee. However, the committee declined to proceed under this rule, which was adopted subsequent to the time of the occurrence of the offenses charged against Representative Diggs, retroactively.

The committee considered this matter on 14 separate occasions and adhered to the timetable of the rules as tightly as possible within the House schedule. I have added a synopsis of committee action at the end of my remarks.

It is disturbing that the recommended disposition of the case has been described by some as resulting from a "plea bargain." These terms are popularly used to describe the disposition of the vast majority of criminal proceedings. Whether or not this terminology is appropriate for the action taken in this legislative disciplinary proceeding is something over which the committee has no control. I can assure those people that the committee settled for no less than it felt was appropriate for the facts of the case.

The discussions which led to the resolution came up during procedural discussion by counsel. During the course of the discussions between special counsel and counsel for the Member, Chairman BENNETT and ranking member of the committee, Mr. SPENCE, and the special subcommittee, consisting of Representative HAMILTON and myself, were kept fully informed. Ultimately, one reason for proceeding as we did was the recognition that a lengthy evidentiary hearing would have been largely repetitious of the trial proceeding and would have contributed little or no additional evidence in support of the charges not available from the transcript of testimony received during the trial.

Mr. Speaker, I can recall that the gentleman from Virginia (Mr. BUTLER) said in debate on House Resolution 142 that Mr. DIGGS defrauded the Government of more than $100,000. This gives rise to several questions. First, is the amount of restitution too low? Is conversion of clerk-hire to office related use now legal? What happens to money owed by the gentleman from Michigan if he is no longer a Member? Will there be salary deductions?

The precise amount of money involved in any alleged improper use of the clerk-hire allowance by the Member is difficult to determine, even upon the committee's careful analysis. The amount of the note ordered as restitution is the result of such an analysis.

But I hasten to add that any action here today in no way bars the Government from further civil remedies. Just as it is the responsibility of the Department of Justice to enforce any criminal statutes the Member may have violated, it is also the Department's responsibility, acting in accordance with established policies in such matters, to institute civil action on the part of the United States to recover any clerk-hire or other funds that were disbursed otherwise than in accordance with law. We understand the Department of Justice is considering a civil action to recover such funds.

It should be made clear that the committee charges alleged the Member inflated staff salaries for three different purposes. First, to pay clearly identifiable personal expenses of the Member. Second, to pay expenses related to the Member's official duties, but which exceeded the allowances otherwise provided therefor. This was prior to the present rules allowing transfer. The third category involved alleged overcompensation of staff to pay for services rendered for the personal benefit of the Member, for example, Ms. Jeralee Richmond, who, while apparently rendering some legitimate staff duties, devoted the majority of her time to the affairs of the Member's funeral home; and Mr. George Johnson, who rendered accounting services to the Member personally and to the funeral home.

In his final response, Representative DIGGS has admitted guilt with respect to the first category and, without admitting guilt to the third category, has admitted that he personally benefited thereby. Regarding the second category office related expenses, Representative DIGGS steadfastly maintains that his use of clerk-hire funds for such purposes was not in violation of any House rules.

The amount of restitution to be made, approximately $40,000, includes the funds involved in the payment of personal expenses or staff salaries paid which inured to the personal benefit of the Member. It does not include funds used to pay office related expenses. This does not mean that the committee finds that the use of the clerk-hire allowance for those purposes did not involve violation of House rules; only that we decided not to render an opinion or judgment on that issue as part of the entire context in which the disposition of the case was reached. Committee advisory opinion No. 2 on the subject of the use of clerk-hire funds, remains the official expression of the committee on the subject. If any Member of the House believes the opinion requires explanation in any given instance, there are procedures available to obtain an interpretation.

If Representative DIGGS ceases to be a Member of the House, he still will be obligated to pay the note evidencing the amount of restitution he has agreed to make, and, as previously indicated, any civil judgment the United States might recover. It is contemplated that there will be salary deductions made to meet the obligation evidenced by the note as long as Representative DIGGS is a member.

No such competing interests are at issue today. The offenses giving rise to the expulsion resolution were committed in the time frame of the 96th Congress. Mr. MYERS' constituency has not spoken since the MYERS' conviction. If he is expelled and reelected that is an issue that will be addressed by those elected to serve in the 97th Congress.

Bribery, like crimes of corruption, in this case, the "selling" of a Member's office, are offenses of a degree of seriousness many times that of any disciplinary matter before the House during my committee service. If the ultimate disciplinary action is not taken in this case, expulsion will retreat as a viable weapon for the House to defend its integrity in any case. And this House will deserve the low esteem in which so many people hold it.

Mr. Speaker, I would associate myself with the remarks of the chairman and ranking minority member. Under their leadership the committee worked long and diligently on this matter as is obvious. But words cannot describe or explain the recognition within oneself of the burden which being a member of this committee brings, I can only say simply that every member of the committee has lived up to the obligations and trust placed upon him by this House.

Mr. Speaker, having heard the arguments and testimony including admissions by the defendant, and having viewed the direct videotaped evidence and the trial transcript, I support this resolution without reservation, and urge its adoption.●

● Mr. HAGEDORN. Mr. Speaker, I rise in strong support of the committee resolution calling for the expulsion of Representative MYERS from the House of Representatives.

I, like other Members of Congress have seen the tapes of Mr. MYERS' conversations with undercover FBI investigators and the transcripts of his trial in Brooklyn. Those materials show that he accepted $50,000 in cash from an undercover FBI agent after discussing what services he could offer in return. The only reasonable conclusion from this, which is supported by the jury's guilty verdict, is that Congressman MYERS has violated and abused his publicly held position for self-gain. He has blatantly betrayed the confidence of the American people and brought disgrace to his office.

Certainly, explusion from Congress is the most severe sanction the House can impose. But the crimes for which Mr. MYERS has been found guilty—bribery, conspiracy, and violations of the Travel Act—are equally severe. In light of the facts of this case and the evidence used against Mr. MYERS—his own words and acts—it becomes the paramount duty of the House to impose the sanction of expulsion. This is the only sanction that fits the crimes committed by Representative MYERS.

I urge my colleagues to support the committee resolution.●

● Mr. DERWINSKI. Mr. Speaker, there are two issues before us; one is the resolution to expel Representative OZZIE MYERS of Pennsylvania; the second question is the timing of this resolution. It is on this latter point that I disagree with the committee.

I do not believe that at this point, on the last action of the House before recessing for the election, that an objective situation prevails.

Based on the evidence gathered by the committee and keeping in mind the conviction in the court, it is my inten-

tion to vote to expel Representative MYERS. But I am troubled by the fact that we might be premature in doing so until such time as the appeals to which he is entitled have run their course.

I believe that the House leadership, and specifically, the Speaker, should have exercised the necessary practicality and tact to have this action deferred until the lame-duck session.

It is obvious that anyone convicted of the charges that were successfully prosecuted against Mr. MYERS does not deserve to serve as a Member of this House. The final judgment will come at some level in the judiciary, and in the case of Mr. MYERS, by his constituents on November 4. To have waited until November 12 or 13 before taking up this matter would have been much more objective, practical, and responsible scheduling.●

● Mr. FRENZEL. Mr. Speaker, I shall vote to expel Representative MYERS. I believe this body cannot operate effectively if its Members are not subject to some reasonable standards of conduct. The gentleman from Pennsylvania has clearly and indisputably used his high public office for personal enrichment. He has violated the law and he has violated the rules of the House.

Unfortunately, he did so under the spotlight of a video camera, so that eventually all of America will witness his gross misconduct. Their perception of this House of Representatives may forever be affected by the memory of his behavior.

Under the Constitution, the House is given the responsibility of being the judge of its own membership. I do not like being a judge, especially of my colleagues and peers. Like most humans, I am not perfect, and I experience torment rather than satisfaction in reviewing the misdeeds of others.

The House has never expelled a Member for corruption. That is, for many people, an indictment of the body itself. I believe that gross corruption, the offering of political favors for sale, warrants expulsion. The House precedent is not a good one.

It is said that since Mr. MYERS' case has not been decided—even though the jury has rendered a verdict—and since the appeal process has not been completed, we should not act. That reasoning misses the point.

For me, the vote depends on the House judgment of Mr. MYERS' conduct, not on someone else's judgment. If he is ultimately sent to jail, the House would probably want to expel, unless a resignation, as is customary is tendered.

The House can tolerate speeders, drunk drivers, and maybe even a few felons. It cannot tolerate, and maintain its effectiveness, any Member who offers his high office for sale. This case is so clear cut, so simple, that the House ought not to delay.

Other cases may be less clear. But in this one, there is no entrapment claim. Mr. MYERS admitted taking the money. The videotape has been described as not only damning, but also repulsive.

In my judgment, Mr. MYERS should be expelled even if the criminal court verdict is set aside. The House rules and standards may not always coincide with the criminal law.

Also, I believe, the House erred in not expelling our colleague from Michigan, Mr. Diggs. Even when his case was under appeal, he did not deny the facts of his offense. He used the people's money for his own gain, and should have been expelled whether convicted or not.

I have never believed a criminal conviction is a prerequisite to expulsion. If a criminal court acts before the House does when the House knows that an abuse has been committed, the House is guilty of dereliction of duty. I will vote today to expel for offenses against the House, not because of a conviction.

Due process has also been questioned today. Our committee has functioned fairly and carefully. Mr. MYERS has had fair and reasonable treatment. The vote will be the same whether taken now or later. Any delay would simply be delay for delay's own sake.

Should we delay or should we vote not to expel, we will only confirm the worst fears and darkest suspicions of the people of the United States about the integrity, image, and operations of this body.

I hope the House will move deliberately, but swiftly, on this most unpleasant task. We should vote to expel Representative MYERS.●

● Mr. MARTIN. Mr. Speaker, in the matter of MICHAEL O. MYERS, U.S. Representative from Pennsylvania, our Committee on Standards of Official Conduct has recommended that he be expelled. Based upon the evidence, including videotapes taken by the FBI and Mr. MYERS' own statements, the committee has concluded, as has a trial jury, that Mr. MYERS is guilty of having violated the law by accepting $15,000 in return for his promise to use his influence to assist a supposed foreigner with immigration and other matters, by conspiring with others to do so, and by traveling interstate to do so.

The record shows that Representative MYERS did present himself as an influential Congressman, that he did bargain to use that influence for money, that he did receive a payment of $15,000 which exceeds the limitation set by the House of Representatives for outside earnings, that he did not report the outside income as he was required to do by law, that he thought he was actually receiving $50,000, and that he continued to bargain for additional payments up until the so-called ABSCAM episode was leaked to the news media.

In my opinion, Mr. MYERS should be expelled from the House of Representatives immediately; not on the basis of the trial, but on the basis of what he did. He has freely admitted to his actions as I have just summarized them. His only defenses are: First, that he was merely play acting with no intention of ever doing any of the things he agreed to do when he accepted the money, and second, that he was targeted by the FBI and victimized by a web of entrapment, and third, that we have no precedent for expelling him.

As was brought out during Mr. MYERS' testimony before the committee, the first defense that he only pretended to offer to sell legislation and influence amounts to an admission of fraud. His claim that his friends had coached him that he could agree to anything without ever having to make good on his contract amounts to an admission of conspiracy to defraud. That is not a very good defense, to claim he was not guilty of felony A and B only because he was guilty exclusively of felony C.

As to the entrapment issue, the FBI has from time to time had to resort to artificial devices to pose its official agents as underworld or foreign operatives in order to obtain evidence of crimes. Such was the case here. There is no evidence here that this ABSCAM connection to MYERS was based on any linkage of previous actions on his part known to the FBI. Yet his name was introduced by one of his friends. Without speculating upon the basis of his friend's initiative and confidence that MYERS' should be brought in on what appeared to be easy money, it is clear that the FBI did not arbitrarily or otherwise target Representative MYERS, but instead acted upon the suggestion initiated by his friends, and followed through by stealthily offering him an opportunity to accept or reject a bribe.

In his criminal trial, Mr. MYERS was found guilty of taking a bribe. As has been said, he awaits a hearing on his case regarding the entrapment defense. If we must suspend and defer on that ground, must we again suspend and defer on the same ground? Surely, appeals will drag on for a year or more into the next Congress or the Congress after that. If this Congress fails to expel him, surely the later sessions will argue over whether they have any jurisdiction over acts committed in this session. Therefore, we must act now. Otherwise, we craft a precedent for avoidance of expulsion regardless of the crime, for all time.

The honor and integrity of this Congress are at stake. The argument that no Member has been expelled except for treason cites a precedent that needs to be changed, now. Let us act now, so that never again can it be argued that betrayal of trust and commission of the crime of bribery, or any crime short of treason is acceptable for membership in this office, even on a technicality, which does not bind us. Let us act now to establish a new and clear precedent that Members will be expelled for criminal abuse of their office.

There are two ways to look at the historical record which shows that no Congress has expelled any Member for corruption; or for any reason at all since December 3, 1861. I look at that record and say to you: It's about time we did.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I feel obligated to rise in opposition to House Resolution 794, a resolution to expel Representative MICHAEL O. MYERS. As the dissenting views to the committee report of our colleagues, Mr. HAMILTON, of Indiana, and Mr. STOKES, of Ohio, make clear, opposition to this resolution should not be considered in any way as an approval of what Representative MYERS did, as revealed in the trial transcript, the videotapes, and his own testimony before the committee.

As has been stated, only three Representatives since the founding of the Republic have been expelled from the

House, and all three of those expulsions occurred in 1861. In fact, each of those three Members expelled, either directly or indirectly took up arms against the United States, and in so doing, committed blatantly treasonous acts. Thus, no Member has ever been expelled for any act less than treason. I point this out merely to demonstrate the severity of the action contemplated, and to underscore my belief that such action is premature at this time.

Expulsion of a sitting Member of Congress is clearly within the authority of this body and is so provided for in the Constitution. But the implication of expulsion for the institution, for the Member involved, and most importantly, for the congressional district which has chosen him to serve in Washington, is so great that this ultimate sanction has been rarely used.

I am troubled any time we are put in a position of making moral judgments on our peers. Drawing lines on issues of morality are very difficult. For that reason, Mr. Speaker, I believe that it is important that if we are to expel Mr. MYERS it be done on a more objective basis than our relative level of disdain for what he did. I look to the courts as the final arbiter of his guilt or innocence.

Basing my belief that expulsion should be linked to the conviction of Mr. MYERS, I am forced to conclude that we cannot rightly act on this matter until his conviction is final. The remaining legal issues in this case have been debated at much length today. From that debate it is clear to me that we have not yet seen a final determination in this matter.

If the conviction is upheld and all appeals are exhausted, I would not have the reservation I have today about voting to expel MICHAEL MYERS for his criminal acts. Absent such a final finding, however, I believe that it is improper for the House to take the action recommended by the Committee on Standards of Official Conduct. Thus, I find it necessary to vote against House Resolution 794 at this time.●

● Mr. ROYBAL. Mr. Speaker, I, like everybody in this Chamber, am disturbed by the actions of Representative MICHAEL O. MYERS, and believe that those actions cannot and should not be condoned by this body. However, I am equally disturbed by what we are doing as well as by the manner in which we are doing it. In our eagerness to adjourn, we have not given this grave issue the attention it deserves, and we have trampled the constitutional rights of our colleague. The expulsion of a Member from this body is so drastic a step that of the thousands of men and women who have served over the years, only three have ever been expelled. I do not believe that an issue of such magnitude should be decided on the day of adjournment a few weeks before the election.

Representative MYERS, no more or less than any other citizen of this great country, is entitled to a fair hearing which provides him with due process and an impartial jury undistracted by matters not relevant to his guilt or innocence. Has Representative MYERS received what he is entitled to? I submit that he has not.

We are the jury in this case. How material to the guilt or innocence of Representative MICHAEL MYERS is the fact that this House will adjourn in a few hours? How material to the guilt or innocence of Representative MYERS is the fact that almost every one of us will be up for reelection in 1 short month? How material to the guilt or innocence of Representative MYERS is the fact that some Members are in very close races which may be decided by how they voted on this issue?

All of us know that these factors are totally and absolutely irrelevant to the guilt or innocence of Representative MICHAEL MYERS, yet all of us know that these facts have greatly influenced how many members of the jury voted on this issue. Representative MICHAEL MYERS has been expelled by a jury greatly under the influence of the hysteria which surrounds the elections in this country. Because this is true, I could not vote to expel him.

I stated earlier that Representative MYERS is entitled to due process, but did not receive it today. The Federal district court, with far more facts and evidence than has been made available to us, has not yet decided whether Representative MYERS' right to due process was violated by the Justice Department. Many questions material to the final determination of the guilt or innocence of Representative MYERS have yet to be answered. How did the Justice Department make the determination to investigate Representative MYERS? Was he predisposed to commit the crime or was he induced to break the law by the Justice Department? The answer to these questions will finally determine whether or not Representative MYERS is guilty or innocent of the crime, and nobody in this body was presented with any evidence on which to base an answer to these very crucial questions. If we cannot answer the basic question of whether Representative MYERS is guilty or innocent, how presumptuous and self-righteous it was of us to feel free to answer the question of whether or not he would remain a Member of this Chamber. Representative MICHAEL MYERS was not accorded the fair process he was due and because of this, I did not vote to expel him.

Had my colleagues looked within themselves and asked themselves if they would want to be tried without due process and by a jury concerned about elections rather than basic justice, they would have voted otherwise. However, they did not and regrettably, a terrible precedent has been set.●

Mr. BENNETT. Mr. Speaker, every life has its tragedies. The most painful of the tragedies are those that we earn ourselves by our own defects. When the concluding remarks were prepared for me to make in the early part of this statement, there was a sentence, "There can be no other choice of sanctions for such a man." I struck through the phrase "a man" and changed it to read "There can be no other choice of sanctions for such actions."

God never made a bad man or a bad woman. We make our mistakes in life. We have to pay for those mistakes. In this instance, the integrity of the House of Representatives is at stake, an institution which is not only important for our country but for mankind.

So, as painful as it is for me to do this, I must ask the House of Representatives to expel Representative MYERS.

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

The SPEAKER. The question is on the resolution offered by the gentleman from Florida (Mr. BENNETT).

The question was taken.

Mr. CHARLES H. WILSON of California. Mr. Speaker, at the request of the gentleman from Pennsylvania (Mr. MYERS). I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 30, not voting 26, as follows:

[Roll No. 622]

YEAS—376

Addabbo	Corcoran	Gramm
Akaka	Cotter	Grassley
Ambro	Coughlin	Gray
Anderson, Calif.	Courter	Green
Andrews, N.C.	Crane, Daniel	Grisham
Andrews, N Dak.	Crane, Philip	Guarini
Annunzio	D'Amours	Gudger
Anthony	Daniel, Dan	Guyer
Applegate	Daniel, R. W.	Hagedorn
Archer	Danielson	Hall, Tex.
Ashbrook	Dannemeyer	Hamilton
Ashley	Daschle	Hammer-schmidt
Aspin	Davis, Mich.	Hance
Atkinson	de la Garza	Hanley
AuCoin	Deckard	Hansen
Badham	Dellums	Harkin
Bafalis	Derrick	Harris
Baldus	Derwinski	Harsha
Barnard	Devine	Hawkins
Barnes	Dickinson	Heckler
Bauman	Dicks	Hefner
Beard, R.I.	Dixon	Heftel
Beard, Tenn.	Donnelly	Hightower
Bedell	Dornan	Hillis
Benjamin	Dougherty	Hinson
Bennett	Downey	Hollenbeck
Bereuter	Duncan, Oreg.	Holt
Bethune	Duncan, Tenn.	Hopkins
Bevill	Early	Horton
Bingham	Eckhardt	Howard
Blanchard	Edgar	Hubbard
Boggs	Edwards, Ala.	Huckaby
Boland	Edwards, Okla.	Hughes
Boner	Emery	Hutchinson
Bonior	English	Hutto
Bonker	Erdahl	Hyde
Bouquard	Erlenborn	Ichord
Bowen	Ertel	Ireland
Brademas	Evans, Del.	Jacobs
Breaux	Evans, Ga.	Jeffords
Brinkley	Evans, Ind.	Jeffries
Broyhead	Fary	Jenkins
Brooks	Fascell	Johnson, Calif.
Broomfield	Fazio	Johnson, Colo.
Brown, Calif.	Fenwick	Jones, N.C.
Broyhill	Ferraro	Jones, Okla.
Buchanan	Findley	Jones, Tenn.
Burgener	Fish	Kastenmeier
Burlison	Fisher	Kazen
Burton, Phillip	Fithian	Kemp
Butler	Flippo	Kildee
Byron	Florio	Kindness
Campbell	Foley	Kogovsek
Carney	Ford, Tenn.	Kostmayer
Carr	Forsythe	Kramer
Carter	Fountain	LaFalce
Cavanaugh	Fowler	Lagomarsino
Chappell	Frenzel	Latta
Cheney	Frost	Leach, Iowa
Chisholm	Fuqua	Leath, Tex.
Clausen	Gephardt	Lee
Cleveland	Giaimo	Lehman
Clinger	Gibbons	Lent
Coelho	Gilman	Levitas
Coleman	Ginn	Lewis
Collins, Ill.	Gingrich	Livingston
Collins, Tex.	Glickman	Lloyd
Conable	Goldwater	Loeffler
Conte	Goodling	Long, La.
	Gore	Long, Md.
	Gradison	

Lott	Ottinger	St Germain
Lowry	Panetta	Stack
Lujan	Pashayan	Stangeland
Luken	Patten	Stanton
Lundine	Patterson	Stenholm
Lungren	Paul	Stewart
McClory	Pease	Stockman
McCloskey	Pepper	Stratton
McCormack	Perkins	Studds
McDade	Petri	Stump
McDonald	Peyser	Swift
McEwen	Pickle	Symms
McHugh	Porter	Synar
McKay	Preyer	Tauke
McKinney	Price	Tauzin
Madigan	Pritchard	Taylor
Maguire	Pursell	Thomas
Markey	Quillen	Traxler
Marks	Rahall	Trible
Marlenee	Railsback	Udall
Marriott	Ratchford	Ullman
Martin	Regula	Van Deerlin
Mathis	Rhodes	Vander Jagt
Matsui	Rinaldo	Vanik
Mattox	Ritter	Vento
Mavroules	Robinson	Volkmer
Mazzoli	Rodino	Walgren
Mica	Roe	Walker
Michel	Rose	Wampler
Mikulski	Rousselot	Watkins
Miller, Calif.	Royer	Waxman
Miller, Ohio	Rudd	Weaver
Mineta	Russo	White
Minish	Sabo	Whitehurst
Moakley	Santini	Whitley
Moffett	Satterfield	Whittaker
Mollohan	Sawyer	Whitten
Montgomery	Scheuer	Williams, Mont.
Moore	Schroeder	Williams, Ohio
Moorhead, Calif.	Schulze	Wilson, Bob
	Seiberling	Winn
Moorhead, Pa.	Sensenbrenner	Wirth
Murphy, Ill.	Sharp	Wolff
Murtha	Shelby	Wolpe
Musto	Shumway	Wright
Myers, Ind.	Shuster	Wyatt
Natcher	Simon	Wydler
Neal	Skelton	Wylie
Nedzi	Smith, Iowa	Yates
Nelson	Smith, Nebr.	Yatron
Nichols	Snowe	Young, Alaska
Nowak	Snyder	Young, Fla.
O'Brien	Solarz	Young, Mo.
Oakar	Solomon	Zablocki
Oberstar	Spellman	Zeferetti
Obey	Spence	

NAYS—30

Alexander	Garcia	Rangel
Bailey	Gaydos	Richmond
Bellenson	Gonzalez	Rosenthal
Bolling	Holland	Rostenkowski
Clay	Kelly	Roybal
Conyers	Lederer	Stark
Davis, S.C.	Leland	Stokes
Drinan	Mitchell, Md.	Weiss
Edwards, Calif.	Murphy, N.Y.	Wilson, C. H.
Ford, Mich.	Murphy, Pa.	Wilson, Tex.

NOT VOTING—26

Abdnor	Hall, Ohio	Reuss
Albosta	Holtzman	Roberts
Anderson, Ill.	Jenrette	Roth
Biaggi	Leach, La.	Sebelius
Brown, Ohio	Mitchell, N.Y.	Shannon
Burton, John	Mottl	Staggers
Corman	Myers, Pa.	Steed
Dingell	Nolan	Thompson
Dodd	Quayle	

□ 1450

So (two-thirds having voted in favor thereof) the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Governor of the Commonwealth of Pennsylvania of the action of the House.

The matter is closed.

PERSONAL EXPLANATION

Mr. PHILLIP BURTON. Mr. Speaker, because the rules do not permit a Member to announce his position on this particular type of vote that was just had, as is normally the case, the gentleman from California (Mr. JOHN L. BURTON), who is necessarily absent because of a longstanding set of commitments in his State, has asked me to announce his position in support of the committee resolution. The gentleman wants the record to reflect his support of the resolution.

PROVIDING FOR LIMITED CONTINUATION OF PAY OF CLERICAL ASSISTANCE TO MEMBERS IN CERTAIN CASES OF TERMINATION OF SERVICE

Mr. NEDZI. Mr. Speaker, I offer a resolution (H. Res. 804), and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 804

Resolved, That (a) until otherwise provided by law, for purposes of the joint resolution entitled "Joint resolution relating to the continuance on the payrolls of certain employees in cases of death or resignation of Members of the House of Representatives, Delegates, and Resident Commissioners.", approved August 21, 1935 (2 U.S.C. 92b, 92c, and 92d), any termination of service during a term of office of a Member of the House that is not described in the first section of such joint resolution shall be treated as if such termination were described in such section.

(b) The Clerk of the House shall take such action as may be necessary to apply the principles of section 2 of the joint resolution referred to in subsection (a) (2 U.S.C. 92c) in the carrying out of this resolution.

SEC. 2. The Committee on House Administration shall have authority to prescribe regulations for the carrying out of this resolution.

SEC. 3. Payments under this resolution shall be made on vouchers approved by the Committee on House Administration and signed by the chairman of such committee.

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

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished acting committee chairman, the gentleman from Michigan (Mr. NEDZI), to explain the resolution.

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

Mr. Speaker, the action which this body has just taken makes it necessary for the House to authorize the Clerk to review and adjust the operations of the offices of the First Congressional District of Pennsylvania. Under the provisions of 2 U.S.C. 92 (b), (c), and (d), the Clerk is authorized to make such adjustments when other circumstances create a vacancy. This resolution will extend that authority to cover the action which this body has just taken; adoption of this resolution will allow continued though limited service to constituents in the district.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INSTALLMENT SALES REVISION ACT OF 1980

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6883) to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 17, over to and including line 5 on page 3, and insert:

"(2) EXCEPTIONS.—The term 'installment sale' does not include—

"(A) Dealer disposition of personal property.—A disposition of personal property on the installment plan by a person who regularly sells or otherwise disposes of personal property on the installment plan.

"(B) Inventories of personal property.—A disposition of personal property of a kind which is required to be included in the inventory of the taxpayer if on hand at the close of the taxable year.

Page 8, line 18, strike out "The" and insert. "Except for purposes of subsections (g) and (h), the".

Page 9, line 4, strike out "property" and insert "property (whether or not payment of such indebtedness is guaranteed by another person)".

Page 10, after line 15, insert:

"(7) DEPRECIABLE PROPERTY.—The term 'depreciable property' means property of a character which (in the hands of the transferee) is subject to the allowance for depreciation provided in section 167.

Page 10, strike out all after line 15, over to and including line 17, on page 12, and insert:

"(g) SALE OF DEPRECIABLE PROPERTY TO SPOUSE OR 80-PERCENT OWNED ENTITY.—

"(1) IN GENERAL.—In the case of an installment sale of depreciable property between related persons within the meaning of section 1239(b), subsection (a) shall not apply, and, for purposes of this title, all payments to be received shall be deemed received in the year of the disposition.

"(2) EXCEPTION WHERE TAX AVOIDANCE NOT A PRINCIPAL PURPOSE.—Paragraph (1) shall not apply if it is established to the satisfaction of the Secretary that the disposition did not have as one of its principal purposes the avoidance of Federal income tax.

Page 13, strike out lines 15 to 20, and insert:

"(C) SPECIAL RULE WHERE OBLIGOR AND SHAREHOLDER ARE RELATED PERSONS.—If the obligor of any installment obligation and the shareholder are related persons (within the meaning of section 1239(b)), to the extent such installment obligation is attributable to the disposition by the corporation of depreciable property—

"(i) subparagraph (A) shall not apply to such obligation, and

"(ii) for purposes of this title, all payments to be received by the shareholder shall be deemed received in the year the shareholder receives the obligation.

Page 16, strike out all after line 2, over to and including line 16 on page 19.

Page 19, line 17, strike out "(c)" and insert "(b)".

Page 22, strike out lines 4 to 23, and insert:

"(e) LIFE INSURANCE COMPANIES.—

"(1) IN GENERAL.—In the case of a disposition of an installment obligation by any

person other than a life insurance company (as defined in section 801(a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

"(2) SPECIAL RULE WHERE LIFE INSURANCE COMPANY ELECTS TO TREAT INCOME AS INVESTMENT INCOME.—Paragraph (1) shall not apply to any transfer or deemed transfer of an installment obligation if the life insurance company elects (at such time and in such manner as the Secretary may by regulations prescribe) to determine its life insurance company taxable income—

"(A) by returning the income on such installment obligation under the installment method prescribed in section 453, and

"(B) if such income would not otherwise be returnable as an item referred to in section 804(b) or as long-term capital gain, as if the income on such obligations were income specified in section 804(b).

Page 23, strike out lines 17, 18, and 19, and insert:

(2) Paragraph (8) of section 381(c) is amended—

(A) by striking out "has elected, under section 453, to report on the installment basis" and inserting in lieu thereof "reports on the installment basis under section 453 or 453A", and

(B) by striking out "for purposes of section 453" and inserting in lieu thereof "for purposes of section 453 or 453A".

(3) Subsection (d) of section 481 is hereby repealed.

Page 23, line 20, strike out "(3)" and insert "(4)".

Page 23, line 24, strike out "(4)" and insert "(5)".

Page 24, line 11, strike out "(5)" and insert "(6)".

Page 27, after line 19, insert:

SEC. 5. COORDINATION WITH SECTION 1239.

Subsections (b) and (c) of section 1239 (defining related persons) are amended to read as follows:

"(b) RELATED PERSONS.—For purposes of subsection (a), the term 'related persons' means—

"(1) the taxpayer and the taxpayer's spouse,

"(2) the taxpayer and an 80-percent owned entity, or

"(3) two 80-percent owned entities.

"(c) 80-PERCENT OWNED ENTITY DEFINED.—

"(1) GENERAL RULE.—For purposes of this section, the term '80-percent owned entity' means—

"(A) a corporation 80 percent or more in value of the outstanding stock of which is owned (directly or indirectly) by or for the taxpayer, and

"(B) a partnership 80 percent or more of the capital interest or profits interest in which is owned (directly or indirectly) by or for the taxpayer.

"(2) CONSTRUCTIVE OWNERSHIP.—For purposes of subparagraphs (A) and (B) of paragraph (1), the principles of section 318 shall apply, except that—

"(A) the members of an individual's family shall consist only of such individual and such individual's spouse, and

"(B) paragraphs (2)(C) and (3)(C) of section 318(a) shall be applied without regard to the 50-percent limitation contained therein.".

Page 27, line 20, strike out "5" and insert "6.".

Page 27, line 21, strike out "SECTION 2.—" and insert "SECTIONS 2 and 5.—".

Page 27, line 23, strike out "section 2" and insert "sections 2 and 5".

Page 28, line 3, after "to" insert "first".

Page 28, after line 8, insert:

(4) FOR SECTION 453A.—Section 453A of the Internal Revenue Code of 1954 (as amended by section 2) shall apply to taxable years ending after the date of enactment of this Act.

Page 28, line 9, strike out "(4)" and insert "(5)".

Page 28, line 14, strike out "(5)" and insert "(6)".

Page 28, after line 17, insert:

(7) SPECIAL RULE FOR APPLICATION OF FORMER SECTION 453 TO CERTAIN DISPOSITIONS.—In the case of any disposition made on or before the date of the enactment of this Act in any taxable year ending after such date, the provisions of section 453(b) of the Internal Revenue Code of 1954, as in effect before such date, shall be applied with respect to such disposition without regard to—

(A) paragraph (2) of such section 453(b), and

(B) any requirement that more than 1 payment be received.

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

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Oregon?

Mr. DUNCAN of Tennessee. Mr. Speaker, reserving the right to object, I will not object, but I do yield to the committee chairman, the gentleman from Oregon (Mr. ULLMAN), to explain the conference.

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

Mr. Speaker, the bill, H.R. 6883, amends the rules for reporting gains under the installment method. The bill simplifies and improves present law by repealing unnecessary requirements and clarifying other provisions. It it supported by the Treasury Department, professional organizations and farm, small business, and banking groups.

H.R. 6883, as it passed the House, amends the rules for reporting gains under the installment method for sales of real property and casual sales of personal property. The bill would: First, make structural improvements to these provisions; second, eliminate the 30-percent initial payment limitation; third, eliminate the requirement that an eligible sale be for two or more payments; fourth, eliminate the selling price requirement for nondealer sales of personal property; fifth, provide that installment reporting automatically applies to a deferred payment sale unless the taxpayer elects otherwise; sixth, prescribe special rules for sales to certain related parties; seventh, provide that the receipt of like-kind property in connection with an installment sale will not accelerate recognition of gain; eighth, provide nonrecognition treatment for distributions of installment obligations received in connection with a 12-month corporate liquidation; ninth, permit installment method reporting for sales for a contingent selling price; tenth, clarify the treatment of gift cancellations of an installment obligation; eleventh, clarify the treatment of an installment obligation which is canceled at the death of the seller; and twelfth, permit an executor or beneficiary to succeed the decedent for purposes of qualifying for nonrecognition treatment if real property sold by the decedent is reacquired in cancellation of an installment obligation.

The Senate amended the bill to: First, clarify and coordinate the provisions relating to sales of depreciable property between closely related parties; second, clarify that a third party guarantee—including a standby letter of credit—securing a deferred payment sale will not constitute payment to the seller; third, eliminate any potential for double taxation when a dealer changes from an accrual method of accounting for sales to the installment method of reporting; fourth, provide that existing special disposition rules for transfers of installment obligations to a life insurance company will not apply if the company reports any remaining gain as taxable investment income when it receives payments on the obligation; and, fifth, make the repeal of the 30-percent initial payment and two or more payment requirements effective for transactions occurring in taxable years ending after the date of enactment rather than for transactions occurring after that date.

The Senate amendments are noncontroversial and are generally supported by the Treasury Department. Mr. Speaker, I urge the House to approve the bill as amended.

Mr. Speaker, I suggest that the gentleman from Tennessee (Mr. DUNCAN) yield to the distinguished chairman of the Subcommittee on Select Revenue Measures, the gentleman from Illinois (Mr. ROSTENKOWSKI), for a fuller explanation.

Mr. DUNCAN of Tennessee. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, the Installment Sales Revision Act has received a considerable amount of consideration at the subcommittee level. We held two separate hearings on this matter, along with the gentleman from Tennessee (Mr. DUNCAN), and the legislation was carefully drafted to take into consideration all the suggestions that we received from both the Treasury Department and interested members of the tax community.

This bill was overwhelmingly approved by the House, and I know of no objection to the technical refinements made by the Senate.

Final approval in the House today concludes the first congressional effort to simplify the tax code. Installment sales

are used in a diverse number of business transactions, and the simplifications made by H.R. 6883 will eliminate traps in the current provision and make this method more widely available.

I hope, Mr. Speaker, that this will be only the first of many projects to simplify the code that we will bring to the House for its consideration.

Mr. Speaker, this is a good bill, and final approval of it at this time will allow tax planning to go on with some certainty, knowing that the improved rules of H.R. 6883 are now available for use.

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

Mr. DUNCAN of Tennessee. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

Mr. Speaker, can my colleague, the gentleman from Illinois (Mr. ROSTENKOWSKI), assure us that the amendments made by the Senate which he has personally described do not substantially change the tenor of what we have?

Mr. ROSTENKOWSKI. Mr. Speaker, the gentleman has the complete commitment of the gentleman from Illinois that they do not change it.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's comment.

Mr. DUNCAN of Tennessee. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DANIELSON). Is there objection to the request of the gentleman from Oregon (Mr. ULLMAN) that further reading of the Senate amendments be dispensed with, and that they be printed in the RECORD?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

RELATING TO TARIFF TREATMENT OF CERTAIN ARTICLES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3122) relating to the tariff treatment of certain articles, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out the table after line 9, and insert:

"Other:			
470.16	Logwood	Free	Free.
470.18	Other	4% ad val	15% ad val.".

Page 2, line 22, strike out "to which" and insert "described in".

Page 2, line 23, strike out "applied".

Page 3, strike out all after line 16, over to and including line 4, on page 4.

Page 4, line 5, strike out "4." and insert: 3.

Page 4, line 14, strike out "5." and insert 4.

Page 5, line 5, strike out "6." and insert: 5.

Page 5, line 10, strike out "6/30/81" and insert: "6/30/84".

Page 5, line 18, strike out "to which" and insert "described in".

Page 5, line 20, strike out "applied".

Page 6, after line 9, insert:

SEC. 6. PERMANENT DUTY-FREE TREATMENT FOR CERTAIN CARILLON BELLS.

(a)(1) Item 725.38 of the Tariff Schedules of the United States (19 U.S.C. 1202, relating to chimes, peals, or carillons containing over 34 bells) is amended by striking out "2.6% ad val." and inserting in lieu thereof "Free".

(2) The amendment made by paragraph (1) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b)(1) The Secretary of the Treasury shall admit free of duty 47 carillon bells (including all accompanying parts and accessories) for the use of Wake Forest University, Winston-Salem, North Carolina, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

(2) The Secretary of the Treasury shall admit free of duty 49 carillon bells (including all accompanying parts and accessories) for the use of the University of Florida, Gainesville, Florida, such bells being provided by Koninkligke Eijsbouts B.V., Asten, The Netherlands.

(3) If the liquidation of the entry for consumption of any article subject to the provisions of paragraph (1) or (2) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

SEC. 7. EXTENSION OF DUTY-FREE ENTRY PERIOD FOR TELESCOPE AND OTHER ARTICLES FOR USE OF THE INTERNATIONAL TELESCOPE PROJECT IN HAWAII.

(a) Section 2(a) of Public Law 93-630 (88 Stat. 2152) is amended by striking out "June 30, 1980" and inserting in lieu thereof "June 30, 1982".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in section 2 of Public Law 93-630 (88 Stat. 2152) (as in effect on June 30, 1980), and

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 8. SUSPENSION OF DUTY ON SYNTHETIC RUTILE UNTIL JUNE 30, 1982.

(a) Item 911.25 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 911.25 of the Tariff Schedules of the United States (as in effect on June 30, 1979) and—

(1) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 9. PERMANENT DUTY-FREE TREATMENT FOR SYNTHETIC TANTALUM-COLUMBIAN CONCENTRATES.

(a) Part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 603.65 the following new item:

"603.67	Materials, other than the foregoing, which are synthetic tantalum-columbium concentrates	Free	30% ad val.".

(b) Item 911.27 of the Appendix to such Schedules is repealed.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 911.27 of the Tariff Schedules of the United States (as in effect on June 30, 1980) and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 10. TEMPORARY SUSPENSION OF DUTY ON CERTAIN ALLOYS OF COBALT.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"911.90	Unwrought alloys of cobalt containing, by weight, 76% or more but less than 99% cobalt (provided for in item 632.88, part 2K, schedule 6)	Free	No change.	On or before 6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 11. TEMPORARY SUSPENSION OF DUTY ON BICYLE PARTS AND ACCESSORIES.

(a) Item 912.05 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(b) Item 912.10 of the Appendix to such Schedules is amended—

(1) by inserting "two-speed hubs with in-

ternal gear-changing mechanisms," immediately after "coaster brakes,";

(2) by striking out "rims," and inserting in lieu thereof "frame lugs,";

(3) by striking out "and 732.41" and inserting in lieu thereof "732.41 and 732.42"; and

(4) by striking out "60/30/80" and inserting in lieu thereof "6/30/83'.'

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which section 912.05 or 912.10 of the Tariff Schedules of the United States (as amended by subsection (b)) would have applied if this Act had been enacted before July 1, 1980, and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by subsections (a) and (b) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 12. RETROACTIVE DUTY-FREE TREATMENT FOR MANGANESE ORE AND RELATED PRODUCTS.

Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27 of the Tariff Schedules of the United States)—

(1) that was made after June 30, 1979, and before January 1, 1980, and

(2) with respect to which there would have been no duty if the entry or withdrawal had been made on or after Janury 1, 1980.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 13. DEFINITION OF RUBBER FOR PURPOSES OF THE TARIFF SCHEDULES.

(a) Headnote 2 to subpart B of part 4 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"2. (a) For the purposes of the tariff schedules, the term 'rubber' means any substance, whether natural or synthetic, in bale, crumb, powder, latex, or other crude form, that—

"(i) can be vulcanized or otherwise cross-linked, and

"(ii) after cross-linking, can be stretched at 68° F. to at least three times its original length and that, after having been stretched to twice its original length and the stress removed, returns within 5 minutes to less than 150 percent of its original length.

"(b) For purposes of the tariff schedules other than schedule 4, the term 'rubber' also means any substance described in subdivision (a) that also contains fillers, extenders, pigments, or rubber-processing chemicals, whether or not such substance, after the addition of such fillers, extenders, pigments, or chemicals, can meet the tests specified in clauses (i) and (ii) of subdivision (a).".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, on or after the date of the enactment of this Act.

SEC. 14. MISCELLANEOUS AMENDMENTS TO THE TRADE AGREEMENTS ACT OF 1979.

(a) The Trade Agreements Act of 1979 (Public Law 96-39, 93 Stat. 144-317) is amended as follows:

(1) Paragraph (8) of section 510 is amended by striking out "item 719.—" and inserting in lieu thereof "items 717.—, 718.—, and 719.—".

(2) The rate of duty column in section 514(a) is amended—

(A) by striking out "1% ad val." opposite each of items 607.01, 607.02, 607.03, and 607.04 and inserting in lieu thereof "Additional duty of 1% ad val."; and

(B) by striking out "0.5% ad val.+additional duties" opposite item 607.21 and inserting in lieu thereof "1% ad val.+additional duties".

(3) Subsection (a) of section 601 is amended—

(A) by inserting immediately after "such articles" in paragraph (2) the following: "(other than flight simulating machines classified in item 678.50 and civil aircraft classified in item 694.15, 694.20, or 694.40)"; and

(B) by amending paragraph (3) to read as follows:

"(3) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"'(f) CIVIL AIRCRAFT EXCEPTION.—The duty imposed under subsection (a) shall not apply to the cost of equipments, or any part thereof, purchased, of repair parts or materials used, or of repairs made in a foreign country with respect to a United States civil aircraft, within the meaning of headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States.'".

(b) The amendment made by paragraphs (1) and (2) of subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980. The amendment made by paragraph (3) of subsection (a) shall apply with respect to entries made under section 466 of the Tariff Act of 1930 on or after January 1, 1980.

SEC. 15. DUTY-FREE ENTRY OF TILES FOR CHINESE CULTURAL CENTER, PHILADELPHIA, PENNSYLVANIA.

(a) The Secretary of the Treasury shall admit free of duty the number of tiles (provided for in article 532.31 of the Tariff Schedules of the United States) purchased by the Chinese Cultural and Community Center, Philadelphia, Pennsylvania, for the renovation of the roof of the center, such tiles being purchased from the China National Arts and Crafts Import and Export Corporation.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

SEC. 16. FIELD GLASSES AND BINOCULARS.

(a) (1) Item 768.51 is amended by striking out "7.9% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "3.4% ad val." in the LDDC rate column.

(2) Item 708.52 is amended by striking out "18.5% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "8% ad val." in the LDDC rate column.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 17. SUSPENSION DUTY ON CRUDE FEATHERS AND DOWNS UNTIL JULY 1, 1984.

(a) Items 903.70 and 903.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "on or before 6/30/79" and inserting in lieu thereof "on or before 6/30/84".

(b) (1) The amendments made by subsection (a) shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 903.70 or 903.80 of the Tariff Schedules of the United States (as in effect on June 30, 1979) and—

(A) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if any of the amendments made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 18. DUTY-FREE ENTRY OF ORGAN FOR OHIO WESLEYAN UNIVERSITY.

(a) The Secretary of the Treasury shall admit free of duty one organ (including all accompanying parts and accessories) for the use of Ohio Wesleyan University, Delaware, Ohio, such organ being provided by Johannes Klais Orgelbau K.G., Bonn, Federal Republic of Germany.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

SEC. 19. DUTY-FREE ENTRY OF ORGAN COMPONENTS FOR ST. PAUL'S EPISCOPAL CHURCH, RIVERSIDE, CONNECTICUT.

(a) The Secretary of the Treasury shall admit free of duty the components of the tracker pipe organ which were built (pursuant to contract with Gerhard Hradetzky of Austria) for St. Paul's Episcopal Church, Riverside, Connecticut, and which entered at New York, New York, on January 19, 1979 (entry number 266710).

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930.

SEC. 20. COLD FINISH STEEL BARS.

(a) Headnote (3) (i) to subpart B of part 2 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "or cut to length" each place it appears therein.

(b) Item 606.88 in subpart B of part 2 of schedule 6 of such Tariff Schedules is amended by striking out "8.5% ad val." in rate column numbered 1 and inserting "7.5% ad val." in lieu thereof.

(c) Subpart B of part 1 of the Appendix to such Tariff Schedules is amended by inserting, in numerical sequence, the following new item:

"911.45. Finished, drawn products of any cross-sectional configuration, not over 0.703 inch in maximum cross-sectional dimension and containing not over 0.25 percent by weight of carbon (provided for in item 606.88, part 2B, schedule 6)	5% ad val.	No change.	On or before 12/31/81".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

SEC. 21. CLARIFICATION OF APPLICATION OF CUSTOMS LAWS TO DEEPWATER PORTS.

Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended—

(1) by inserting ": application of custom laws to deepwater port act of 1974" in the caption thereof immediately after "1926",

(2) by inserting "(a)" before the first word of the text thereof, and

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

"(b) For purposes of section 19(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the term 'customs laws administered by the Secretary of the Treasury' shall mean this Act and any other provisions of law classified to title 19, United States Code.".

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

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

There is no objection.

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

Mr. FRENZEL. Mr. Speaker, reserving the right to object to the first request, I do so to yield to the distinguished committee chairman to explain the bill.

Mr. ULLMAN. Mr. Speaker, may I ask the gentleman if he will yield to the gentleman from Ohio (Mr. VANIK)?

Mr. FRENZEL. I yield to the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. VANIK).

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

Mr. Speaker, H.R. 3122, as amended by the Senate, is an omnibus tariff bill which contains provisions of bills passed by the House last year; namely H.R. 3122, 1319, 2297, 2492, 3317, 3755, 4309, and 5441, plus sections 105 and 301 of another omnibus tariff bill, H.R. 5047, passed by the House this session. H.R. 3122, as amended by the Senate, contains 20 provisions to suspend duties or to continue existing duty suspensions for temporary periods or to provide permanent duty-free treatment on exports of specific products, provides duty-free treatment on specific entries of certain articles, amends the classification of certain items in the U.S. tariff schedules, and contains technical amendments to the Trade Agreements Act of 1979.

In addition, the Senate amended the bill to add a provision achieving the same purpose as section 2 of H.R. 6864, an authorization bill for administration of the Deepwater Port Act of 1974 passed by the House on August 25, but which has not been acted upon by the Senate. That provision and section 21 of H.R. 3122, as amended clarify the navigation laws in title 19 of the United States Code such as vessel entry laws, do not apply to deepwater ports, consistent with congressional intent in passing the Deepwater Port Act but not clear in the language of the law.

Mr. Speaker, the House passed the substance of the provisions contained in Senate-amended H.R. 3122 by voice vote. The bill will relieve many domestic interests from the burden of having to pay duties on certain imported articles for which there is no domestic production, or for which domestic supply is insufficient or unsuitable for the purpose, thereby reducing costs to consumers and improving the competitive position of U.S. industries. In considering the provisions of H.R. 3122, as amended, the Committee on Ways and Means and the Senate Finance Committee were satisfied that domestic interests would not be adversely affected

□ 1500

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, the bill is as the chairman has described.

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

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

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, I just want to address a question to the gentleman from Ohio or the gentleman from Oregon.

A few years ago we had a similar request made at the end of the session. I bring this up every year at this time, because this seems to be the time when these kinds of bills are brought up. I asked whether there was anything in it that was untoward or special or could cause problems, and I was told no by the gentleman from Oregon. It turned out to be the pincushion bill which granted special status to the Republican and Democratic Parties for taxes and postage, or some damn thing like that—pardon my expression—and it wound up months later on the front pages of all the papers that Congress had enacted themselves and their parties this special benefit.

Now, I ask the gentleman, in good faith: Is there anything of this nature in this bill?

Mr. FRENZEL. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I would say to the gentleman that we have carefully examined the provisions of the Senate, the proposal before us. We find no reason to believe that there is anything that would cause any embarrassment to the House. We are satisfied that the proposals by the other body are consistent with the proposals that left the House.

Mr. BAUMAN. I thank the gentleman for his assurance.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I would like to say that I support this measure. It is an omnibus bill bringing in a very large number of very small matters which are more for the convenience of the Members than any possible source of embarrassment. If there were to have been any serious controversy in any of these measures or procedures as such, it would have been screened out long before it arrived at this point.

Let me say also, Mr. Speaker, that I am pleased—although I was unable to be here to participate—that we have already dealt with the installment sales bill, the resolution of which was entirely appropriate.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

CONGRESSIONAL REPORTS ELIMINATION ACT OF 1980

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6686) to discontinue or amend certain requirements for agency reports to Congress, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 22 and 23.

Page 2, line 24, strike out "(e)" and insert "(d)".

Page 3, line 1, strike out "(f)" and insert "(e)".

Page 3, line 3, strike out "(g)" and insert "(f)".

Page 3, strike out lines 8 to 11, inclusive.

Page 3, strike out lines 13 to 17, inclusive.

Page 3, line 18, strike out "(c)" and insert "SEC. 103. (a)".

Page 3, strike out lines 20 to 25, inclusive.

Page 4, line 1, strike out "(e)" and insert "(b)".

Page 4, strike out lines 9 to 12, inclusive.

Page 4, line 13, strike out "(c)" and insert "(b)".

Page 4, line 16, strike out "(d)" and insert "(c)".

Page 4, strike out all after line 21 over to and including line 2 on page 5.

Page 5, line 3, strike out "(c)" and insert "SEC. 105".

Page 5, strike out lines 6 to 17, inclusive.

Page 6, strike out lines 1 to 7, inclusive.

Page 6, line 8, strike out "(f)" and insert "(d)".

Page 6, strike out lines 10 to 16, inclusive.

Page 6, line 17, strike out "(j)" and insert "(e)".

Page 6, strike out lines 20 to 22, inclusive.

Page 6, line 23, strike out "(l)" and insert "(f)".

Page 7, strike out lines 1 to 15, inclusive.

Page 7, strike out lines 22 to 24, inclusive.

Page 8, line 1, strike out "(c)" and insert "(b)".

Page 8, line 8, strike out "(d)" and insert "(c)".

Page 12, strike out lines 1 to 6, inclusive.

Page 12, line 8, strike out "114." and insert "113.".

Page 12, line 13, strike out "115." and insert "114.".

Page 12, line 17, strike out "116." and insert "115.".

Page 13, line 2, strike out "117." and insert "116.".

Page 13, line 10, strike out "118." and insert "117.".
Page 13, line 15, strike out "119." and insert "118.".
Page 14, line 2, strike out "120." and insert "119.".
Page 14, line 6, strike out "121." and insert "120.".
Page 14, line 15, strike out "122." and insert "121.".
Page 14, strike out lines 19 to 22, inclusive.
Page 15, strike out lines 2 to 6, inclusive.
Page 15, strike out lines 8 to 14, inclusive.
Page 18, line 8, strike out "203." and insert "202.".
Page 19, line 8, strike out "204." and insert "203.".
Page 20, strike out lines 7 to 18, inclusive.
Page 20, line 19, strike out "(e)" and insert "(c)".
Page 21, line 3, strike out "(f)" and insert "(d)".
Page 21, line 19, strike out "(g)" and insert "(e)".
Page 22, line 11, strike out "(h)" and insert "(f)".
Page 23, strike out lines 1 to 10, inclusive.
Page 23, line 11, strike out "(j)" and insert "(g)".
Page 23, line 18, strike out "(k)" and insert "(h)".
Page 23, strike out all after line 23 over to and including line 6 on page 24.
Page 24, strike out lines 9 to 20, inclusive.
Page 24, line 21, strike out "(c)" and insert "SEC. 204.".
Page 25, line 3, strike out "206." and insert "205.".
Page 25, line 15, strike out "207." and insert "206.".
Page 27, line 4, strike out "208." and insert "207.".
Page 27, line 11, strike out "209. (a)" and insert "208.".
Page 27, strike out all after line 17, over to and including line 6 on page 28.
Page 28, line 8, strike out "210." and insert "209.".
Page 29, strike out lines 10 to 15, inclusive.
Page 29, line 16, strike out "(g)" and insert "(f)".
Page 30, line 3, strike out "211." and insert "210.".
Page 30, line 8, strike out "212." and insert "211.".
Page 30, line 21, strike out "213." and insert "212.".
Page 31, strike out lines 12 to 18, inclusive.
Page 31, line 21, strike out "215." and insert "213.".

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

Mr. HORTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. BROOKS) for the purpose of explaining what these Senate amendments do.

Mr. BROOKS. Mr. Speaker, I would say to my distinguished friend that this bill as passed by the House eliminated 79 reports and modified 52 reports presently required by law to be submitted to the Congress.

The Senate has removed other specified reports that were indicated to be vital to their committees, leaving a total of 95 reports either eliminated or modified. And this number represents a considerable amount of staff time to be available for work on more priority items.

Most of the information contained in the reports affected by this bill will still be available on an ad hoc basis. The Senate action and the amendments do not substantially affect the House-passed bill.

Mr. HORTON. I thank the gentleman.

As one who is always looking for ways to reduce unnecessary Federal paperwork, I want to register my support for this conference report on H.R. 6686, the Congressional Reports Elimination Act of 1980.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman from Texas assure us that there is nothing highly unusual in this particular report, or something of which we are not aware other than maybe what has been mentioned?

Mr. BROOKS. If the gentleman will yield, I will say to my distinguished and able friend, the gentleman from California, that the only thing unusual about this legislation is that it will save the Government a little money.

Mr. ROUSSELOT. How much?

Mr. BROOKS. I do not know how much. It will cut out some unnecessary reports. I think that the gentleman would support it wholeheartedly, in following with his own policy of recommending that kind of change.

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, there is no doubt that we support that concept, that idea. That is fine. I was merely asking the question because so many times conference reports come back with all kinds of interesting additions or little items that nobody suspected, especially when we do it under unanimous consent.

Now, the gentleman can assure us that there is nothing new or unusual in this conference that has been added by the other body?

Mr. BROOKS. I think the bill is just as clean as you can get it. We will bet on that.

Mr. ROUSSELOT. Mr. Speaker, after that heavy assurance, I will withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

COMMENDING ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I send to the desk a resolution (H. Res. 805) to commend Elmer B. Staats, Comptroller General of the United States, on the occasion of the conclusion of his distinguished career of Federal service, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. HORTON. Mr. Speaker, reserving the right to object, and I will not object, I take this opportunity to yield to the gentleman from Texas (Mr. BROOKS) so that he can explain the resolution.

Mr. BROOKS. Mr. Speaker, I offer, with pleasure, a House resolution honoring Comptoller General Elmer B. Staats for his long years of dedicated service to the Congress and the country.

The resolution, which is cosponsored by Congressman FRANK HORTON, ranking minority member of the Committee on Government Operations, calls attention to the many achievements and contributions of Comptroller General Staats during his tenure in office, which have resulted in substantial improvement in the management of Federal programs and congressional oversight of those programs.

The occasion for the resolution is the impending retirement of Mr. Staats as his 15-year term as Comptroller General comes to an end. Previous to that service he held the position of Deputy Director of the Bureau of the Budget under four presidents.

It has been a distinguished, notable career and it is fitting that Congress should recognize it.

Mr. HORTON. Mr. Speaker, I thank the gentleman and I join him in this bipartisan tribute to Mr. Staats. It is appropriate that we commemorate his retirement and call attention to his lengthy dedication to the principles of government economy and efficiency.

I have had the privilege of working closely with General Staats. From that productive association—and from my service with him on the Procurement Commission and the Commission on Federal Paperwork—I can assure this House that I know of no more dedicated public servant.

I am proud to sponsor this resolution, and I withdraw my reservation of objection.

Mrs. FENWICK. Mr. Speaker, reserving the right to object—and I shall not object—I would like to associate myself with the remarks of our previous colleagues concerning our Comptroller General. Surely we had no finer public servant.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 805

Whereas the Congress and the Nation wish to recognize the dedicated service of Elmer B. Staats as Comptroller General of the United States since 1966, during which time he has exhibited selfless devotion to the objective of making the General Accounting Office, an arm of the legislative branch of Government, a valuable asset to the Congress;

Whereas the Congress and the Nation wish to express their appreciation for the service of Elmer B. Staats prior to 1966 as Deputy Director of the Bureau of the Budget under four Presidents, during which time he consistently applied himself in innumerable ways to the objective of improving the efficiency and effectiveness of governmental programs and activities; and

Whereas the Congress and the Nation note

with praise the lifelong contributions of Comptroller General Staats to the cause of strengthening the profession of public administration and the spirit of public service: Now, therefore, be it

Resolved, That the House of Representatives hereby commends The Honorable Elmer B. Staats, Fifth Comptroller General of the United States, for his long and distinguished public career and for his immense contributions to the goals of improved management of Federal programs and activities and strengthened congressional oversight.

SEC. 2. A copy of this resolution shall be transmitted to the distinguished Comptroller General of the United States, Elmer B. Staats.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, OCTOBER 17, 1980, TO FILE SUNDRY OVERSIGHT REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, October 17, 1980, to file sundry oversight reports.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT OCTOBER 8, 1980, TO FILE REPORT ON H.R. 4178

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, October 8, 1980, to file a report on H.R. 4178.

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

There was no objection.

CONFERENCE REPORT ON S. 1482, CLASSIFIED INFORMATION PROCEDURES ACT

Mr. MAZZOLI. Mr. Speaker, I call up the conference report on the Senate bill (S. 1482) to provide certain pretrial, trial and appellate procedures for criminal cases involving classified information, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 30, 1980.)

Mr. MAZZOLI (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. MAZZOLI) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. McCLORY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

□ 1510

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

I would like to make mention on page 1 of the conference report there is a typographical error, section 1(a) of which defining unclassified information should be defining classified information.

Mr. Speaker, this important legislation responds to a phenomenon currently threatening both the fair administration of justice and the effective operation of our intelligence services.

The phenomenon has come to be called "graymail." Graymail occurs when the Government is prevented from initiating a prosecution or is forced to dismiss a pending prosecution because of its fear that the defendant will disclose or cause the disclosure of classified information during trial.

The phenomenon is not limited to espionage prosecutions. Graymail can also occur—indeed, it has occurred—in narcotics and murder trials, as well as in cases involving the prosecution of Government officials and businessmen. In its worst extent, graymail appears when a defendant threatens to disclose any or all classified information in his possession, whether or not it is related to the issues of the case.

Graymail may also mean nothing more than that a defendant is exercising his legitimate rights to defend himself through the use of relevant and admissible classified information.

In either instance, however, the result may be the same: A criminal case is terminated prematurely, justice is not done, and public confidence in our prosecutional authorities is lessened.

This legislation is intended to insure that classified information which bears no possible relationship to the issues in a criminal trial is not disclosed. It is also intended to insure that classified information that is relevant to the defendant's case will be identified prior to trial, before it is publicly revealed, so that the Government can make an informed decision in determining whether or not the benefits of prosecution will outweigh the harm stemming from public disclosure of such information.

The heart of the bill is its requirement that a criminal defendant notify the court and the Government before trial of any intention to disclose or cause the disclosure of classified information during trial. The Government may then obtain, prior to trial and in camera a ruling on the relevance or admissibility of the information and may take an interlocutory appeal from an adverse decision. It is to be emphasized that the bill does not alter the existing standards for determining relevance or admissibility.

In some instances, if the court makes the specific determination that to do so would provide the defendant with substantially the same ability to make his defense, the court may order that a specific item of classified information be replaced by a summary thereof or a stipulation to the facts such information tends to prove. The bill also requires the Government to provide the defendant with pretrial notice of the evidence it intends to use to rebut the information furnished in advance by the defendant.

Mr. Speaker, the legislation was reported unanimously by the Permanent Select Committee on Intelligence and the Committee on the Judiciary. It passed the House on the Suspension Calendar.

A substantially similar bill cleared the other body in the same expeditious and bipartisan fashion.

The conference committee swiftly resolved the differences between the versions of the two Houses. The only two major issues of substance in the conference, which involved issues of special concern to the Intelligence Committee and the Judiciary Committee, concerned the standard for alternative disclosure of classified information ruled admissible and the proper time to permit the Government to explain why the particular classified information at issue was so sensitive.

The conferees adopted the House provisions on both of these issues, and on most other issues as well. In those areas where Senate provisions were adopted, the result has been to add clarity and conciseness to the legislation.

Mr. Speaker, the conference report is true to the House-passed measure in both spirit and substance. It is good legislation that provides an effective solution to the graymail problem without impinging in any manner on the rights of criminal defendants.

I urge its adoption.

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

Mr. Speaker, I rise to support the conference report to S. 1482, the Classified Information Criminal Trial Procedures Act. Mr. Speaker, the primary thrust of the bill which was adopted by the House last week has been retained and strengthened through the efforts of the conferees.

This legislation, when enacted, will provide the means by which criminal prosecutions may be brought to trial without risk of "graymail"—that is, the potential of unauthorized disclosure of classified information thereby threatening our national security. The legislation provides the best solution to a serious problem—furthering the interest of the Government in prosecuting wrongdoers while fully taking into account the rights of the accused.

It is my sincere hope that criminal prosecutions—especially in the areas of espionage and leaks of classified information—will now go forward on their individual merits without fear of graymail.

In closing, I would like to make note of the diligent efforts of the staff of the committee and, especially of the Subcommittee on Legislation.

Mr. Speaker, I urge adoption of the conference report.

● Mr. BOLAND. Mr. Speaker, I rise in

strong support of the conference report. It preserves all the essential features of the House bill. It is an excellent statute and will make a significant contribution to the resolution of criminal cases which otherwise might never come to trial.

Mr. Speaker, I want to compliment the gentleman from Kentucky (Mr. MAZZOLI) for his stalwart work on this measure. It bears his stamp as it does that of the gentleman from Illinois (Mr. MCCLORY) and its original sponsor, Mr. MURPHY of Illinois. I also wish to praise the contribution of the gentleman from California (Mr. EDWARDS) and the gentleman from Illinois (Mr. HYDE), from the Judiciary Committee. Lastly I wish to laud the superior staff work which rendered a number of relatively complex concerns into needed statutory form.●

Mr. Speaker, I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

REQUEST TO CONSIDER H.R. 3765, WALNUT MARKETING AND PROMOTION ACT OF 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3765) to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

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

Mr. WYDLER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

SEC. 101. Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after "$2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": Provided further, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": Provided, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: Provided further, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary."

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: Provided, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: Provided further, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agriculture Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain

reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of his title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary, may in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recoverng byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall became effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries. the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programmed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and

any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Amend the title so as to read: "An Act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".

Mr. FOLEY. Mr. Speaker, H.R. 3765, the Walnut Marketing and Promotion Act of 1980, as passed by the House on September 15, 1980, was approved by the Senate on October 1, 1980, with an amendment adding two additional titles—titles II and III.

Title II, Agricultural Trade Suspension Adjustment Act of 1980 parallels very closely H.R. 7264, the producer storage program for wheat and feed gains which was reported out of the House Agriculture Committee on May 7, 1980, by a vote of 40 to 1, and H.R. 118, a bill designed to change the dates for announcement of wheat and feed grains set-aside.

Title III, the Food Security Wheat Reserve Act of 1980 parallels very closely H.R 6635, which was first reported out of the House Foreign Affairs Committee on February 28, 1980, by a voice vote and then out of the House Agriculture Committee, which had joint jurisdiction, on May 12, 1980, by a vote of 30 to 7.

Additionally, titles II and III basically embody the agreements reached by the committee of conference on title IV of H.R. 7664, the Child Nutrition Act. Since the committee of conference on H.R. 7664 has not yet completed work on all aspects of that legislation the Senate took action to add that portion title IV which had been agreed to as titles II and III of H.R. 3765. This action on the part of the Senate adding titles II and III to H.R. 3765 was sponsored by 17 members of the Senate Committee on Agriculture, Nutrition, and Forestry.

TITLE I

Title I contains exactly the same provisions as passed by the House in H.R. 3765 on September 15, 1980.

TITLE II—MINIMUM PRICE SUPPORT LOAN LEVELS FOR THE 1981 CROPS OF WHEAT, CORN, AND SOYBEANS

The amendment would require that the wheat, corn, and soybean price support loan levels for the 1981 crops be not less than $3.00, $2.25, and $5.02 per bushel, respectively, which are the current levels.

The amendment assures farmers that the price support loan levels for wheat, feed grains, and soybeans will not be lower for the 1981 crops than they are this year. This gives each farmer some assurance that if he producers a crop in the future—he at least will be assured of a price that will cover most of his out-of-pocket expenses.

CHANGING THE DATE FOR ANNOUNCEMENT OF A FEED GRAIN SET-ASIDE

The amendment would require the Secretary of Agriculture to announce any set-aside of cropland under the feed grain program not later than November 1 of each calendar year for the crop harvested in the next calendar year. Under current law, the final date for the announcement of such a set-aside is November 15.

Some farmers have found that an announcement of a set-aside under the feed grain program as late as November 15 has caused problems. As a result, some of them choose not to participate in the program.

Corn growers in the Midwest, for example, may need to apply fertilizer for the next year's corn crop before November 15. Thus, an announcement of any set-aside for feed grains as late as November 15 may, as a practical matter, be ineffective as it applies to their operations. Moving the date up to November 1 will reduce the number of farmers caught in this situation without affecting significantly the quality of data used by the Secretary in deciding whether there should be a feed grain set-aside.

INCREASE IN PRICE SUPPORT LOANS UNDER THE FARMER-HELD RESERVE PROGRAM

The amendment would require the Secretary of Agriculture to make price support loans available to producers who participate in the farmer-held reserve program for the 1980 through 1981 crops of wheat and feed grains at increased levels of support. The Secretary would be required to make loans available at such levels as the Secretary deems necessary to mitigate the effects of the restrictions on trade to the Soviet Union on the prices farmers receive for their crops, but at not less than $2.40 per bushel for corn, and not less than $3.30 per bushel for wheat. This provision will provide farmers who participate in the farmer-held reserve program with price support loan levels that are much closer to presuspension market prices. By increasing the minimum loan level, the amendment will assure that the price support loans give farmers more realistic amounts of operating capital.

At the same time, this provision will encourage increased participation in the farmer-held reserve program. Grain placed in the farmer-held reserve is kept out of the market for a minimum of 3 years, unless market prices rise significantly. This provision, by reducing the market supply of grain, will strengthen prices.

The loans authorized by this provision must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments.

Under the farmer-held reserve program, grain must be redeemed from the reserve before the due date of the extended loan when market prices hit certain levels—under the program now, 175 percent of the price support level for wheat and 145 percent of the price support level for feed grains. In addition, farmers are permitted to pay off loans early and redeem the grain when market prices reach 140 percent of the price support level for wheat and 125 percent of the price support level for feed grains. Some grain placed in the reserve prior to July 28, 1980, however, may have slightly different release and call levels.

The amendment provides that, even though the price support loan levels under the reserve program are increased substantially, the "call" and "release" levels would remain at the dollar figures presently established under the program—$5.25 and $4.20 for wheat, and $3.26 and $2.81 for corn, respectively. This provision will assure that grain will move out of the farmer-held reserve and not become part of a "permanent" reserve.

The amendment would also require the Secretary of Agriculture to waive interest charges on the loans. This would make the reserve program more attractive to farmers and help strengthen grain prices. By drawing more grain into the reserve, grain prices will advance in response—at least until the release and call prices are reached.

FLEXIBILITY IN ADJUSTING THE RELEASE AND CALL LEVELS FOR WHEAT AND FEED GRAINS

Under existing law, to encourage producers to redeem and market their wheat and feed grains held under the reserve loan program, the Secretary has authority to discontinue storage payments and require interest payments when prices reach a certain level, commonly referred to as the "release" price level.

However, while the Secretary has the authority to set the feed grain release price at whatever level he deems appro-

priate, he is limited to setting the release price for wheat at no less than 140 percent nor more than 160 percent of the price support level of wheat. Using these existing authorities, the Secretary has set the release price for feed grains at 125 percent of the support level and wheat at 140 percent of the support level.

Additional authority allows the Secretary to set a wheat or feed grain "call" price level. When prices reach the call price, the Secretary may require producers to repay the loans on their farmer-held reserve or forfeit their gain to the Commodity Credit Corporation.

Again, as is the case with the release price, the Secretary has authority to set the call price for feed grains at whatever level he deems appropriate, but in the case of wheat, existing law mandates the call pice cannot be less than 175 percent of the price support level. Under these authorities the Secretary has established the call price for feed grains at 145 percent and for wheat, 175 percent of the price support level.

The amendment would give the Secretary the same discretionary authority for establishing the release and call prices for wheat that he presently has for feed grains. This would have the effect of disconnecting wheat release and call prices from being a mandated percentage of the price support, thus permitting the Secretary to adjust price support levels for wheat without having to make a similar adjustment in the release and call price levels.

RELEASE LEVEL FOR COMMODITY CREDIT CORPORATION-HELD WHEAT AND FEED GRAINS

Except as otherwise provided in title II for the disposal of stocks of wheat and feed grains subject to trade suspensions, the amendment would generally prohibit the Commodity Credit Corporation from selling any of its stocks of wheat and feed grains—except sales of corn for use in the production of alcohol—when the farmer-held reserve program is in effect, at less than 5 percent above the call level.

The Government must make every effort to prevent the embargoed grain from reentering the markets and causing an oversupply of grain. Whenever the Commodity Credit Corporation acquires stocks of grain through price support operations, it becomes a supplier of grain to the markets.

Thus, the Government must also act to prevent oversupply by isolating these Commodity Credit Corporation-held stocks from the market. The amendment accomplishes this by raising the minimum price at which the Commodity Credit Corporation generally may sell its stocks from 150 percent of the price support level to 5 percent above the call level.

The Secretary of Agriculture has already adopted a policy, similar to this provision, of not releasing Commodity Credit Corporation stocks at less than 5 percent above the call level.

The amendment also changes the minimum Commodity Credit Corporation sales price for corn to be used in the production of alcohol when the farmer-held reserve progam is in effect. The minimum sales price for corn for such use is now set at the release price for corn under the farmer-held reserve program. The amendment provides that, if the fuel conversion price for corn exceeds the release level, the Commodity Credit Corporation must sell corn at not less than the fuel conversion price. The fuel conversion price is defined in the amendment as that price for a commodity that would make gasohol using alcohol produced from the commodity competitive in price with unleaded gasoline.

AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO USE THE COMMODITY CREDIT CORPORATION TO PURCHASE AND HANDLE AGRICULTURAL COMMODITIES, OTHER THAN GRAIN, INTENDED FOR EXPORT TO THE SOVIET UNION

The President's decision to restrict agricultural trade with the Soviet Union caused the cancellation of sales of a number of agricultural commodities other than grain. For example, the export sales of a significant amount of poultry were lost due to the suspension.

The Secretary of Agriculture has authority under existing law to purchase or otherwise handle—in the same manner he is handling grain—poultry and other nongrain agricultural commodities that were under contract for export to the Soviet Union. The Secretary should treat producers of all agricultural commodities affected by the Soviet trade suspension equally to the extent that it is possible given the physical characteristics of the commodity.

In the case of the suspended grain export sales contracts, the Secretary developed an arrangement under which he assumed delivery rights under the contracts, with the Commodity Credit Corporation standing in for the Soviet Union as purchaser. It is only equitable that the Secretary take the same approach with other commodities to the extent that production of those commodities was geared up to meet the Russian demand.

The amendment would make it clear that the Secretary has the authority to use the Commodity Credit Corporation to handle all agricultural commodities affected by the suspension as he is handling grain.

AUTHORITY FOR SET-ASIDES FOLLOWING TRADE SUSPENSIONS

To reduce supplies following a suspension of agricultural trade, it may be necessary to reduce acreage put into production after the suspension is imposed.

The Secretary of Agriculture has authority, under existing law, to require a set-aside of cropland if supplies are excessive. However, this authority is conditioned on the Secretary announcing the set-aside by August 15 in the case of wheat or November 15 in the case of corn of the year preceding the year in which the wheat or corn is harvested. The amendment, as I noted earlier, would change the feed grain announcement date to November 1.

The Secretary chose not to proclaim a 1980 wheat or corn set-aside last year. As a result, the Secretary had no authority, after the Soviet trade suspension was announced on January 4, 1980, to reverse his previous decision and proclaim a set-aside of wheat or corn for the 1980 crop year.

The amendment would remedy this gap in the law by authorizing the Secretary, for any commodity for which there is authority for a set-aside, notwithstanding any prior announcement to the contrary, to announce and carry out a set-aside whenever he deems such actions to be in the public interest as a result of the imposition of restrictions on the exportation of the commodity.

AUTHORITY FOR TRADE SUSPENSION COMMODITY RESERVES

The amendment also provides the Secretary of Agriculture authority in the future to divert from the commercial markets agricultural commodities, intended for export, that cannot be exported because the executive branch restricts exports for reasons of national security or foreign policy, if necessary to prevent the accumulation of a surplus that will adversely affect producer prices for the commodity and the commodity is suitable for stockpiling in a reserve.

The Secretary would be authorized to establish nonreplenishing food security reserves of embargoed commodities suitable for use in providing emergency food assistance and urgent humanitarian relief on the same basis as wheat is made available under the food security wheat reserve, and nonreplenishing gasohol feedstock reserves of embargoed commodities suitable for the production of alcohol for motor fuel.

ALCOHOL PROCESSOR GRAIN RESERVE

To help assure that producers of fuel alcohol from small-scale projects are able to obtain a dependable supply of grain at reasonable prices, this amendment would authorize the Secretary of Agriculture to formulate and administer a recourse loan program for fuel alcohol processors to buy grain and store it for use in making fuel alcohol in a small-scale project. A small-scale project includes all facilities that produce less than one million gallons of alcohol per year. The authority to make such loans is subject to the appropriations process.

The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor must be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

The authority to make loans under this program ends five years after the date of enactment.

STUDY OF THE POTENTIAL FOR EXPANDING U.S. AGRICULTURAL EXPORT MARKETS

We must double our efforts to develop new and permanent trading partners to whom we can sell U.S. agricultural commodities.

The world's population is increasing steadily, and worldwide demand for U.S. food and fiber will also increase. Clearly, the potential exists for expansion of U.S. agricultural export markets.

In addition, the United States is and

will probably remain the largest supplier of food and fiber for the world. As worldwide demand for food and fiber increases, the United States should become increasingly able to trade its excess supplies of food and fiber for scarce resources, such as petroleum and natural gas.

The amendment requires the Secretary of Agriculture to perform a study analyzing our agricultural export potential over the next 5 years, and submit to the President and Congress a report before June 30, 1981. Many of our agricultural and export programs will expire at the end of 1981. The information provided by the study will be of great value to Congress when it begins reviewing agricultural policies and programs for inclusion in the 1981 farm bill.

FOOD BANK DEMONSTRATION PROJECTS

While somewhat unrelated to the other provisions in title II, this amendment is an important one. It requires that the Secretary of Agriculture carry out demonstration projects to provide agricultural commodities, and other foods that might not otherwise be used effectively, to community food banks for emergency food box distribution to needy individuals and families.

The Secretary must submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under the program. The report must include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. Up to $356,000 may be appropriated to carry out this program.

It is estimated by the Department of Agriculture that each year about 20 percent of all food produced in the United States is lost or wasted—enough to feed 49 million hungry people. Fortunately for our country's poor, as well as our economy, food banks are springing up across the country to put to good use food that farmers and food producers do not sell. They are successfully marshaling some of that edible but discarded food—valued at $31 billion a year—and providing nutritious meals to needy people while helping to eliminate waste.

Each year food banks collect millions of pounds of edible food cast aside because of over production, dented cans, broken boxes or expired marketing dates and distribute them to charitable groups for use in their on-premises meal programs. Some banks also provide food boxes to help disaster victims through the first few harrowing days following a crisis.

To assure proper geographic distribution of the projects, the location of the projects would be determined in consultation with the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture.

FOOD SECURITY RESERVE

Title III of the amendment would require the President to establish a reserve of up to 4 million metric tons of wheat for use in providing for emergency food needs in developing countries. Wheat owned by the Commodity Credit Corporation—most of which was purchased recently to prevent an accumulation of excess supplies following the Soviet trade suspension—would be used to stock the reserve initially. The authority to replenish the stocks of the reserve would expire September 30, 1985.

The reserve may be replenished by either the transfer of wheat from CCC stocks or by purchases from producers or in the market. Whenever wheat is acquired through purchases from producers or in the market to replenish the reserve, funds to do so must be authorized in appropriation acts.

The food security wheat reserve would be used to meet famine or other urgent or extraordinary relief requirements during periods of tight supplies and high prices when commodities would not otherwise be available under the provisions of Public Law 480.

This provision will serve two purposes. First, it will assure that wheat, most of which was intended for export to Russia, does not reenter commercial markets, weakening the price of wheat. Second, this provision will respond to a request made by the administration in May 1979, that Congress provide the President statutory authority to establish such a reserve.

The administration has favored establishing the food security reserve for several reasons. It would help guarantee that the United States would be able to meet priority food assistance needs of developing countries in years of short supply. This would help prevent a recurrence of actions similar to those between 1973 and 1975 when Public Law 480 wheat shipments to poorer countries were sharply reduced. Yet at that time, poorer countries were in particular need, being unable to compete for limited grain supplies in high priced world markets.

The United States would use the wheat in the food security reserve only for Public Law 480 functions and then only when adequate amounts of wheat are not available in commercial markets, as determined by criteria spelled out in Public Law 480. This would isolate the food security reserve from the marketplace and prevent the stored wheat from depressing commercial grain prices.

Also, replenishment of the food security reserve will create additional demand for domestically produced wheat.

A portion of the reserve—up to $300,000 metric tons—could be released from the reserve in any fiscal year for use under title II of Public Law 480, even if there is no short supply finding, to meet urgent humanitarian relief requirements resulting from major disasters. However, this authority could be used only when wheat could not otherwise be timely provided under normal means of obtaining commodities for food assistance due to unanticipated and exceptional need. It is intended that, whenever wheat is released from the reserve to be used for such purpose, the reserve be promptly replenished. It is expected that Congress would appropriate the necessary funds promptly to the extent purchases were necessary for replenishment of the reserve.

Mr. Speaker, I have reviewed in some detail the major provisions of titles II and III of the amendment. I want to emphasize that they are similar to H.R. 6635, the food security act of 1980, a bill which was reported earlier by both the House Committees on Foreign Affairs and Agriculture, and H.R. 7264, a bill amending the producer storage program fo wheat and feed grains.

The new titles are also very similar to the major provisions of an amendment that the Senate adopted July 25, 1980, as title IV of H.R. 7664, the child nutrition amendments of 1980.

The Committee of Conference on H.R. 7664 has not completed its work on all aspects of that legislation, and I do not expect that we will be able to finish the task until after the recess. However, the conferees have reached agreement on title IV of H.R. 7664. Titles II and III of the pending amendment basically embody the agreements reached by the Committee of Conference on that title. The provisions are vital to the welfare of the Nations farmers, and they should be enacted promptly.

REQUEST TO APPOINT CONFEREES ON S. 1615, AN ACT FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1615) an Act for the relief of James R. Thornwell with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us what the amendment is?

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

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

Mr. DANIELSON. There is a difference in the dollar figure about 100 percent difference between the two Houses. We have to get together to work on it.

Mr. ROUSSELOT. Further reserving the right to object, can the gentleman tell us what the difference is?

Mr. DANIELSON. Yes. The Senate figure is $1 million. The House figure is, I believe, $250,000.

Mr. ROUSSELOT. The subject again is what?

Mr. DANIELSON. For the relief of James R. Thornwell.

Mr. ROUSSELOT. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO CONSIDER SENATE AMENDMENTS TO H.R. 6086, MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6086) to

provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, if it is as complicated as it sounds, maybe the gentleman ought to explain.

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

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

Mr. DANIELSON. Mr. Speaker, it is not complicated. In the other body amendments were attached to the House bill which incorporated language which has already passed both the House and the Senate in a different bill. The amendments would make a redundant addition to this bill and complicate the passage, which has already been taken care of in this House.

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

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland.

Mr. BAUMAN. That is all very interesting, but what does it do?

Mr. DANIELSON. The House bill is the bill that provides relief to the American Foreign Service and military personnel who were evacuated from Iran in January 1979 at the time of the recent takeover of the Government of Iran.

Mr. BAUMAN. The amendment does what?

Mr. DANIELSON. The amendment appends several other things to that bill.

Mr. BAUMAN. Such as what?

Mr. DANIELSON. Amendments to the Internal Revenue Code.

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MATERIALS POLICY, RESEARCH, AND DEVELOPMENT ACT OF 1979

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2743) to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "National Materials and Minerals Policy, Research and Development Act of 1980".

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national materials and minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the industrial, military and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination and evaluation of Federal materials programs, including those involving research and development so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous, comprehensive, and coordinated program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

IMPLEMENTATION OF POLICY

SEC. 4. For the purpose of implementing the policies set forth in section 3 and the provisions of section 5 of this Act, the Congress declares that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies, and shall—

(1) direct that the responsible departments and agencies identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economc materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) assess the need for and make recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, paying particular regard to the problem of attracting and maintaining high quality materials professionals in the Federal service.

(5) establish early warning systems for materials supply problems;

(6) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(7) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(8) assess Federal policies which adversely or positively affect all stages of the materials cycle, from exploration to final product recycling and disposal including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(9) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress—

(1) a program plan to implement such existing or prospective proposals and or-

ganizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning domestic and international long-range materials demand, supply and needs, including consideration of the establishment of a separate materials information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the Federal Coordinating Council for Science, Engineering, and Technology coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in ten- and twenty-five-year increments over the whole expected lifetime of such needs and technologies.

(c) The Secretary of Commerce, in consultation with the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and such other members of the Cabinet as may be appropriate shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection;

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and asess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

(d) The Secretary of Defense, together with such other members of the Cabinet as are deemed necessary by the President, shall prepare a report assessing critical materials needs related to national security and identifying the steps necessary to meet those needs. The report shall include an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.). Such report shall be made available to the Congress within 1 year after enactment of this Act and shall be revised periodically as deemed necessary.

(c) The Secretary of the Interior shall promptly initiate actions to—

(1) improve the capacity of the Bureau of Mines to assess international minerals supplies;

(2) increase the level of mining and metallurgical research by the Bureau of Mines in critical and strategic minerals; and

(3) improve the availability and analysis of mineral data in Federal land use decision-making;

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after the enactment of this Act.

(f) In furtherance of the policies of this Act, the Secretary of the Interior shall collect, evaluate, and analyze information concerning mineral occurrence, production, and use from industry, academia, and Federal and State agencies. Notwithstanding the provisions of section 552 of title 5, United States Code, data and information provided to the Department by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of the Interior in a nonaggregated form so as to disclose data and information supplied by a single person or firm, unless there is no objection to the disclosure of such data and information by the donor: *Provided, however,* That the Secretary may disclose nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

THE MINING AND MINERALS POLICY ACT OF 1970

SEC. 6. Nothing in this Act shall be interpreted as changing in any manner or degree the provisions of and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct (1) the Secretary of the Interior to act immediately within the Department's statutory authority to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and (2) the Executive Office of the President to act immediately to promote the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) among the various departments and agencies.

SEC. 7. Section 1001(a) of title X of the Act of November 3, 1978 (Public Law 95–586), is revised to read as follows:

SEC. 1001. (a) The Congress hereby authorizes and directs that the rights to the geothermal resources, including minerals present in the geothermal fluid, presently vested in the United States of America in real property designated at tract 37, located in sections 2 and 11, township 3, north, range 2 east, Boise meridian, Idaho, containing 4.13 acres more or less;

"Tract 38, located in sections 1, 2, 11, and 12, township 3 north, range 2 east, Boise meridian, Idaho, containing 449.16 acres more or less;

"Unofficial tract 39, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows; from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds, east, 1,705.44 feet, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet to north 25 degrees 28 minutes west, 660.0 feet, thence north 69 degrees 47 minutes west, 933.24 feet, thence south 26 degrees 24 minutes east, 544.50 feet, thence south 57 degrees 26 minutes east, 240.24 feet, thence north 64 degrees 32 minutes east, 795.30 feet and point of beginning, containing 14.644 acres more or less;

"Unofficial tract 40, located in section 11, township 3 north, range 2 east, Boise meridian, Idaho, described as follows; from the corner of sections 2, 3, 10, and 11, south 84 degrees 44 minutes east, 905.7 feet to the northwest corner of tract 40 and point of beginning, thence south 22 degrees 40 minutes east, 593.75 feet, thence north 84 degrees 45 minutes east, 940.20 feet, thence north 16 degrees 15 minutes west, 315.2 feet, thence north 87 degrees 45 minutes west, 516.6 feet, thence south 68 degrees 14 minutes west, 141.3 feet and point of beginning. containing 4.95 acres more or less;

"Unofficial tract 44, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows: from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds east, 1,705.44 feet to the southwest corner of tract 44 and point of beginning, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet, thence south 64 degrees 32 minutes west, 795.30 feet, thence south 67 degrees 21 minutes east, 373.03 feet, thence north 58 degrees 18 minutes east, 264.53 feet, thence south 74 degrees 02 minutes east, 154.31 feet, thence south 14 degrees 50 minutes west, 585.02 feet, thence south 9 degrees 31 minutes east, 165.79 feet and point of beginning, containing 9.94 acres more or less; be transferred by the Secretary of the Interior in fee to the city of Boise upon payment by the city of Boise of the fair market value, as determined by the Secretary, of the rights conveyed.".

SEC. 8. Title X of the Act of November 3, 1978, is further amended by adding a new section 1003 to read as follows:

"The Secretary of the Interior, through the Bureau of Land Management, is authorized to utilize geothermal resources found under the parcel known as the Boise District Office Site, described as commencing at the southwest corner of the Old Fort Boise Military Reservation, thence north 70 degrees 0 minutes east, 1,448.2 feet; thence north 4 degrees 32 minutes east, 627 feet to the true point of beginning; thence the following courses and distances: south 87 degrees 8 minutes west, 696.5 feet; thence north 21 degrees 2 minutes west, 532 feet; thence south 69 degrees 4 minutes west, 21.9 feet; thence north 22 degrees 40 minutes west, 86.3 feet; thence north 84 degrees 50 minutes east, 993.6 feet; thence south 4 degrees 32 minutes west, 624.95 feet to the point of beginning; consisting of 11.53 acres, more or less, contained in section 11, township 3 north, range 2 east, Boise meridian, Idaho.".

Amend the title so as to read: "An Act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes.".

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with, and that they be printed in the RECORD.

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

There was no objection.

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

Mr. WYDLER. Mr. Speaker, reserving the right to object, I do so to ask the chairman of the Committee on Science and Technology if he would explain the proceedings in the bill we are now considering.

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

Mr. WYDLER. I yield to the gentleman from Florida.

Mr. FUQUA. The bill, as passed by the House last December and passed by the Senate, establishes a material policy in the U.S. Government so that we can have some better order in our materials policy.

As the gentleman in the House is well aware, this is a very critical issue facing the future of this country.

☐ 1120

I might point out to the gentleman that attached to the bill was a nongermane amendment in the Senate, technical in nature, to correct the title of some land that had been transferred in a bill last year that had an incorrect description, to correct that description located in the State of Idaho.

I have conversed with the gentleman from Idaho and it has his concurrence. It is strictly technical in nature to correct the title or description of the property.

Mr. WYDLER. Mr. Speaker, I rise in support of H.R. 2743 as amended by the Senate, the National Materials and Minerals Policy Research and Development Act of 1980. I am proud to say that I am one of the original cosponsors of this legislation which was introduced in 1979. This bill has a long history of careful deliberation before our committee over several years. Mr. Speaker, as I said at the time the bill was introduced and as the Washington Post editorial "Is There a Resource War?" reiterated recently, we are dangerously dependent upon foreign sources of materials at a time when there is increasing international demand. We import over 58 percent of our needs for the 38 basic minerals which comprise virtually all of the metals used in the United States. In the long run, I believe the shortage of materials may prove just as serious as the energy shortage.

Energy policy and materials policy are intimately related. For example, new sources of energy such as fusion will require access to highly exotic materials, many of which we must import and which are in short supply the world over. Materials could be one of the fundamental limitations of the fusion energy program which I strongly advocate. We must support both fusion research and development, as well as efforts to produce and process required new materials if that energy program is to be viable on a large scale.

The interlocking of energy and materials policy illustrates that we are dealing with more than just minerals and that we must consider the use of materials throughout the whole life cycle, from production or mining through processing to consumption and final disposal or recycling. We need more research and development in each of these stages of the life cycle. We also must remember, as my colleague CAP HOLLENBECK notes in his remarks, that research and development is not an end in itself; it must ultimately find application in industrial technology. I am pleased to see that the Senate amendment has greatly strengthened those provisions relating to the application of research and development to industrial innovation in all stages of the materials cycle. The materials policy which we will pass today should be a major part of the reindustrialization which this Nation is beginning to consider and which we will carry out over the coming generation.

Mr. Speaker, I commend my colleagues on the Science Committee for the long and hard work they have done to bring this bill to final consideration today. I particularly commend my colleague CAP HOLLENBECK who has long been the leading advocate for action in the critical area of materials policy for our Nation's future. I urge my colleagues to support this bill.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLLENBECK) who has played such an important role in bringing about its passage.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the compromise amendment proposed by the Senate to H.R. 2743, the National Materials and Minerals Policy Research and Development Act of 1980. This bill, which has a long history in our Subcommittee on Science, Research, and Technology, was passed by the House last year by an overwhelming majority. I was very proud on that day. Today I am equally proud of this bill, for which I have worked a long time. The staff of our committee has also worked very hard to arrange the compromise with the Senate which is now finally before us.

I will simply make two very brief points. First, once again I want to emphasize my interest in long-range assessment. We simply must begin to base our materials policy, including materials research and development, upon the long-term cycles of technological change and materials production and consumption. These life cycles may last up to 40 or 50 years. It is essential that we attempt to look forward that far, however imperfectly. Otherwise, we will not spot potential shortages as well as problems of capitalization, technical training and necessary research and development in time for these problems to be averted.

That brings to mind the second theme. When we passed this bill last December, I emphasized that materials research and development is not an end in itself. It must ultimately find application in industrial technology. Therefore, I fully supported the directive which the House Science Committee's report gave concerning the need for possible financial and tax measures to stimulate the implementation of research through industrial innovation. It was my view and it is still my view that when the President submits his recommendations for legislation under section 5 of this compromise bill, he should include measures of all types including possible financial and tax policy incentives. This provision is clearly within the intent of the policy statement contained in section 4, which states that the President shall "recommend to the Congress appropriate measures to promote industrial innovation in materials technology." I think the compromise bill has strengthened the House version of H.R. 2743 by making more specific the possible directions for the support of industrial innovation in many ways. I commend the Senate for making these changes. They are an essential part of a materials policy.

My third point is that this bill defines "materials" very broadly. We must not think of this bill simply as a mineral bill because the solution to the problems of mineral shortages in many case will lie in the exploitation of new, nonmineral resources such as plastics and biologically developed materials. Nor must we consider this bill as simply a bill devoted to more mineral production or even more material production. It attempts to span the entire gammut of the materials cycle from production through processing through consumption and through ultimate recycling or reuse. In this sense, I concur strongly with the recent Washington Post editorial, "Is There a Resource War?" which noted that the American Geological Society had sounded an alarm concerning potential mineral shortages. However, the editorial notes that this problem requires a far more extensive policy than simply stockpiling strategic minerals or materials. It also must deal with such problems as conservation and recycling. I am glad to see that the legislation before us specifically calls upon the President to assess Federal policies which adversely affect all stages of the materials cycle, including recycling and disposal.

Finally, Mr. Speaker, I would like to make the point that we cannot consider our national materials policy in a purely domestic context. Indeed, the very reason for this bill's being before us today is that we are increasingly dependent upon foreign sources of materials. In this context, I want to note, as I did last year, that the legislation declares that the Federal Government should promote cooperative research and development programs with other nations for the equitable and frugal use of energy. We must remember that the United States cannot continue to use approximately 30 percent of the world's material and energy resources when the needs of other nations are rising, too. We must develop more efficient and more frugal use of materials so as to permit a greater degree of equity in the sharing of the Earth's bountiful but limited resources. But must also realize that the effectiveness of our materials policy will be dependent upon our sympathy for the human development of many materials exporting nations, such as South Africa. We cannot ignore the demands for social and economic justice in these nations if we wish to insure long-term access to these necessary material resources. I would reiterate the comment of my colleague, the gentleman from Ohio (Mr. PEASE), which I noted in my remarks last December, namely:

Our access to other countries' critical materials rests on a very basic human foundation. It is essential that we demonstrate to under-developed countries that we care

about what happens to their people as much as we care about what happens to their raw materials.

If we do not observe this principle, Mr. Speaker, in the long run, no technological solution will provide a permanent solution to our national materials needs.

Mr. Speaker, I think this legislation as amended by the Senate is excellent. I urge the House to adopt the Senate's amendments so that we may send it to the President for his signature as soon as possible. I thank my colleagues on the Science Committee and the staff of the Science Committee for having worked so long and hard to get this bill into the shape where we could consider it in its final form today.

Thank you, Mr. Speaker.

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

Mr. WYDLER. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I rise today in support of H.R. 2743, National Materials and Minerals Policy Research and Development Act of 1980. Today the United States sits anxiously on the sidelines awaiting the final outcome of the war between Iraq and Iran. We sit by anxiously knowing full well that that war could easily escalate into a full-scale regional conflagration which could sever the vital oil lifelines through the Straits of Hormuz to the United States and our free world allies. There is scarcely an American in this Nation that does not realize full well the implications for this Nation and for the life of the individual of this war in the Mideast simply as a result of America's dependence on foreign sources for oil.

Yet as we watch and wonder and worry over the longrun implications of that energy dependence, few worry, few are even aware of America's even more significant vulnerability as a result of dependence on foreign sources for strategic and critical minerals.

Too few today realize that America imports by 50 percent or more 24 of the 32 minerals essential to our national economy and defense. Few are aware that of the most significant minerals—manganese, chromium, platinum, cobalt—we are nearly 100 percent dependent on foreign sources. Few have even begun to contemplate the future of the Western world should war break out not in the Middle East, but in southern Africa, not in the Straits of Hormuz but around the Cape of Good Hope.

Today America imports 42 percent of our manganese, 48 percent of our chromium, 76 percent of our cobalt, and 93 percent of our platinum from one small and highly volatile region of the world—southern Africa. Free world dependence—that is our NATO allies and Japan—is even greater. What would happen to this Nation and to our allies should we be cut off from these minerals? One expert, a man with 30 years experience in the strategic minerals area concludes that the Western World would be brought to its knees within 6 months. A West German Cabinet level study theorized that if West Germany was cut off from 30 percent of its chromium the nation would suffer a 25-percent drop in GNP and 3 million West Germans would be out of work. Our National Academy of Sciences, discussing the possibility of a long-term embargo of chromium concluded that "America would suffer severe economic dislocation," dislocation much more serious than that resulting from an oil embargo.

The experts are as one on this subject. America truly faces in the decades ahead a growing "resource war," a worldwide battle, not necessarily involving military forces, for the world's mineral resources. Recent information has come to light that the Soviet Union, once assumed self-sufficient regarding its mineral needs, is, as a result of labor, technical, ore grade, and capital difficulties, facing mineral shortages for itself and for its Warsaw Pact allies. As a result, the Soviet Union, once content to enter the marketplace for the acquisition of capital or as a disruptive force, now is forced by internal circumstances to obtain its mineral needs from other sources. The other sources are in many cases the sources to which America looks for mineral supplies. Lest there be any doubt that the resource war has already begun, we need only examine the article appearing in this week's Business Week disclosing that one of the reasons that the Soviet Union invaded Afghanistan was for the acquisition of strategic and critical materials.

In the face of all this, America does nothing. As we did in the days prior to the Arab oil embargo of 1973–74, when study after study warned of a dangerous dependence on unstable sources, we sit hoping for the best. Incredibly enough, we do not even have the good judgment to fear the worst. Rather, we have no fear. We continue down the same "it cannot happen to us" polyanna approach regarding nonfuel minerals as characterized our attitude nearly a decade ago in fuel minerals.

In the face of this unfolding drama, concerned Members of Congress urged upon President Carter a careful review and analysis of the nature of the perilous road down which we had begun to travel. Such a review was initiated in December 1977. Today, nearly 3 years later, after the expenditure of nearly $3.5 million and 13,000 man-days, the review is dead. In fact, the only document prepared during the course of that review, a 42-page summation of the problems, was condemned by each and every witness who appeared at the public hearings held across the Nation regarding that report. Not a single witness, neither environmentalist or industry representative, nor independent analyst, spoke in favor of that document. Perhaps the greatest failure of the Presidential review was its lack of recognition of the severity of the crisis and the need for positive action. The Carter administration is engaged in an extremely dangerous head-in-the-sand attitude regarding minerals policy, pretending it is not there, hoping it will go away.

A decade ago the 91st Congress adopted the Mining and Minerals Policy Act of 1970. It is clear from the legislative history of that act that the Congress fully intended the Mining and Minerals Policy Act to stand as a counterforce for the National Environmental Policy Act of 1969, another bill adopted during the 91st Congress. What one was to do for environmental protection, the other was to do for the protection of the most critical element of an industrial society—the raw materials out of which that society builds its future. While NEPA ballooned, was expanded beyond all expectations of the 91st Congress into a multimillion dollar executive program requiring Federal agencies to jump through numerous hoops held at varying heights by the Council on Environmental Quality, the Mining and Minerals Policy Act of 1970 atrophied into nonexistence.

Today the Secretary of the Interior of the Carter administration has denied in correspondence with the Mines and Mining Subcommittee any authority to take any action under that act to promote and encourage the minerals industry. Notwithstanding the efforts of the Secretary of the Interior to assert and claim power in numerous diverse circumstances in this one area, he has abdicated his duty and responsibility. With regard to the minerals industry, asserts the Secretary, he is powerless to act. Thus, as a result of the purposeful abdication by the Department of the Interior of its executive branch responsibility under the Mining and Minerals Policy Act and as a result of a Presidential pretention that the problem simply does not exist, we have continued to take action which has effectively forced our once strong and vital minerals industry out of business.

Notwithstanding the vastness of America's mineral potential and it is that, we find ourselves dependent on foreign sources, unstable, uncertain foreign sources, for the minerals essential to our very existence. Thus, we have continued to withdraw mineral rich Federal lands from the mining law, we have continued to enforce tunnel-visioned environmental regulations, we have continued to use antitrust statutes as a reason for antibusiness, we have continued to frustrate the ability of the mining industry to capitalize itself and we have adopted a national foreign policy which is devoid of any recognition of the importance of minerals.

We do all this, Mr. Speaker, notwithstanding the Mining and Mineral Policy Act of 1970. Thus today we bring to the floor another effort to send a message to the executive branch as to the seriousness of America's minerals vulnerability. Once again this Congress will attempt to deliver to the President and his top aides indication that the Congress wants the development of a unified national policy regarding nonfuel minerals. It is no longer permissible for EPA to restrict the minerals industry and force the closure of smelting and refining facilities. It is no longer permissible for the Department of the Interior by Executive order and by administrative fiat to declare off limits to exploration nearly two-thirds of the public's land. It is no longer permissible for the Department of State to continue its foreign policy as

if the United States did not depend upon certain specific nations for minerals critical to our national survival. It is no longer permissible for the Department of Defense to behave as a mere "consumer" of minerals, hoping that other agencies and departments will insure the availability of those minerals necessary for high technology defense weaponry. It is no longer permissible for the Department of Justice and the Federal Trade Commission, by their interpretation of 80-year old statutes to declare war on America's minerals industry.

Rather, the President, as the representative of the Nation must assure that the Nation and the American people have the minerals necessary for the continuation of our highly sophisticated industrial economy. He can only do so by the development and the implementation of a national, truly national minerals policy. Today, we send him another in the long line of tools to do that job. Let us hope for the first time he takes that action. I urge adoption of this legislation.

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

Mr. WYDLER. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I am pleased to call up for consideration H.R. 2743, the National Materials and Minerals Policy Research and Development Act of 1980, as amended and passed by the Senate. H.R. 2743 passed the House last December by a vote of 398 to 8. The Senate in its deliberations has incorporated several new provisions in the version now under consideration, which clarifies the roles of several Federal departments in establishing and implementing a national materials policy.

Nonetheless, the basic concerns noted last year by the Committee on Science and Technology—the concern of balancing our energy and environmental policies with those of materials; the concern for establishing a strong, comprehensive, and coordinated materials research and development program; the concern for long-range assessment of our materials needs; and the concern for assessing critical materials related to national security—have all been preserved in the version recently passed by the Senate.

As now written the bill would require the President to return to Congress within 1 year with a program plan for implementing the policies and objectives as described in the bill and to provide the necessary organizational structure to that end. Further, the Office of Science and Technology Policy, within the Executive Office of the President, would be required to coordinate Federal materials R. & D. and related activities as well as implement a 5-year assessment—and where possible extend that assessment by 10- and 25-year increments—of materials needs related to scientific and technological concerns.

Under the coordination of the Executive Office of the President, the Secretaries of Commerce, Defense, and Interior are directed to take specific actions related to materials and materials policy. The Secretary of Commerce will identify and submit to Congress a specific materials needs case related to national security, economic well-being, and industrial production.

The Secretary of Defense will be responsible for providing within 1 year an assessment of critical materials needs related to national security. This assessment is expected to be revised regularly as determined necessary.

The Secretary of the Interior will take a number of steps to provide for stable supplies of materials. These steps include improving our capacity to assess international minerals supplies, increasing mining and metallurgical R. & D. of critical and strategic minerals, and improve the availability and analysis of materials and mineral data.

Each of these programs and activities, as well as the reports and assessments required, are expected to be carried out in a consistent and cohesive manner under the coordination of the Executive Office of the President. The intent here is that each of the Departments and/or Federal agencies not go in divergent directions in implementing this bill.

As I noted when introducing this bill 18 months ago and as I stated last December, we do not see this bill as a general panacea to our national materials problems. H.R. 2743 is only the start in trying to deal with this complex issue. I strongly recommend this measure to my colleagues and urge its adoption.

● Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 2743, the "National Materials and Minerals Policy, Research and Development Act of 1980." As noted by the chairman of the Committee on Science and Technology, this bill enjoyed strong support in its passage last December in the House. The Senate, after due deliberation and after certain changes designed to strengthen implementation, has concurred with the House with an equally strong vote in favor of passage.

Since the Policy Commission in 1952 at least a dozen major commissions, studies or investigations on materials have been carried out. Each of those commissions emphasized the need for a coherent national materials policy and implementing strategy. Unfortunately, despite the recognition of the need, no national materials policy has been forthcoming. H.R. 2743 represents the first time Congress has passed a bill to create a comprehensive national materials policy and to establish a means for developing strategy for its implementation.

Let us be clear about what is intended by this bill. We are not asking for yet one more study. Those of us who have considered this problem in depth are convinced that further major studies are not necessary. We have a wealth of information and ideas now at hand. What is necessary is action by the President to begin addressing the problems we have identified in the course of creating this bill:

We must look to means of mitigating our present overwhelming dependence on such strategically critical materials such as cobalt, manganese, chromium, and platinum.

We must provide a strong coherent and coordinated program of applied and basic materials research in extractive metallurgy, materials processing, development of new materials, recycling, substitution and disposal.

We must organize the information now available on basic materials—domestic and international—such that it can be readily accessed by the top policy and decisionmakers in the Federal Government.

We must provide for long-range assessment of our materials needs and the means necessary to meet those needs.

We must create an organizational structure within the Executive Office of the President which will serve as the focal point for the materials policies, programs and initiatives of the Federal Government.

We must determine new strategies for working cooperatively with the developing world to help them in discovering and establishing new materials industries and in helping us by providing more divergent sources of crucial materials.

In short we must begin by acting now rather than awaiting for the inevitable materials problems that loom on the horizon for this Nation.

I strongly urge my colleagues to adopt the Senate version of H.R. 2743.●

● Mr. SANTINI. Mr. Speaker, I rise in support of H.R. 2743, the National Materials and Minerals Policy Act of 1980. Initially, I want to commend Chairman FUQUA and Mr. BROWN of the Committee on Science and Technology for their perseverance and commitment to this legislation.

My Subcommittee on Mines and Mining has spent almost 2 years attempting in vain to keep on track the administration nonfuel minerals policy review. This effort started out as a legitimate examination of America's mineral problems. I am sorry to report that what we thought would be an honest effort to review the problems and propose solutions was almost a total waste of time and money yielding no tangible results. Not one Federal agency recognized its own cherished goals, regulations, or policies as worthy of the slightest change to accomplish the larger need of assuring this Nation the availability of the minerals so essential to its economy and its national security.

The Department of the Interior saw no need to reconsider its negative attitude on public land use in support of mineral search and development. The Treasury saw no need to look at the Tax Code as a way that may stimulate the competitiveness of the American minerals industry. And the Environmental Protection Agency sees its environmental goals as overriding all other national goals. The only conclusion I can draw from the frustrating, unproductive effort of the administration's nonfuel minerals policy review is that there simply is no commitment, or even an understanding of the indispensability of the Nation's minerals to every facet of an industrial society.

Perhaps the single most distressing aspect of the fruitless effort was its purposeful ignorance of the inherent problems to this Nation from our import vulnerability that is growing in an increas-

ingly complex and unsettled world. While America seems purposely driven to export this basic and essential industry, the rest of the world is increasingly motivated by resource politics. While we seem to go forward unconcerned with our vulnerability and the dangers involved, the rest of the world is making every effort to strengthen its mineral position.

H.R. 2743 is a good first step. But, we must be prepared to do more. My only reservations about this legislation is that it will leave much in the way of discretion on the part of agencies within the executive to improve the mineral supply situation for the Nation in the years ahead.

I think we should recognize that materials research and development will not in itself guarantee the flow of mineral raw materials to keep our economy going and our defense systems secure. More reports and studies by the executive—if motivated by other goals at cross purposes to mineral development—will not produce minerals or guarantee their supply. We have learned the hard way that good will on the part of the Secretary of the Interior to implement the Mining and Minerals Policy Act of 1970 has not provided any meaningful results.

I strongly endorse H.R. 2743 as a notable first effort that leaves no question of the sincerity of Congress with respect to the commonsense direction America must take. However, we are going to have to provide more specific legislation in the next Congress to make sure that we keep moving in the right direction.

The Subcommittee on Mines and Mining just released its own report on September 21, 1980. That report, I believe, spells out the individual problems and the right direction.

I therefore urge my colleagues to support this legislation.●

● Mr. WYDLER. Mr. Speaker, I rise in support of H.R. 2743 as amended by the Senate, the National Materials and Minerals Policy, Research and Development Act of 1980. I am proud to say that I am one of the original cosponsors of this legislation which was introduced in 1979 and which itself has a long history in earlier versions before our committee over several years. Mr. Speaker, as I said at that time and as the Washington Post editorial "Is There a Resource War?" reiterated recently, we are dangerously dependent upon foreign sources of materials at a time when there is increasing international demand. We import over 58 percent of our needs for the 38 basic minerals which comprise virtually all of the metals used in the United States. In the long run I believe the shortage of materials will prove just as serious as the energy shortage.

Energy policy and materials policy are intimately related. For example, new sources of energy such as fusion will require access to highly exotic materials, many of which we must import and which are in short supply the world over. Materials could be one of the fundamental limitations of the fusion energy program which I strongly advocate. We must support both fusion research and development, as well as efforts to produce and process required new materials if that energy program is to be viable on a large scale.

The interlocking of energy and materials policy illustrates that we are dealing with more than just minerals and that we must consider the use of materials throughout the whole life cycle, from production or mining through processing to consumption and final disposal or recycling. We need more research and development in each of these stages of the life cycle. We also must remember, that research and development is not an end in itself; it must ultimately find application in industrial technology. I am pleased to see that the Senate amendment has greatly strengthened those provisions relating to the application of research and development to industrial innovation in all stages of the materials cycle. The materials policy which we will pass today should be a major part of the reindustrialization which this Nation is beginning to consider and which we will carry out over the coming generation.

Mr. Speaker, I commend my colleagues on the Science Committee for the long and hard work they have done to bring this bill to final consideration today. I particularly commend my colleague CAP HOLLENBECK who has long been the leading advocate for action in the critical area of materials policy for our Nation's future. I urge my colleagues here to support this bill today.●

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill before us now.

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

There was no objection.

Mr. WYDLER. Mr. Speaker, withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey (Mr. FLORIO)?

There was no objection.

A motion to reconsider was laid on the table.

SITUATION OF SEVEN PENTECOSTALS LIVING IN U.S. EMBASSY IN MOSCOW

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 409) expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the U.S. Embassy in Moscow, and their families, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I would ask the distingushed chairman to explain the resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman from Alabama yield?

Mr. BUCHANAN. Certainly.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 409, expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the U.S. Embassy in Moscow, and their families.

House Concurrent Resolution 409, which was introduced by our colleague, the Honorable LESTER L. WOLFF and 73 cosponsors, was considered and approved by the Committee on Foreign Affairs on September 10, 1980.

The resolution voices great concern over the Soviet denial of its citizens' rights to free worship. It notes with particular distress the seven Pentecostal Christians presently housed in the U.S. Embassy in Moscow who fear for their lives should they leave. The legislation cites a series of Soviet commitments which are violated by Soviet suppression of religious freedom, including the Final Act of the Conference on Security and Cooperation in Europe. Passage of House Concurrent Resolution 409 is particularly timely in view of the upcoming meeting in Madrid of the signatories to the Helsinki accords in November. It will enable the U.S. delegation to attend the conference with an expression, in hand, registering congressional displeasure over the Soviet policy.

The operative part of the resolution calls on the President to do the following:

Convey congressional concern over Soviet Treatment of its Christian citizenry;

Give special attention to the plight of the seven Pentecostals, who have sought refuge within the American Embassy in Moscow, in order to achieve their safe release and emigration from the Soviet Union; and

Report to Congress on the prospects for religious freedom within the Soviet Union.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 409, in recognition of the rights of Soviet Christians and the interest of religious freedom.

Mr BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, I raise a point of great concern to all Americans who know the value and the necessity of the right to freedom of religious practice. Today I would like to call upon the Congress to recognize the systematic violation of this basic human right by the Government of the Soviet Union. The religious freedom of Soviet Jews has long been a prominent issue brought before the Congress, however, the plight of Soviet Christians and Moslems has received little critical attention.

The official ideology of the "Great October Revolution" of 1917 professed imposed atheism. In the violent aftermath of the storming of the Winter Palace and then again during the Russian Civil War there was a veritable orgy of destruction of churches, monasteries, and synagogues. This desecration of the material symbols of religion was accompanied by the violent liquidation of the clergy and a massive antireligious propaganda campaign in the government controled press. Such a concerted effort to eradicate the practice of religion in any form had never before taken place. Yet, religion lived on in the Soviet Union.

The ponderous weight of Soviet governmental discouragement, the systematic efforts to discredit religion in the schools, and even the brutal repression of those known in the Soviet Union only as "believers" has not been able to eliminate widespread worship or to squelch the strangled cries of those who are denied their right to freedom of religious conscience. The survival of religious spirit in the openly hostile environment of the Soviet state is an encouraging statement about the resilience and courage of the human spirit.

Today there is a glaring example of the oppressive treatment received by Soviet citizens who attempt to exercise their right to freedom of religious conscience. At this moment there are seven Soviet Pentecostalists living in the U.S. Embassy in Moscow, awaiting an opportunity to come to the United States. These victims of Soviet human rights violations have been in the Embassy since June 27, 1978. It is significant that these Soviet citizens decided to turn to such drastic acton as bursting into the U.S. Embasy in their desperate search for religious freedom. Not only does their decision reflect the intensity of Soviet religious persecution, but it demonstrates the basic trust and respect which the oppressed of other countries have for the United States.

There have been many instances of foreign citizens fleeing the oppressive human rights conditions of their native country by fleeing into the haven of the American Embassy in recent years. The exodus of Cubans witnessed this spring comes to mind, as does the report of a Soviet soldier seeking political asylum in the U.S. Embassy in Kabul, Afghanistan which was in Tuesday's New York Times. It is no coincidence that these events have taken place in countries of the Soviet bloc. The despicable human rights record of the Soviet Union and its client states is well known to all, and cannot be hidden from view by the acrid smoke screen of Soviet propaganda.

The upcoming Madrid Conference for the review of compliance with the Helsinki accords provides the United States with an excellent opportunity to express our abhorrence of the Soviet Union's human rights policies.

The U.S.S.R. is a signatory to a long list of international agreements on human rights, including: The U.N. International Covenant on Civil and Political Rights (article 12 of which specifies the right to leave one's own country), the Final Act of the Conference on Security and Cooperation in Europe (which formally recognized the right to "profess and practice religion or belief in accordance with the dictates of conscience"), articles 1 and 55 of the Charter of the United Nations, articles 13 and 18 of the Universal Declaration of Human Rights, and perhaps most hypocritical of all, article 52 of the Constitution of the Union of Soviet Socialist Republics—which states that citizens of the U.S.S.R. "are guaranteed freedom of conscience, that is, the right to profess any religion * * * and to perform any religious worship." The Soviet Union must be put on notice that the United States regards Soviet disrespect of international agreements and the systematic violation of human rights as unacceptable behavior for a 20th century state. The persecution of Soviet "believers" must be stopped and their right to emigrate must be recognized. The reverent worship of God cannot be replaced with ideological kowtowing.

Given the plight of the seven Pentecostalists, and that of all "believers" in the Soviet Union, I feel that it is imperative that we express the concern of the U.S. Congress in this critical matter. I have introduced, in conjunction with Representative BUCHANAN, House Concurrent Resolution 397 which expresses the sense of the Congress that—

First, the President should convey to the Government of the Soviet Union the deep concern of the Congress over the deprivation of the rights of Christians and Jews in the Soviet Union;

Second, the Fresident should give special emphasis to the situation of the seven Pentecostalists now living in the U.S. Embassy in Moscow with the objective of assuring their safety and obtaining permission for them and their family members to emigrate from the Soviet Union; and

Third, the President should report to Congress on steps taken in accordance with this resolution on the prospects for improvement in recognition of religious freedom by the Government of the Soviet Union for all Soviet citizens who hold religious beliefs including Jews and Moslems.

I call on all Members of Congress to support this resolution, in order to send a message to the men in the Kremlin that we value the rights of all men everywhere. The continued violation of the right to freedom of religion by the Soviet Government shall not go unnoticed.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio (Mr. GUYER).

Mr. GUYER. Mr. Speaker, I rise on behalf of House Concurrent Resolution 409. I wish to commend the gentlemen, Mr. WOLFF and Mr. BUCHANAN, for bringing this measure to the floor, and the Foreign Affairs Committee for favorably considering it. Last year I had the experience of traveling with Mr. WOLFF to the Soviet Union, and while we were in Moscow several of us talked with the seven Pentecostals who are in refuge in our Embassy there, as well as two outstanding Pentecostal leaders who were in Moscow at pain of imprisonment if their whereabouts were discovered.

Mr. Speaker, it is obvious that, at the best, religious freedom enjoyed by Christians in the Soviet Union is far from satisfactory. For a Christian group to be legal in the Soviet Union is to run the risk of having the church domesticated by the state, so to speak. While there are some benefits in having an officially recognized status, there is a real danger of having the Communist Government of the U.S.S.R. manipulate the leadership and thus control the activities of the church. Christians who resist this kind of relationship with the state and live more openly by biblical tenets risk having their livelihoods taken from them, their children deprived of education, and their families' futures destroyed. For those in this country who take their freedoms lightly, this should be a reminder of how well off we in this country are, and how bad off we might be.

The obvious question is "what can we do?" I think that we ought to be heard on this at least. I would hate for it to be said that the U.S. Congress never expressed its concern about the fate of Christians in the Soviet Union. After we have gone on record about human rights in countries from Korea to Chile to Indonesia to South Africa to Turkey to Spain, we would be remiss if we did not make our opinion clear on this issue as well.

One of these days, perhaps by the grace of God the Soviet Union might learn that Christians, given the freedom to pursue their faith, would be good and supportive citizens. Such freedom is prescribed in the Soviet constitution. But in the meantime, we must maintain a vigilance on behalf of Soviet Christians. It is the least we can do.

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

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

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

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

I, too, want to join in this resolution. I commend the distinguished chairman of our committee for bringing it to the floor.

Mr. Speaker, the plight of the seven Pentecostals now living in the U.S. Embassy in Moscow is indeed a desperate one. They fear for their lives if they even set foot out of our Embassy grounds.

In August 1979 I had the opportunity of visiting the U.S. Embassy in Moscow with the gentleman from New York (Mr. WOLFF). At that time, we discussed these problems personally with the Vaschenko and Chmykhalov families who have been living in our Embassy for more than 2 years while they seek permission to emigrate. They arrived at our Embassy, seeking asylum after their basic human rights were repeatedly violated by the Soviet Government.

Since their arrival, the Soviet Government has intercepted mail intended for them and has refused to deliver clothing gathered in this country for them. Other family members not in the Embassy have been harassed and jailed.

One son, Sasha Vaschenko, has been repeatedly subjected to harsh conditions in an isolation cell and to physical abuse.

The plight of the Vaschenko and Chmykhalov families is another tragic example of the continuing and increasing practice by the Soviet Government to violate even those most basic rights of religious liberty, family reunification and emigration, to name but a few.

Basic humanitarian concerns demand their release.

As a cosponsor of House Concurrent Resolution 409, I strongly urge the adoption of this resolution.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, as another one of those members of the Wolff delegation who was honored to meet with the Vashchenkos and the other family entrapped in our Embassy, I also want to associate myself with this resolution and point out that as cruel as this particular case is, the case of Raoul Wallenberg, the Swedish hero who saved so many hundreds of Hungarian citizens of the Jewish faith, still rotting in a Soviet dungeon somewhere, cries out for resolution this year and, hopefully, maybe under the 97th Congress.

I thank the distinguished chairman and I thank the gentleman from New York (Mr. WOLFF) for all his help over the 2 years.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I rise in support of the resolution and point out that this is one of the more visible of the practices of the Soviet Union. We must all keep in mind their complete denial of religious freedom, freedom of speech and the things we take for granted. This should be a reminder to all of us of the conditions behind the Iron Curtain.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I appreciate my friend yielding.

I, too, share in the cause that is represented behind this resolution: I cannot think of a way that the Congress could speak out more clearly on behalf of those Christians behind the Soviet Union, who because of their belief in the Bible and their desire to worship God, who are incarcerated, denied those basic human rights, this resolution goes to the heart of that.

I congratulate the gentleman from New York and strongly associate myself with his remarks.

I appreciate my friend from Alabama yielding.

Mr. BUCHANAN. Mr. Speaker, the last 2 years have borne dramatic witness to the continuing and, indeed, increasing repression within the Soviet Union.

For more than 2 years the members of two Siberian families, the Va Shchenkos and the Chmykhalovs have taken refuge in our Embassy in Moscow—victims of repeated violations of their most basic rights.

They have been denied the religious freedom guaranteed by the Soviet Constitution, the Helsinki Final Act and other international agreements.

They have been denied the right to emigrate, again in violation of internationally accepted human rights practices.

Their mail has been censored or interrupted.

Members of their families have been arrested and subjected to inhumane treatment and physical abuse.

Today, Sasha Vaschenko is in a forced labor camp subjected to treatment reminiscent of that of World War II concentration camps. He was sent into isolation at one point for merely attempting to write a letter to his family.

And so, faced with this history, seven members of these two Pentacostal families sought asylum in our Embassy—the only way that they could see to flee the repression of their own government.

They fear for their lives should they leave and Embassy grounds and the Soviet Government has refused even to consider their request that they and the other members of their families be permitted to emigrate.

Only a couple of weeks ago, Jane Drake of the Society of Americans for Vaschenko Emigration (SAVE) personally carried a box of clothing for these families into the Soviet Embassy in Washington. The next day, that clothing was returned. The Soviet Government refused even to deliver one box of clothing to their own citizens.

There can be no question but that the actions of the Soviet Government are a deliberate denial of the basic rights of the members of these families.

As a member of the Commission on Security and Cooperation in Europe, I have listened with sadness and horror to the testimony of stepped up attacks on religious believers within the Soviet Union such as these Pentacostals.

Basic humanitarian concern demands that these individuals and the other members of their families from whom they have been separated for so long be reunited.

Basic humanitarian concern demands that they be permitted to emigrate.

With this resolution this body will go on record in strong support of the rights of these families and in strong condemnation of the Soviet repression which has denied them their rights.

I urge its adoption.

● Mr. DICKS. Mr. Speaker, I rise in support of House Concurrent Resolution 409. I am deeply disturbed by the persecution of Christians and our religious groups in the Soviet Union. House Concurrent Resolution 409 is a positive step to bring attention to these horrendous practices. Mr. Speaker, I would like to insert in the RECORD an article from the September 13, 1980, issue of the Economist, that clearly describes the situation in the Soviet Union:

A CRUSADE AGAINST THE CHRISTIANS

The Soviet army has yet to launch its widely expected offensive against the rebels in Afghanistan, but on the home front the post-Olympics campaign against Russia's own dissidents is in full swing. One of its main targets this time are the Christians.

Last Monday a court in Kalinin passed sentence on Mr. Alexander Ogorodnikov, a prominent Russian Orthodox layman and founder of an unofficial Orthodox seminar. He was given six years in a labour camp, followed by five of internal exile, which means enforced residence in a remote town of the KGB's choice. His all-embracing crime—"anti-Soviet agitation and propaganda"—was the same as that of another prominent religious dissident figure, Father Gleb Yakunin, who got five years in a camp and five of internal exile on August 28th.

Father Yakunin had founded, back in 1976, a body called the Christian Committee for the Defense of Believers' Rights. The committee—the religious counterpart of the Helsinki monitoring group led by Professor Yori Orlov (in prison since 1978)—kept a watch on abuses of believers' rights in the Soviet Union and advised them of their legal rights. It investigated the position of the Russian Orthodox Christians, the Roman Catholics in Lithuania, the Seventh-Day Adventists and other groups. Although Father Yakunin's trial was officially an "open" one, only his wife was allowed to attend.

On August 29th, the day after Father Yakunin's sentence, Mr. Tatyana Velikanova, a mathematician, Russian Orthodox believer and member of the now virtually dismembered Helsinki group of human rights monitors, was sentenced to four years plus five of internal exile. The court claimed that the reports Mrs. Velikanova helped to prepare were "slanderous". One of Father Yakunin's closest associates, Mr. Lev Regelson, a physicist by training and a prominent Orthodox layman, is expected to be tried later this month, and so is another religious activist, Mr. Viktor Kapitanchuk.

Not everybody was actually brought to trial: a well-known Orthodox preacher, Father Dimitri Dudko, was sufficiently softened up in prison to make a public recantation on Moscow television earlier this summer. But most of the others are thought to be shouldering their burden stoically. Mr. Ogorodnikov, who had been on a hunger strike for 102 days, had enough strength left to shout after the announcement of his sentence: "Long live Russia". Father Yakunin is reported to have said: "I thank God for this test that He has sent me. I consider it a great honour and, as a Christian, accept it gladly".

He, and other dissidents, have had no support from the official Orthodox church. The Moscow patriarch and other church leaders particularly dislike Father Yakunin who, in 1965, accused them of silence and inactivity during the previous major wave of religious persecution in Russia in 1958–59.

In Britain, the British Council of Churches has conveyed its protest and a small clergy committee to defend Russian Christians is campaigning on their behalf. Their plight will be raised at the Helsinki follow-up conference in Madrid in November; the preparatory meeting started this week. But in Geneva the World Council of Churches, normally quick to protest against arbitrary state action, has not yet spoken up for the persecuted Russian Christians. Could it be because the official leaders of the Russian Orthodox church, over which the Soviet authorities have a strong hold, are among the WCC's most influential members? ●

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the pending concurrent resolution.

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

There was no objection.

Mr. BUCHANAN. Mr. Speaker, my colleagues have spoken eloquently and well, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. ZABLOCKI)?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 409

Whereas the right to the free practice and expression of faith by Christians in the Soviet Union, including Baptists, Evangelicals, Pentecostals, and members of the Russian Orthodox Church, has been systematically denied;

Whereas these rights include freedom of worship according to the tenets of their faith;

Whereas the right of Christians to emigrate has been effectively denied;

Whereas these Soviet policies are contrary to a series of commitments which the Soviet Union has signed including the United Nations International Covenant on Civil and Political Rights; the Final Act of the Conference on Security and Cooperation in Europe, which recognizes the right to "profess and practice religion or belief in accordance with the dictates of conscience" and which encourages family reunification; the Charter of the United Nations; the Universal Declaration of Human Rights; and the Constitution of the Union of Soviet Socialists Republic, which guarantees Soviet citizens "freedom of conscience", that is, the right to profess any religion and to perform any religious worship; and

Whereas, in desperation at the denials of their rights, seven Soviet Pentecostals have sought refuge in the United States Embassy in Moscow and legitimately fear for their lives and persons should they leave: Now, therefore, be it

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

(1) the President should convey to the Government of the Soviet Union the deep concern of the Congress over the deprivation of the rights of Christians in the Soviet Union;

(2) the President should give special emphasis to the situation of the seven Pentecostals now living in the United States Embassy in Moscow with the objective of assuring their safety and obtaining permission for them and their family members to emigrate from the Soviet Union; and

(3) the President should report to Congress on steps taken in accordance with this resolution on the prospects for improvement in recognition of religious freedom by the Government of the Soviet Union for all Soviet citizens who hold religious beliefs including Jews and Moslems.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING RAOUL WALLENBERG

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 434) to honor Raoul Wallenberg, and to express the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, and I will not object, I yield to the distinguished chairman of the committee for an explanation of this very touching resolution.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 434, honoring Raoul Wallenberg for his outstanding work in saving Jewish citizens in Hungary during World War II and urging a full clarification of his current status and whereabouts.

Raoul Wallenberg was truly a remarkable man. He entered Hungary in 1944 as a Swedish diplomat with the mission of saving as many Hungarian Jews as possible from extermination by the Nazis. It was a mission he fulfilled with honor and distinction, even at peril to his own life. By issuing Swedish passports and providing safe havens in houses protected by Swedish neutrality, Raoul Wallenberg saved tens of thousands of Hungary's Jews from the concentration camps and gas chambers.

However, Raoul Wallenberg was taken into "protective custody" by the Soviets when they entered Hungary the next year. This man to whom so many owed their lives, and whose work inspired such admiration and respect, simply disappeared. Repeated inquiries to the Soviet Union regarding his fate have brought conflicting responses over the past 35 years. Although the Soviets now claim that a prisoner by his name died in 1947, there is also reason to believe that Mr. Wallenberg may still be alive. Simple human decency requires that his fate be made known to his family and friends.

Mr. Speaker, I urge the support of my colleagues for this resolution honoring Raoul Wallenberg, a brave and noble man.

□ 1530

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 434 honoring Raoul Wallenberg, for his courageous work in Eastern Europe during World War II. More specifically, Raoul Wallenberg was a young Swedish Christian diplomat who was singlehandedly responsible for the salvation of 100,000 European Jews from Nazi death camps during an extraordinary mission of mercy in Budapest, Hungary in 1944.

When the Nazis initiated a forced march of Hungarian Jews, Wallenberg followed the marchers saving those whom he could save and assisting others by providing them with food and clothing. Later, he extended his operations by establishing "international Houses" under the protection of the Red Cross in which thousands of Jews were granted refuge.

He was taken prisoner by the so-called liberating Russian forces in 1945, and subsequently disappeared. Soviet officials originally denied that he was in their custody. Later, the Soviet Government stated that he had died in prison in 1947. However, testimony by refugees from Soviet prison camps as recently as May 1978, indicate that he is alive and still being held in a Siberian prison.

Mr. Speaker, if Raoul Wallenberg is still alive, and many reports indicate that he is, then the upcoming Madrid Conference, starting on November 11, to review the implementation of the Final Act of the Helsinki Conference, will provide the U.S. delegation with an appropriate platform to raise the issue with the Soviets. There is no reason for Wallenberg's detention. Various theories have been advanced including Soviet suspicion of espionage, Soviet fear of Western influence in postwar Hungary, and seizure by Soviet officials of refugee aid funds that Wallenberg was in charge of. Whatever the case may have been, continuing to hold him is an outrageous violation of law, morality, decency, and of course, human rights.

Mr. Speaker, Raoul Wallenberg was nominated for the Nobel Peace Prize in 1949. But I do not think that anything sums up the value and extent of Raoul Wallenberg's work better, than the remarks by one of the many survivors who he helped, who said:

> He gave us the sense that we were still human beings . . . he came himself. He talked to us and showed that one human being cared about what was happening to us.

I urge my colleagues to not only support this resolution, but in the spirit of the resolution, to encourage the State Department and other U.S. authorities in collaboration with the Swedish Foreign Office and Government to take any other appropriate action on Wallenberg's behalf.

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

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from New York (Mr. WEISS), the chief sponsor of the resolution.

Mr. WEISS. Mr. Speaker, I want to commend the distinguished gentleman from Illinois (Mr. DERWINSKI), the ranking member of the subcommittee, and the distinguished chairman, the gentleman from Washington (Mr. BONKER), as chairman of that subcommittee for their expeditious action in the Raoul Wallenberg matter.

Mr. Speaker, it is a special privilege for me to rise in support of House Concurrent Resolution 434, which has been brought to the floor under a unanimous-consent request.

This resolution, which is the revised version of one I first introduced on May 20, was unanimously approved by the House Foreign Affairs Committee.

The resolution honors Raoul Wallenberg, a Swedish diplomat who is credited with saving 90,000 Hungarian Jews from Nazi death camps during World War II. Sent by Sweden to Hungary at the request of the American War Refugee Board in 1944, Wallenberg accomplished his perhaps unparalleled humanitarian deeds in just 6 months before Soviet forces defeated the Nazis. Wallenberg passed out protective Swedish passports to 20,000 individuals, and actually rescued 2,000 by snatching them off the road to the concentration camps. He was a key figure in collaborative efforts by other neutralist representatives in saving 70,000 additional jews.

In recognition of his efforts, Wallenberg was nominated for the Nobel Peace Prize in 1949 by Albert Einstein. But by that time Wallenberg had disappeared, his whereabouts unknown, after he was arrested by the Soviets in 1945 and placed in "protective custody." His status has been a mystery since that time.

The Russians denied any knowledge of Wallenberg until 1957, when they claimed that a prisoner known by that name had died in his cell 10 years earlier.

But frequent reports, including one as recent as May 1978, indicate that Wallenberg may still be alive in the Soviet prison system. Prisoners have recounted seeing, or meeting, a man fitting his description. Swedish efforts to clarify his status have failed.

In addition to honoring Raoul Wallenberg, the resolution directs the State Department to investigate his whereabouts, and to attempt to gain his release if he still lives. Finally, the resolution urges the U.S. delegation to the November meeting of the Madrid Conference on Security and Cooperation in Europe to ask consideration of the Wallenberg matter by that organization.

The Madrid Conference is the successor to the Helsinki Conference, at which the Soviet Union signed the final act pledging to "fulfill in good faith" its obligations under international law. The Madrid Conference will review the Helsinki pact, and thus provides a timely opportunity to discuss Wallenberg's case with the Soviets. As my colleagues are well aware, the imprisonment of this hero of the holocaust violated international standards of diplomatic immunity. Passage of House Concurrent Resolution 434 will make clear the Congress strong desire that this vital concern be pursued at Madrid.

The House has now passed the Holocaust Memorial Act (H.R. 8081), which authorized the existing Holocaust Memorial Council to establish a museum on the holocaust and to begin annual commemoration of "Days of Remembrance." These actions will help us remember the holocaust in years ahead, giving further reason to hope that we will not ever allow its repetition.

This resolution under consideration today is another way to underscore our commitment to that goal. Raoul Wallenberg set a magnificent example. In the face of tremendous odds, he defied the tyrannical power of the Nazi terror, in order to save the lives of those marked to be the victims of Hitler's genocide. In honoring him we may achieve even more. We may begin the process by which, if alive, this hero is finally released to live in freedom again.

The State Department has already shown some interest in pursuing this matter. Passage of House Concurrent Resolution 434 will put the Department on formal notice that Congress is deeply concerned about this vital matter. Let us show that we will not rest until concrete information is known, and Wallenberg is either free, or can be laid to rest in the memories of his countrymen and all those in the world, Jews and non-Jews, who are inspired by his example.

Before I take my seat, Mr. Speaker, I want to thank and commend my distinguished colleague from Washington, DON BONKER, whose efforts have been pivotal in bringing this legislation to the floor today. Under his leadership, and that of the ranking minority member on his Subcommittee on International Organization, EDWARD DERWINSKI, my resolution was melded with that of the distinguished gentleman from Connecticut, CHRISTOPHER DODD, to produce what we are now prepared to consider. Similarly, I want to express my deep appreciation to the distinguished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, the distinguished ranking minority member, Mr. BROOMFIELD, all the members of that committee and the more than 60 House Members who have cosponsored the resolution.

A resolution with the same language as House Concurrent Resolution 434 has been sponsored in the Senate by Senators RUDY BOSCHWITZ and DANIEL PATRICK MOYNIHAN. There is good reason to believe that it will gain swift passage in that body, too.

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

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from Washington (Mr. BONKER), the distinguished chairman of the Subcommittee of the International Relations Committee.

Mr. BONKER. Mr. Speaker, I want to thank the gentleman and would like to commend him for his support of this legislation, as well as the gentleman from New York (Mr. WEISS) and also the gentleman from Connecticut (Mr DODD), both of whom sponsored similar resolutions.

Mr. Speaker, I urge my distinguished colleagues to wholeheartedly support House Concurrent Resolution 434, which we considered and passed out of the Subcommittee on International Organizations and the Foreign Affairs Committee.

This concurrent resolution honors Raoul Wallenberg.

It further expresses the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting.

It also requests that the Department of State take all possible action to obtain information concerning his present status and assure his release.

Last October at one of the International Organizations subcommittee hearings on the phenomenon of disappearances as a violat on of human rights, I discussed the issue of Raoul Wallenberg.

He was a Swedish diplomat who went to Budapest in 1944 with the hope of helping Hungary's 700,000 Jews that were being deported by the Nazis to extermination camps.

He is credited with having saved close to 100,000 lives.

His disappearance in January 1945 after the Russians had captured Budapest is one of the oldest cases of the phenomenon of disappearances.

At that hearing I asked where is Raoul Wallenberg? What has happened to him? Why is it a crime to have saved tens of thousands of lives?

One who perhaps can solve this mystery is a Soviet dissident by the name of Jan Kaplan.

He was imprisoned in 1975 and after his release 18 months later he told his daughter—a doctor in Israel—that he had met a Swede who had been in prison for 30 years.

In order to silence him, and because of his activities on behalf of Raoul Wallenberg, Mr. Kaplan was reimprisoned.

By focusing world public attention on the cases of Raoul Wallenberg and Jan Kaplan we may be able to resolve this tragedy.

Mr. DERWINSKI. Mr. Speaker, I rise in support of the resolution. Mr. BONKER, chairman of the Subcommittee on International Organizations, and I have cooperated on the Raoul Wallenberg matter. We have done what we could to bring the facts about Raoul Wallenberg to the attention of the Members and of the public.

This is a particularly emotional case. Raoul Wallenberg, at great risk to his own life, had worked tirelessly to save upwards of 90,000 Jews from the maw of the Nazi "final solution." He was a bigger-than-life hero to them and, when his exploits became more widely known, to much of the rest of the world. The conquering Red Army, instead of treating him as the towering human being he was, took him into "protective custody" and little has been heard of him since.

Enough leads have emerged from the "muffled zone," nonetheless, to make us believe he may, incredible as it may sound, be still alive. If he is, we must do whatever we can to save Raoul Wallenberg from final martyrdom in the Soviet gulag. In any case, we must try to find out whatever we can about him. We owe it to this great humanitarian figure, to those tens of thousands of persons who survived because of him, and to ourselves.

Mr. Speaker, I cosponsored the resolution of Mr. WEISS and Mr. DODD, and I ask my colleagues for their votes.

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

Mr. DERWINSKI. I yield to the distinguished young gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, I thank my distinguished, equally young at heart, colleague from Illinois for the

opportunity to add just one aspect to the unbelievable tragedy of the Wallenberg case.

There is a general, Jan Kaplan, also released from the dungeons of Siberia who, on an international phone hookup to his daughter in Israel, mentioned, he only mentioned that he had seen Wallenberg alive in prison in 1975. For this he was obviously rearrested and for over a year and one-half has been back somewhere in the Gulag Prison system. The prison where he said he saw Mr. Wallenberg alive in 1975 was Butyrka in the Soviet Union. I hope we can have hearings on this, if not during the rump session, early next year.

I again thank my distinguished colleague for yielding.

● Mr. BROOMFIELD. Mr. Speaker, the purpose behind this measure is to contribute to the deliverance of Raoul Wallenberg from the Soviet gulag where he has languished for 35 years. A hero of the holocaust in saving tens of thousands of Hungarian Jews, he himself was in effect swallowed up by it.

I join my colleagues, Mr. DERWINSKI, ranking minority member of the Subcommittee on International Organizations, and the chairman of the subcommittee, Mr. BONKER, and Mr. WEISS, in support of this resolution to do what we can to try to save Raoul Wallenberg.●

● Mr. DODD. Mr. Speaker, Mr. WEISS and I have combined our two bills concerning Raoul Wallenberg into the bill the House is considering today, House Concurrent Resolution 434. The bill has close to 100 cosponsors and Senators MOYNIHAN and BOSCHWITZ have introduced companion legislation in the Senate.

The case of Raoul Wallenberg is an unusual one. In 1944, the American War Refugee Board with the cooperation of the Swedish Government sent Swedish diplomat Raoul Wallenberg to Budapest, Hungary, with instructions to save as many Hungarian Jews as possible from Nazi death camps. Wallenberg undertook his mission with a determination and unflinching courage that astounded his Nazi enemies. Openly defying death threats and continual harassment by the Nazis, Raoul Wallenberg stood on train platforms and handed out neutral Swedish passports to thousands of Jews who were destined for Auschwitz and Buchenwa'd.

Wallenberg protected at least 13,000 Hungarian Jews in safe houses he rented that flew the Swedish flag. He pulled countless numbers of men, women, and children out of 'death marches" to concentration camps on the Austrian border. Wallenberg is credited with saving the lives of 90,000 Hungarian Jews. Even more importantly, he is remembered by those whom he rescued as an angel of hope who bestowed a renewed sense of human mercy and compassion in a depraved atmosphere.

On January 17, 1945, Wallenberg accompanied two Russian officers to Debrecen, Hungary, where Soviet staff headquarters were located during the Russian siege of Hungary. Wallenberg was never heard from again. It is ironic that his disappearance was not at the hands of his traditional foes, and the rationale for his possible abduction by the Soviets is still unclear.

In August of 1947, the Soviet Government stated that Wallenberg was "not known in the Soviet Union," but in 1957 the Soviet released records that showed that a prisoner at Lubyanka prison named "Walenberg" died of a heart attack on July 17, 1947. To confuse the issue even further, reports from former Russian prisoners, including Aleksandr Solzhenitsyn and Jan Kaplan, continue to appear that indicate that Wallenberg may still be alive and imprisoned in the Soviet Union.

House Concurrent Resolution 434 honors Raoul Wallenberg for his unparalleled humanitarian work. The resolution requests that the State Department act to try to gather information on Wallenberg's whereabouts and secure his release if he is still alive. Most importantly, the bill urges the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe to request that the case of Raoul Wallenberg be raised at the Madrid Conference meeting in November.

The possible internment of Wallenberg is in direct contravention to the principles of the Helsinki Final Act. The world has a right to know Raoul Wallenberg's fate and the Soviet Union has a responsibility as a signatory of the Helsinki accords to cooperate in an investigation into the Wallenberg case.

If Raoul Wallenberg were here today he might be a bit embarassed at all the attention he would be receiving. But Raoul Wallenberg is deserving of limitless praise for his selfless and courageous actions. Unlike many others who preferred to remain indifferent in the face of the unspeakable horrors of the holocaust, Raoul Wallenberg refused to ignore the perverted evil of the Nazi regime. He acted, and we can do no less on his behalf. I would urge my colleagues to give their support to House Concurrent Resolution 434 and to the effort to solve the mystery of the "lost hero of the Holocaust." ●

Mr. DERWINSKI. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 434

Whereas in January 1944 the War Refugee Board was established by the United States to organize rescue operations to free persons being persecuted during World War II;

Whereas the War Refugee Board requested Sweden to send a representative to Hungary;

Whereas the Swedish representative, Raoul Wallenberg, is considered responsible for having saved the lives of twenty thousand Jewish citizens in Hungary through the issuance of protective Swedish passports being in July 1944;

Whereas Raoul Wallenberg is recognized as saving indirectly the lives of an additional seventy thousand Jewish citizens in Hungary through collaborative efforts in the latter half of 1944 with neutralist representatives in Budapest and the Jewish Community in Hungary;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subsequently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas in 1949 he was nominated by Albert Einstein for the Nobel Peace Prize.

Whereas reports from the Soviet Union, as recent as May 1, 1978, suggest that Raoul Wallenberg is alive;

Whereas the continued internment of Wallenberg, if indeed he is still alive, is in direct contravention of the Final Act of the Helsinki Conference on Security and Cooperation in Europe which requires signatories to "fulfill in good faith their obligations under international law"; and

Whereas the Madrid Conference on Security and Cooperation in Europe, to be held on November 11, 1980, provides an occasion to discuss the status of Raoul Wallenberg with the Soviet Government as part of the review of the Helsinki Final Act;

Whereas documents released by the Swedish Foreign Ministry in January 1980 indicate diplomatic efforts by the Swedish Government have not fully clarified the status of Raoul Wallenberg: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That, the Congress honors Raoul Wallenberg for his outstanding work on behalf of those persecuted in Hungary during World War II, and it is the sense of Congress that the United States delegation to the review meeting of the Conference on Security and Cooperation in Europe which will be held in Madrid in November 1980 should urge that the case of Raoul Wallenberg be considered at that meeting by the signatory countries to the Final Act of the Helsinki Conference on Security and Cooperation in Europe.

It is further resolved that the Congress requests the Department of State to take all possible steps to discern from the Soviet Union the whereabouts of Raoul Wallenberg and, if he is alive, to secure his return to his native country.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 434.

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

There was no objection.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEE CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6086 to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 2, insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Civilian Employees' Claims and Hostage Relief Act of 1980".

TITLE I—MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS AMENDMENT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

Page 1, line 3, strike out "that the" and insert "SEC. 101. The".

Page 4, line 3, strike out "SEC. 2" and insert "SEC. 102.".

Page 4, after line 9, insert:

SEC. 103. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 67, as amended; 31 U.S.C. 241), is amended as follows:

(1) by striking out "$15,000" in subsection (a)(1) and inserting in place thereof "$25,000";

(2) by striking out "$15,000" in subsection (b)(1) and inserting in place thereof "$25,000".

SEC. 104. The amendments provided in section 103 of this act shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment.

Page 4, after line 9, insert:

TITLE II—SPECIAL PERSONNEL BENEFITS

DEFINITIONS

SEC. 201. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe)—

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2131 of such title 5.

PAY AND ALLOWANCES MAY BE ALLOCATED TO SPECIAL SAVINGS FUND

SEC. 202. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code, (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

MEDICAL AND HEALTH CARE AND RELATED EXPENSES

SEC. 203. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

EDUCATION AND TRAINING

SEC. 204. (a)(1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the ninetieth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b)(1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistance, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of 45 months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 33, United States Code .

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

SEC. 205. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the armed forces.

APPLICABILITY TO COLOMBIAN HOSTAGE

SEC. 226. Notwithstanding the requirements of section 201(1), for purposes of this title, Richard Starr, of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

EFFECTIVE DATE

SEC. 207. The preceding provisions of this title shall take effect as of November 4, 1979.

TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

VISITS BY THE INTERNATIONAL RED CROSS

SEC. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Amend the title so as to read: "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country and to provide certain benefits to the American hostages in Iran and to similarly situated individuals.".

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, did the gentleman find out what the provision was relating to the Internal Revenue Code?

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

Mr. ROUSSELOT. I yield to the gentleman.

Mr. DANIELSON. My chief staff counsel went over the matter with the gentleman from Maryland (Mr. BAUMAN) and pointed out the nature of the Senate amendments which, as I said before, are redundant and they complicate the passage of the bill. As I understand it, the gentleman from Maryland has very graciously said that he does not object.

Mr. ROUSSELOT. Further reserving the right to object, then you are really only disagreeing with those certain amendments?

Mr. DANIELSON. We are just disagreeing. That is all.

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

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

Mr. BAUMAN. I want the record to show that the gentleman from California was even more gracious than the gentleman from Maryland in explaining them.

Mr. DANIELSON. I thank the gentleman for whatever he said.

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

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I rise for the purpose of inquiring of the distinguished acting majority leader the program when we return, if that is possible, and a little bit of advanced intelligence on the schedule as it will unfold during the lameduck session.

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

Mr. MICHEL. I am happy to yield.

Mr. ROSTENKOWSKI. To the best of my knowledge the program as scheduled for the week of November 10 is that the House will meet, will reconvene and resume its sitting on the 12th of November. Monday and Tuesday, November 10 and 11, the House will not be in session. The House will meet at noon on Wednesday and at 10 a.m. on Thursday and Friday for the consideration of the following legislation:

H.R. 7854, the Foreign Assistance Appropriation Act for fiscal 1981;

S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, and we expect to complete consideration on that bill;

H.R. 7112, State and local fiscal assistance amendments, with an open rule, 2 hours of debate. The rule having already been adopted;

H.R. 6417, the Surface Transportation Act of 1980, with an open rule, 1 hour of debate;

H.R. 5615, the Intelligence Identities Protection Act, open rule, 1 hour of debate;

The conference report on H.R. 7765, the Budget Reconciliation Act; and

H.R. 6915, revision of the Federal Criminal Code, subject to a rule being granted.

The House will adjourn at 3 p.m. on Friday. Adjournments on other days will be announced later and, of course, conference reports may be brought up at any time.

Any further program will be announced later.

Mr. MICHEL. Might I inquire, then, if it is the intention of the leadership to have the House in session for the week of Thanksgiving?

Mr. ROSTENKOWSKI. It is the intention at this time for the House to adjourn for the week or the period of time during Thanksgiving, but that has not yet been placed in cement with respect to the date. But it is our intention.

Mr. MICHEL. Then the first week in December, as I understand it from the House Administration Committee, will be an opportunity for the newly elected Members on both sides of the aisle, hopefully more on our side than the gentleman's, to get acquainted?

Mr. ROSTENKOWSKI. I am informed there is somewhat of a schedule tentatively agreed where the House will return on Wednesday, November 12 and will meet Thursday, November 13 and Friday, November 14, and the following week, including Friday, November 21. We will have no legislative business for all of Thanksgiving week, Monday the 24th through and including Friday, November 28.

We will return on Monday, December 1, until completion of the conference report on the second budget reconciliation. Members are reminded that the organizational caucus of the 97th Congress will be held the week of December 8.

The 97th Congress will convene on Monday, January 5. We must count the electoral votes on January 6. We would probably recess until the week of the inauguration, which would be the week of January 20.

That is tentatively the schedule as I understand it.

□ 1540

Mr. MICHEL. I thank the gentleman very much for that advance information.

Mr. BAUMAN. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding. I did not notice any comment from the gentleman from Illinois (Mr. ROSTENKOWSKI) on the period from roughly St. Swithin's Day to New Year's Day, or whatever the feast days are, but is the gentleman telling us that we are going to be in right through Christmas, jingle bells and all?

Mr. ROSTENKOWSKI. If the gentleman from Illinois (Mr. MICHEL) will yield, I do not think that is the intention of the leadership. I think we will be adjourning sometime after Thanksgiving.

Mr. BAUMAN. So we might adjourn early in December?

Mr. ROSTENKOWSKI. I would hope we would adjourn in late November.

Mr. BAUMAN. I would just remind again the gentleman of the admonition that whenever the House is in session, the American people may be in danger, so perhaps he could consider that.

Mr. MICHEL. I would underscore again with the Members that in the second week in December, on the 8th and 9th when both parties will have their organizational caucuses and conferences for the new Congress, any planned trips abroad or whatnot would find Members missing on those two very significant dates if they were gone.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Clerk be authorized to receive messages from the Senate and that the

Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Speaker be authorized to accept resignations, and to appoint commissions, boards and committees authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 12, 1980

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, November 12, 1980, may be dispensed with.

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

There was no objection.

CONFERENCE REPORT ON S. 1156, SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. FLORIO. Mr. Speaker. I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act.

The Clerk read the title of the Senate bill.

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

Mr. MADIGAN. Reserving the right to object, Mr. Speaker, I do so for the purpose of yielding to the gentleman from New Jersey (Mr. FLORIO) so that he might establish for the Members of the House why it is necessary to consider this immediately.

Mr. FLORIO. Will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman.

Mr. FLORIO. I thank the gentleman. This is the conference report on S. 1156, the Solid Waste Disposal Act reauthorization. This conference report has been approved by the other body and represents the legislation that passed this body by 386 to 10 on February 20, 1980. There is a note of urgency in the demands that this legislation be passed and that urgency pertains to a particular provision that is contained in this bill. These are the amendments to the Resource Conservation and Recovery Act which was passed in 1976. At that time the legislation established a regulatory process that anticipated that the regulations would be put into operation in a timely fashion. Unfortunately, EPA took 4 years to pass these regulations. Accordingly, the regulations will be going into effect on the 19th of November.

One of the provisions in the regulations provides for the licensing of certain hazardous waste disposal facilities, and it is the intent of this bill to provide that those licensed facilities that have come into existence since October 1976 be covered under these regulations. The importance of this is that, unfortunately, the law will leave us without permits for those disposal facilities for hazardous wastes which are probably the safest. What we are doing in this bill is to cover those facilities that have come into existence since October 1976.

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

Mr. MADIGAN. Further reserving the right to object, I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Could the gentleman assure us that there is nothing unusual in this in coming back as a conference that we have not considered either in committee and/or in the Whole House when it was before the House?

Mr. FLORIO. If the gentleman will yield, we have had a very heated and lengthy conference. The conference report was approved by, I believe, all but one of the conferees, the execption being Mr. BROYHILL. There is nothing unusual in the authorization. The reason for action today is because of this one section I am making reference to, and that is really to realine the regulatory process with the legislative process. So I can assure the gentleman that there is nothing unusual about this provision other than the point I am making now.

Mr. ROUSSELOT. I thank the gentleman.

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

Mr. MADIGAN. Further reserving the right to object, I yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding. The distinguished subcommittee chairman has appropriately characterized the nature of the debate in the subcommittee with reference to the one unusual provision that was never the subject of subcommittee, full committee, or House floor debate, and that relates to the establishment of criminal sanctions in a civil legislative product. But the subcommittee chairman further accurately describes the need and the urgency, the impelling urgency, for this legislative product. In the balance, it is representative of some good news and some bad news.

The bad news in this conference is the retention of a House provision know as knowing endangerment. This language was adopted during floor consideration by voice vote with perhaps a dozen Members present. I have no knowledge of advance notice of the amendment.

The specific provisions of the language on endangerment reveal why its sponsors chose not to offer it in either the Subcommittee on Transportation or in the full Interstate and Foreign Commerce Committee. It is particularly relevant that the Judiciary Committee rejected similar provisions during its consideration of the Criminal Code revision.

When it appeared that the original harsh amendment offered on the floor would be retained by the conference, members of the business round table negotiated with Justice Department attorneys to ameliorate some of the ill-conceived language in the House bill. Despite the claims of its sponsors, the "compromise" was agreed to by business only because of the legislative gun which was pointed at its head.

All of us recognize the necessity for prosecuting those who are labeled "midnight dumpers." In fact, current law allows the imposition of heavy fines and jail sentences for such obvious and willful conduct.

What this legislation will allow is prosecution of individuals for violations which are neither willful nor significant. One needs only look to the list of hazardous substances to realize that when saccharin, rubbing alcohol, and mothballs are labeled hazardous, there is potential for technical violations of law which in fact may "endanger" no one. Compounding the problem is the fact that section 3008(f)(2)(B) allows defendants' knowledge to be established by circumstantial evidence.

At no time did the Department of Justice offer any evidence to demonstrate why this change in criminal law is required. The test of "willful intent" in the criminal law will deal with those "midnight dumpers." The debate on this matter in the conference stressed the need to deal with those criminals who intentionally mishandle waste.

The Department of Justice, however, wants to extend its prosecution beyond the scope of current law. This could open up prosecution for far less serious violations. In a letter sent to me by Attorney General Civiletti, the intention of the Department was made obvious:

> Recognizing the need for increased penalties and a provision which covers the full scope of life endangering activities resulting from improper handling of hazardous waste, representative of the business community and the Justice Department drafted the attached proposal . . . .

The agenda of the Department is clear—it wants to extend its prosecutions far beyond those who willfully violate the law.

For these reasons I am very disappointed at the decision of the conference to include this major change in criminal law. Were it not for the positive elements of this legislation, I would not have signed the report. I regret very much that we never had the opportunity for hearings on this most serious issue. The results would surely have been different.

Mr. MADIGAN. Further reserving the right to object, do I understand then from the gentleman from New Jersey (Mr. FLORIO) that unless we adopt this conference report prior to November 19, all of the hazardous waste disposal sites operated by American industry around the United States and operating under

interim permits granted since 1976 will all lose their right to operate and all have to be closed down?

Mr. FLORIO. If the gentleman will yield, the gentleman states it correctly. Perhaps it can be understood even more effectively by stating that all of those newer facilities that have come into existence since October 1976 would be denied the opportunity to operate lawfully.

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

Mr. MADIGAN. Mr. Speaker. I yield to the gentleman from California before withdrawing my reservation of objection.

Mr. ROUSSELOT. I thank the gentleman. We heard some rumblings that the Senate intended to put aspects of the superfund in here. Was that attempt made, or did the gentleman resist it, or whatever?

Mr. FLORIO. If the gentleman will yield, there was no such attempt made. The only thing that is comparable to the superfund legislation was a provision to provide for inventorying of hazardous wastes, but it does not go to the substance of the superfund proposal.

Mr. ROUSSELOT. So the gentleman can assure us that there is nothing in here?

Mr. FLORIO. I can assure the gentleman that there are no superfund provisions in this.

Mr. ROUSSELOT. I thank the gentleman.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 1, 1980.)

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

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. FLORIO) for 30 minutes.

Mr. FLORIO. Mr. Speaker, this bill reauthorizes funding for the Solid Waste Disposal Act for fiscal years 1980, 1981, and 1982.

Mr. Speaker, these funds are used for the regulatory program which insures State hazardous waste management and disposal practices, in addition to programs designed to encourage planning and development of nonhazardous solid waste facilities.

The authorization contains a new State program which directs the States to carry out an inventory of hazardous waste sites within their borders and to provide as much information as is available regarding the amount, nature and toxicity of the waste located there.

The authorization level is $158.5 million for fiscal year 1980; $173.5 million for fiscal year 1981; and $183.6 million for fiscal year 1983. These modest increases are in keeping with the committee's concern that the vital regulations for the control of the transportation, treatment, storage, and disposal of hazardous waste be speedily and efficiently implemented.

The bill also does the following things:

First. Moves the date for which owners or operators can qualify for interim status to facilities in existence on November 19, 1980;

Second. Provides for integration of permits under the Surface Mining Control Act for coal mining wastes and overburden with RCRA permits;

Third. Includes language which provides that in establishing standards under section 3004, the Administrator shall, where appropriate, distinguish in such standards between requirements for new facilities in existence on the date of promulgation of regulations; and

Fourth. Adopts amendments relating to a new waste-to-energy program providing $12 million a year for State and local governments for feasibility planning.

Mr. FLORIO. Mr. Speaker, I think we have already adequately explained the provisions in the bill and the need for the conference report to be considered. As I have indicated, this legislation passed this House by a vote of 386 to 10, and that the major thrust of the legislation is merely to reauthorize the funds for the Solid Waste Disposal Act for fiscal years 1980, 1981, and 1982.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. Is there a termination date on this?

Mr. FLORIO. Yes.

Mr. ROUSSELOT. Is there a termination date on this authorization? How long is it for?

Mr. FLORIO. We authorized for the next 3 years.

Mr. ROUSSELOT. Three years?

Mr. FLORIO. Yes, sir.

Mr. ROUSSELOT. So we can again look at this at that time?

Mr. FLORIO. That is correct.

Mr. ROUSSELOT. I thank the gentleman.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

REQUEST FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 3, TO FILE A REPORT ON S. 1828 AND H.R. 5417, THE MILNER DAM BILLS

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, Friday, October 3, to file a report on S. 1828 and H.R. 5417, the Milner Dam bills.

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

Mr. ROUSSELOT. Reserving the right to object, what is that all about?

Mr. FLORIO. If the gentleman will yield, to be perfectly frank, I have been requested by the committee to make the request, and I am unable to make any more of an elaboration.

Mr. ROUSSELOT. Mr. Speaker, on that basis I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL OCTOBER 8 TO FILE REPORT ON H.R. 4178, MOTOR VEHICLE THEFT PREVENTION ACT OF 1980

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, October 8, 1980, to file a report on H.R. 4178, the Motor Vehicle Theft Prevention Act of 1980.

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

There was no objection.

□ 1550

NATIONAL BUREAU OF STANDARDS AUTHORIZATION, FISCAL YEAR 1981

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2320) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendments, insert:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982."

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce, hereinafter referred to as the Secretary, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards,

for fiscal year 1981, $44,161,000, and for fiscal year 1982, $52,577,000;

(2) Engineering Measurements and Standards, for fiscal year 1981 $21,516,000, and for fiscal year 1982, $24,667,000;

(3) Computer Science and Technology, for fiscal year 1981, $11,603,000, and for fiscal year 1982, $12,263,000;

(4) Core Research Program for Innovation and Productivity for fiscal year 1981, $12,800,000, and for fiscal year 1982, $18,080,000;

(5) Technical Competence Fund, for fiscal year 1981, $6,176,000, and for fiscal year 1982, $8,794,000;

(6) Fire Research Center, for fiscal year 1981, $1,253,000, and for fiscal year 1982, $1,378,000;

(7) Central Technical Support, for fiscal year 1981, $10,112,000, and for fiscal year 1982, $24,623,000.

(b) Notwithstanding any other provision of this or any other Act, for fiscal years 1981 and 1982:

(1) of the total amount authorized under subsection (a)(1), not less than $245,000 shall be available for the "Environmental Measurements Program" for fiscal year 1981 and $270,000 for fiscal year 1982;

(2) of the total amount authorized under subsection (a)(2), not less than $425,000 shall be available for the purpose of "Earthquake Hazards Engineering" for fiscal year 1981 and $475,000 for fiscal year 1982;

(3) of the total amounts authorized under subsections (a)(1) and (a)(2), not less than $1,000,000 shall be available for "Measurement Standards for the Handicapped" for fiscal year 1981 and $1,100,000 for fiscal year 1982;

(4) of the total amount authorized under subsection (a)(4), $2,000,000 is authorized for the purpose of "Automated Manufacturing Research Facility" for fiscal year 1981 and $4,000,000 for fiscal year 1982; and

(5) of the total of the amounts authorized under subsections (a)(4) and (a)(7), not more than $6,123,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1981, and of the total of the amounts authorized under subsections (a)(1), (a)(2), (a)(4), and (a)(7), not more than $11,245,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1982.

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized in section 2, there is authorized to be appropriated not more than $400,000 for fiscal year 1981, and not more than $500,000 for fiscal year 1982, for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. In addition to the sums authorized in section 2, there is authorized to be appropriated the sum of $8,140,000 for fiscal year 1981, and the sum of $9,920,000 for fiscal year 1982, for the Assistant Secretary of Commerce for Productivity, Technology, and Innovation, to carry out activities performed by the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by this Act, such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law are authorized to be appropriated for fiscal years 1981 and 1982, and, if the full amount necessary to make such adjustments is not appropriated, the adjustments shall be made proportionately from section 4 and in the line items in section 2(a) in a manner reflecting the extent to which the amount of each such line item in section 2(a) is attributable to employee benefits of the type involved.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TRANSFER OF FUNDS

SEC. 7. Funds may be transferred among the line items listed in section 2(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in section 2(a), unless:

(1) thirty calendar days have passed after the Secretary or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of thirty calendar days the chairmen of both the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Secretary to the effect that they have no objection to the proposed transfer.

FACILITIES IMPROVEMENT

SEC. 8. Section 14 of the Act of March 3, 1901 (15 U.S.C. 278(d)) as amended, is further amended by striking out "75,000" and inserting in lieu thereof "250,000".

INTERNATIONAL ACTIVITIES

SEC. 9. In order to develop and strengthen the expertise of the National Bureau of Standards in science and engineering, to enhance the Secretary's ability to maintain the Bureau's programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities, the Act of March 3, 1901 (15 U.S.C. 271–278h), as amended, is further amended by inserting immediately after section 16 the following new section:

"SEC. 17. (a) The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the National Bureau of Standards or participating in the exchange of scientific or technical information at the National Bureau of Standards.

"(b) The Congress consents to the acceptance by employees of the National Bureau of Standards of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the National Bureau of Standards of any form of financial or other assistance provided by a foreign government as compensation for or as a means of defraying expenses associated with the performance of scientific or engineering activities or the exchange of scientific or technical information, in any case where the acceptance of such fellowship, lectureship, or position or the acceptance and retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in section 7342(a) of title 5 of the United States Code apply. Civil actions may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as is prescribed by section 7342(h) of title 5 of the United States Code.

"(c) Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the Government of the United States who is not a citizen of the United States shall not apply to the payment of compensation to scientific or engineering personnel of the National Boreau of Standards.".

REPEAL OF LIMITED AUTHORIZATION

SEC. 10. Setion 18 of the Act of March 3, 1901, as amended (15 U.S.C. 278h), is further amended by: (1) repealing subsection (b); and (2) removing the designation "(a)" from the remaining paragraph.

EFFECTIVE DATE OF ORGANIC ACT AMENDMENTS

SEC. 11. The effective date of Sections 8 and 9 of this Act shall be October 1, 1980.

Amend the amendment of the House to the title so as to read: "An Act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

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

There was no objection.

Is there objection to the original request of the gentleman from California?

Mr. HOLLENBECK. Mr. Speaker, reserving the right to object, I yield to the gentleman from California (Mr. BROWN) for purposes of explaining the amendments.

Mr. BROWN of California. Mr. Speaker, S. 2320 is a bill which provides authorization for the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

The bill passed the House on July 21 under suspension of the rules. A compromise was negotiated with the Senate and the compromise version was passed by the Senate on September 30.

The bill would provide authorizations for the next 2 fiscal years, 1981 and 1982, rather than just 1 year. In this matter the House went along with the Senate with some reluctance. Our view was that in this early phase following the shift from the continuing authorization, it would be useful to review the Bureau's programs each year. The Senate felt strongly about the 2-year authorization, and the House has yielded on this.

One factor contributing to our willingness to omit the authorization process next spring is our decision to conduct, during the 97th Congress, a comprehensive review of the Bureau of Standard's Organic Act and the Bureau's place in the Federal Government's overall science and technology effort.

The compromise bill before us differs from the bill passed by the House on July 21 in that the total amount authorized was $125,361,000 for fiscal year 1981, while the compromise bill would authorize $116,161,000 for fiscal year 1981 and a total of $152,802,000 for fiscal year 1982.

The reduction in the total for fiscal year 1981 reflects the omission of the line item for the research competence pro-

gram, totaling $2 million, and the omission of authorization for the Office for Productivity, Technology, and Innovation funds in the amount of $7.2 million. The latter program has been authorized in another bill, namely S. 1250, and the Senate requested that it not be included in this bill. The authorization of appropriations for fiscal year 1982 includes an increase of $24 million above an inflation adjusted base for fiscal year 1982 of $118.3 million for NBS programs, plus $9,920,000 for NTIS, and $500,000 for foreign currency.

A matter which was of high concern to our committee at the beginning of this year was the relationship of the authorization process to the work of the Appropriations Committee in the matter of programs and priorities. I believe that substantial progress has been made toward resolving any potential conflicts, and I want to commend the acting chairman of the Appropriations Subcommittee, the gentleman from Iowa (Mr. SMITH), for his help and cooperation in working out a good solution.

In this respect, the amendment sponsored by our colleague from New Jersey (Mr. HOLLENBECK), the ranking minority member of the Subcommittee on Science, Research and Technology, to the Appropriations Act providing for the funding of the automated manufacturing research facility preserved the initiative for this important productivity related facility at a slightly reduced level of funding.

Mr. Speaker, I commend my colleagues on the Science Committee for their hard work and efforts on this bill. I may not agree with all the compromises which we have reached with the Senate, but I think this is nevertheless a good bill.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the Senate amendment to the House amendment on S. 2320, which provides authorizations for the National Bureau of Standards for fiscal years 1981 and 1982. Let me say that while I support the compromise which we have reached with the Senate—they have, in many ways, driven a hard bargain. The Senate did insist upon a 2-year authorization, where we recommended only 1 year. I do, however, support the notion of the longer term planning for scientific research. On the other hand, it also makes it difficult for Congress to exercise needed oversight when authorizations are for extended periods.

The reason I say this is to express the same observation which I did in June, which is that the Bureau—which does most of its research in-house—must constantly be on the lookout for the introduction of fresh blood and new ideas. This is particularly true in the area of industrial innovation. As a result of an amendment which I offered to this year's appropriations bill, there is now funding provided for an automated manufacturing research facility. This is just one example of a new area of research, such as industrial innovation, into which the Bureau should move. I believe and I hope, that even with the more extended authorization periods that they will continue to keep an eye open for these new areas.

I note that the authorization for fiscal year 1981 for measurement research and standards will be $44 million and in 1982 will be nearly $53 million under the compromise proposal. This is a very large increase, which to my mind can only be justified if it is applied to not simply repeating the same old experiments or the same old pet projects, but to aggressively investigating and opening up new areas in this research. The same is true of the engineering measurements and standards program which is the second principle division of the Bureau of Standards.

The Senate, as I said, was a hard bargainer and while I am uneasy about such large 20- and 30-percent increases in line items over a single year, we have decided to defer to the Senate's wishes at this point. I can assure you, however, that I, for one, will urge our subcommittee to exercise very vigorous oversight to see to it that the Bureau opens up new paths of research.

In this regard, there is one hopeful sign. Namely, the core research program for innovation and productivity is scheduled to go from $12 million in 1981 to $19 million in fiscal 1982. That is the type of increase which I can strongly support. Increasing innovation and productivity is one of the most important tasks our Nation faces. I am glad to see that the Bureau has responded to some of the congressional direction and initiatives such as the amendment I sponsored to the appropriations act earlier this year on the automated manufacturing research facility. I am heartened they have seen fit to propose a substantial increase in this program division.

Mr. Speaker, there is another reason why I am concerned about a 2-year authorization. Again, I must say that the Senate is indeed a hard bargainer. Our bill had a provision in it providing for a proportional allocation of appropriated funds among authorized programs. The Senate had not considered the full implications of this provision in our bill and would not accept it. They did agree, however, that it was an important point we were making and they will speak to it on their statements on the floor. At this time, I simply want to commend my colleague, the chairman of the Subcommittee on Science, Research, and Technology, the gentleman from California, for his remarks concerning the apportioning of appropriations among authorized programs.

It is vitally important that we obtain a more rational method of deciding how an agency shall allocate its funds among authorized programs when the appropriations are not equal to the authorization levels. This I believe is fundamentally a legislative task, and not part of the appropriations process. Therefore, I too strongly support the principle that authorizing legislation should contain a reconciliation procedure which is appropriate to a given agency and the programs being authorized. When we next authorize the Bureau, perhaps in a separate bill related to our subcommittee's oversight, I will strongly work for the adoption of a principal which will enable us to reconcile the President's fiscal 1982 budget submission with the levels of authorization which we will authorize here today.

Mr. Speaker, I thank you. I commend my colleagues on the Science Committee for all the hard work they have done in preparing this bill for our consideration today. The compromise is acceptable to me but, as I have said previously, the Senate has a hard serve. I strongly urge the Bureau, however, to take heed of the cautionary remarks which I have made here over the coming 2 years.

Thank you, Mr. Speaker.

● Mr. WYDLER. Mr. Speaker, I rise in support of S. 2320, authorizing appropriations for the National Bureau of Standards for fiscal years 1981 and 1982. Mr. Speaker, while I support the compromise, I echo the remarks of my colleague from New Jersey, the ranking minority member of the Subcommittee on Science, Research and Technology. I do believe that the increases which are contained in this compromise as a result of the inclusion of 2-year authorizations are very substantial. For instance, measurement research goes from $44 million to $52 million—engineering measurement goes from $21 million to $25 million. The Bureau has had relatively stagnant funding for a substantial period of time now. Thus, I am willing to accept the compromise. But I am wary. I think the Senate has abrogated its task by making it more difficult for the Congress to carry out forceful oversight and authorization of these programs when it insisted on extending the authorization from 1 year to 2 years.

I am, however, pleased that the core research program for innovation and productivity will increase from $12 million to $18 million. Improving the Nation's innovation and productivity is one of the most important tasks facing us. I am glad that the Bureau has read the signals from Congress that we are genuinely concerned that they get involved in programs to stimulate industrial innovation. I hope also that the programs which they propose to carry out in fiscal year 1982 under the other older directorates will be specifically designed to complement the program in innovation and productivity. I hope the Bureau will use these increases wisely.

I want to make one final observation concerning the provision which we had with regard to the apportioning of appropriated funds. I want to concur with the remarks of my colleague, the chairman of the Subcommittee on Science, Research, and Technology, and with the comments of my colleague, the gentleman from New Jersey, the ranking minority member of the subcommittee. I, too, strongly support the principal that authorizing legislation should contain a reconciliation procedure which is appropriate to the agency and the programs being authorized. It is absolutely essential that we develop a more rational way of allocating appropriated funds among authorized programs, so that the legislative directions of authorizing committees of Congress will be followed more closely.

Mr. Speaker, I want to commend my colleague CAP HOLLENBECK and my other colleagues on the Science Committee for their efforts in these difficult negotiations with the Senate. The Senate is a hard bargainer. I am not entirely satis-

fied, but the compromise is acceptable to me. I hope that the Congress, and in particular the Senate who has insisted upon these proposals, will exercise the vigorous oversight that they have told us they would.●

Mr. HOLLENBECK. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

EARTHQUAKE HAZARDS REDUCTION ACT FUNDS AUTHORIZATION, 1981–83

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1393) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments to the House amendments.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendments, insert:

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Paragraphs (1) through (3) of section 5(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(a)) are amended to read as follows:

"(1) be designed and administered to achieve the objectives set forth in subsection (c);

"(2) involve, where appropriate, each of the agencies listed in subsection (d) and the non-Federal partipication specified in subsection (h); and

"(3) include each of the elements described in subsections (e) and (f) and the assistance to the States specified in subsection (g).".

(b) Section 5(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704 (b)) is amended to read as follows:

"(b) DUTIES.—

"(1) The President shall—

"(A) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program; and

"(B) establish goals, priorities, budgets, and target dates for implementation of the program.

"(2) The Federal Emergency Management Agency (hereinafter referred to as the 'Agency') is designated as the agency with the primary responsibilities to plan and coordinate the National Earthquake Hazards Reduction Program. The Director of the Agency (hereinafter referred to as the 'Director') shall—

"(A) recommend to the President the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program;

"(B) recommend to the President goals, priorities, budgets, and target dates for implementation of the program;

"(C) provide a method for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk;

"(D) provide for qualified and sufficient staffing for the program and its components;

"(E) compile and maintain a written program plan for the program specified in subsections (a), (e), (f), and (g), which plan will recommend base and incremental budget options for the agencies to carry out the elements and programs specified through at least 1985, and which plan shall be completed by September 30, 1981, and transmitted to the Congress and shall be updated annually; and

"(F) recommend appropriate roles for State and local units of government, individuals, and private organizations.".

(c) Section 5(d) of such Act is amended by striking out "(3)(B)" and inserting in lieu thereof "(1)(A)", by striking out "National Bureau of Standards" and inserting in lieu thereof "Department of Commerce", and by striking out "National Fire Prevention and Control Administration" and inserting in lieu thereof "Federal Emergency Management Agency".

(d) Section 5(e)(6) of such Act is amended by striking out "political" and by inserting in lieu thereof "potential".

(e)(1) That portion of section 5(f) of such Act which precedes paragraph (1) thereof is amended to read as follows:

"(f) MITIGATION ELEMENTS.—The mitigation elements of the program shall provide for—".

(2) Paragraph (1) of section 5(f) of such Act is amended to read as follows:

"(1) ISSUANCE OF EARTHQUAKE PREDICTIONS.—The Director of the United States Geological Survey is hereby given the authority, after notification of the Director, to issue an earthquake prediction or other earthquake advisory as he deems necessary. For the purposes of evaluating a prediction, the National Earthquake Prediction Evaluation Council shall be exempt from the requirements of section 10(a)(2) of the Federal Advisory Committee Act. The Director shall have responsibility to provide State and local officials and residents of an area for which a prediction has been made with recommendations of actions to be taken;".

(3)(A) Section 5(f) of such Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon, and by inserting after paragraph (6) the following:

"(7) transmittal to Congress by the Director of an intraagency coordination plan for earthquake hazard mitigation and response within thirty days after enactment of this paragraph, which plan shall coordinate all of the directorates of the Agency; and

"(8) the development and implementation by the Director of a preparedness plan for response to earthquake predictions which includes the following items:

"(A) A prototype plan to be in place in one major metropolitan area by September 30, 1981.

"(B) An action plan to be completed for specific adaptations of the prototype plan to other high risk metropolitan areas by September 30, 1981.

"(C) These prediction response plans are to be integrated with preparedness response plans.

"(D) The plans shall include coordination with State and local governmental companion efforts.

"(E) The plans shall be updated as new, relevant information becomes available.".

(B) The last sentence of section 5(f) of such Act is repealed.

(f) Section 5 of such Act is amended by inserting at the end thereof the following:

"(1) STUDY.—Within one year after the date of enactment of this subsection the Director shall conduct a study and prepare and transmit recommendations to Congress to amend the Disaster Relief Act of 1974 (42 U.S.C. 5121, et seq.) to include provisions for funding for the period of time following a validated earthquake prediction.".

SEC. 102. (a) Section 6 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705) is amended to read as follows:

"SEC. 6. ANNUAL REPORT.

"The President shall, within ninety days after the end of each fiscal year, submit an annual report to the appropriate authorizing committees in the Congress describing the status of the program, and describing and evaluating progress achieved during the preceding fiscal year in reducing the risks of earthquake hazards. Each such report shall include a copy of the program plan described in section 5(b)(2)(E) and any recommendations for legislation and other action the President deems necessary and appropriate.".

SEC. 103. (a). Section 7(a) of such Act is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following:

"(2) There are authorized to be appropriated to the Director to carry out the provisions of sections 5 and 6 of this Act for the fiscal year ending September 30, 1981—

"(A) $1,000,000 for continuation of the Interagency Committee on Seismic Safety in Construction and the Building Seismic Safety Council programs.

"(B) $1,500,000 for plans and preparedness for earthquake disasters,

"(C) $500,000 for prediction response planning,

"(D) $600,000 for architectural and engineering planning and practice programs,

"(E) $1,000,000 for development and application of a public education program,

"(F) $3,000,000 for use by the National Science Foundation in addition to the amount authorized to be appropriated under subsection (c), which amount includes $2,400,000 for earthquake policy research and $600,000 for the strong ground motion element of the siting program, and

"(G) $1,000,000 for use by the Center for Building Technology, National Bureau of Standards in addition to the amount authorized to be appropriated under subsection (d) for earthquake activities in the Center.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $32,484,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $26,600,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(d) Section 7 of such Act is amended by inserting at the end thereof the following:

"(d) NATIONAL BUREAU OF STANDARDS.—To enable the Bureau to carry out responsibilities that may be assigned to it under this Act, there are authorized to be appropriated $425,000 for the fiscal year ending September 30, 1981.".

SEC. 104. Funds may be transferred among the line items listed in the amendment made by section 103(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in the amendment made by section 103(a) unless—

(1) thirty calendar days have passed after the Director or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on

Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of thirty calendar days both chairmen of the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

TITLE II—FIRE PREVENTION AND CONTROL

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by inserting at the end thereof the following:

"(c) There are authorized to be appropriated to carry out this Act, except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, an amount not to exceed $23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

"(1) not less than $1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

"(2) not less than $2,575,000 for rural fire prevention and control; and

"(3) not less than $4,255,000 for research and development for the activities under section 18 of this Act at the Fire Research Center of the National Bureau of Standards, of which not less than $250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.".

SEC. 202. Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215) is amended by deleting the words: "June 30 of the year following the date of enactment of this Act and each year thereafter" from the first sentence and inserting in lieu thereof: "ninety calendar days following the year ending September 30, 1980 and similarly each year thereafter".

TITLE III—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

SEC. 301. It is recognized that natural and manmade hazards may not be independent of one another in any given disaster. Furthermore, planning for and responding to different hazards have certain common elements. To make maximum use of these commonalities, the Director of the Federal Emergency Management Agency (hereinafter referred to as the "Director") is authorized and directed to:

(1) initiate, within one year after the date of enactment of this Act, studies with the objective of defining and developing a multihazard research, planning, and implementation process within the Agency;

(2) develop, within one year after the date of enactment of this Act, in cooperation with State and local governments, prototypical multihazard mitigation projects which can be used to evaluate several approaches to the varying hazard mitigation needs of State and local governments and to assess the applicability of these prototypes to other jurisdictions with similar needs;

(3) investigate and evaluate, within one year after the date of enactment of this Act, the effectiveness of a range of incentives for hazard reductions that can be applied at the State and local government levels;

(4) prepare recommendations as to the need for legislation that will limit the legal liability of those third party persons or groups which are called upon to provide technical assistance and advice to public employees, including policemen, firemen, and transportation employees, who are generally the first to respond to a hazardous incident; which recommendations shall be provided to the appropriate committees of Congress within one hundred and eighty days after the date of enactment of this Act;

(5) prepare, within one hundred and eighty days after the date of enactment of this Act, a report on the status of the Agency's emergency information and communications systems which will provide recomendations on—

(A) the advisability of developing a single, unified emergency information and communication system for use by the Agency in carrying out its emergency management activities;

(B) the potential for using communication and remote sensing satellites as part of the Agency's emergency information and communication system; and

(C) the type of system to be developed, if needed, including the relationship of the proposed system and its need to the existing and emerging information and communication systems in other Federal agencies; and

(6) conduct a program of multihazard research, planning, and mitigation in coordination with those studies and evaluations authorized in paragraphs (1) through (5), as well as other hazard research, planning, and mitigation deemed necessary by the Director.

SEC. 302. For the fiscal year ending September 30, 1981, there are authorized to be appropriated to the Director $1,000,000 to carry out paragraphs (1) through (5) of section 301 and such sums as may be necessary to carry out paragraph (6) of such section.

Amend the amendment of the House to the title so as to read: "An Act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.".

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. HOLLENBECK. Mr. Speaker, I reserve the right to object, and I yield to the gentleman from California for the purpose of explaining the amendments.

Mr. BROWN of California. Mr. Speaker, S. 1393 is a bill which amends the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.

The bill passed the House on June 30 under suspension of the rules. A compromise was negotiated with the Senate and the compromise version was passed by the Senate on September 30. This motion concurs in the Senate action and clears the bill for the President.

The compromise bill before us does not change the amounts authorized by the House on June 30. In fact, all of the major House initiatives are maintained in the compromise bill with one exception. The version of this bill passed by the House contained a provision for a proportional allocation of appropriated funds among authorized programs in the event that a difference exists between authorizations and appropriations. Specifically the provision would have required that unless otherwise explicitly stated in the text of an appropriations bill, any line item within an authorization would be funded at a level proportional to the ratio of total program appropriations to total program authorizations. The Senate had not the opportunity to consider fully the implications of this House proposal. Hence, the compromise amendment which we consider today omits that specific provision.

The House proposal, however, addresses an extremely important issue, namely, the problem of apportioning appropriated funds among authorized programs, which I believe must be resolved in future authorizing legislation. The problem is twofold. First, one must define the functions of authorizations and appropriations to the mutual satisfaction of both legislative and appropriating committees. Here I support the conclusion of the House Science Committee in the view enunciated in its report:

The committee believes that the delineation of broad policies and program balances is the essence of the authorization process; it also recognizes that appropriations legitimately determine the absolute magnitude of expenditures in accord with general economic conditions and national needs. The committee further believes that, since in practice the precise distinction between authorization and appropriations is difficult to determine, limitations on appropriations should be considered by the House of Representatives and should not be effected through committee reports.

A second aspect of the problem concerns how the Executive is to allocate funds among authorized programs in the absence of a specific appropriation. Here I think the Science Committee report has stated the issue well:

Experience indicates that the executive branch will tend to carry out those programs which were provided for in the President's budget; programs which were added by the authorizing committee will be supported minimally if at all. The executive's rationale is simply that the Congress authorized a program but failed to provide the necessary funds.

On this the Committee strongly disagrees. To the contrary, in the absence of other law, for example a provision in a general appropriations act, to implicitly grant funding priority for a Presidential recommendation over a congressional initiative seriously derogates the legislative powers granted the Congress by the Constitution.

These issues have been elaborated excellently at greater length in the Science Committee's report on this bill. I commend their view on authorizations and appropriations to my colleagues and the Executive.

In conclusion, let me say that I strongly believe in the principle that authorizing legislation should contain, as an essential ingredient, a procedure for apportioning appropriations among authorized programs in the event that a difference exists between authorized and appropriated funds. I will work strongly to insure that such a reconciliation principle is included in subsequent authori-

zations for FEMA. Further, so that our committees may best determine how to construct such a principle I believe that the Director of FEMA should submit to the Congress, along with his Agency's budget request, a statement detailing recommendations for achieving a reconciliation between appropriations and authorized programs.

Mr. HOLLENBECK. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, my only question would be, again, is, are there any items in here which are highly unusual or different or things which the other body brought in that were not necessarily considered in the House or the House committee?

Mr. BROWN of California. Will the gentleman yield?

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

Mr. BROWN of California. I want to assure the gentleman from California that the changes were only of a technical nature. No effort was made, nor would such effort be agreed to regarding additional amendments.

Mr. ROUSSELOT. Mr. Speaker, is there a timeframe on the bill, if the gentleman will yield?

Mr. BROWN of California. If I recall correctly, this is a 1-year authorization for the two programs.

Mr. ROUSSELOT. The gentleman mentioned the Committee on Appropriations was now satisfied? The objections they had have been totally removed?

Mr. BROWN of California. This keeps our commitment to the Committee on Appropriations; yes, and they are satisfied.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the Senate amendment to the House amendment to S. 1393 which authorizes appropriations for fiscal year 1981 for the earthquake hazard reduction program and for the Federal Fire Prevention and Control Act. Mr. Speaker, let me say that I think the House has done very well on this bill. With regard to the earthquake program and the fire program, the Senate agreed to our levels of authorizations and also to the particular line-item categories of the budget which we recommended in both these programs. In addition, the Senate has recognized the initiative we made with regard to multihazard planning.

Mr. Speaker, if there is one problem that I would foresee, it is in the area of earthquake hazard reduction. I think we may be caught short footed because I believe that our plans and capabilities to respond to a major disaster such as a large earthquake are extremely limited. Had Mount St. Helens occurred in a populated area, untold lives would have been lost. However, the administration has requested only $1,450,000 for the whole range of planning and preparedness programs within the Federal Emergency Management Agency. Yet FEMA is the agency which will have to carry out any national response to a large-scale emergency.

We have authorized a number of programs at a slightly higher level and I do hope the administration will see fit, as the lessons of Mount St. Helens sink in, to appropriate further funds in a supplemental request for these important programs. We should remember that many of the lessons learned in coping with earthquakes can equally well be applied to other types of disasters. That is the intent of the multihazard research planning and implementation effort in title III for which our Science Committee recommended $1 million. However, some of the same spinoff effects will also accrue from the earthquake component of FEMA directly.

With regard to the programs of the U.S. Fire Administration, there is no need for me to repeat again the litany of high fire losses in this country relative to other nations. I do believe the programs as appropriated are totally inadequate to cope with the national problem of fire losses which total some 7,000 people a year. However, the administration in its infinite wisdom has seen fit only to request this amount. I do hope that the U.S. Fire Administration at FEMA will make every effort to coordinate its program with those other elements of FEMA. It should not remain a separate fiefdom of the fire services since the fire services themselves are increasingly called upon to meet many different types of hazards. I also hope that the Fire Administration will move forward vigorously with its effort on a concentrated demonstration program in fire prevention and control. This program may provide us with concrete data which would illustrate how advanced fire prevention and control techniques can in fact turn around the high fire statistics which unfortunately prevail in the southeastern part of our country.

Mr. Speaker, there is one final point I would make. We originally had a proposal in the House bill which would provide for a proportional allocation of funds among authorized programs in the event that authorizations differed from appropriations. In our negotiations with the Senate we agreed to drop this provision because it had not been studied thoroughly by our colleagues in the Senate. However, I want to say, and I know my colleagues will agree, that it is extremely important that this issue be addressed. Too often, we have seen programs, such as the arson program authorized last year by our committee, ignored by the administration because it was not included within the administration's budget level. This callous disregard for congressional directives by the Executive simply cannot be allowed to continue. Therefore, Mr. Speaker, I want to commend the remarks of my colleague, the chairman of our subcommittee, the gentleman from California, with regard to apportioning appropriations among authorized programs.

I, too, strongly support the principle that authorizing legislation should contain a reconciliation procedure between authorizations and appropriations which is appropriate to the agency and programs being authorized. I will work hard next year to see that the authorizing legislation contains such a provision. It is my understanding the the Senate leaders on this bill have agreed to convey their intent to seriously consider this issue with regard to next year's authorization and I hope that in good faith next year we can undertake to define a more rational procedure for allocating appropriations than currently exists today.

Mr. Speaker, I urge my colleagues to join me in supporting S. 1393 and wish to thank my colleagues on the Science Committee for all the hard work that they have done in helping to prepare the bill for our consideration today.

Thank you.

o Mr. WYDLER. Mr. Speaker, I rise in support of S. 1393 which authorizes funds for the fiscal year 1981 for the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act. Mr. Speaker, as my colleague CAP HOLLENBECK notes in his remarks, the Mount St. Helens explosion certainly illustrates the degree to which we are incapable of coping with a large-scale disaster. Research, particularly the policy research supported by this bill, would be of great use in meeting such disasters. In addition, I think the multihazard research effort to obtain maximum use of our disaster resources would be a great utility.

With regard to the fire program, let me say as I did in June, that our fire casualty and loss statistics are shockingly high. I am pleased to note that our authorization level reflects a realistic level in view of our financial and economic condition. I am also pleased with the plan for the concentrated demonstration program in fire prevention and control to see if it can obtain measurable improvements in those areas of the country which experience shockingly high fire deaths.

I agree with my colleagues, the chairman of the Subcommittee on Science, Research, and Technology and the ranking minority member of that subcommittee with regard to apportioning appropriations among authorized programs. I support the principle that authorizing legislation should contain a reconciliation procedure between authorized and appropriated funds which will permit congressionally authorized programs a reasonable chance of obtaining substantial funding.

Mr. Speaker, I urge my colleagues to support S. 1393.●

Mr. HOLLENBECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the initial request of the gentleman from California (Mr. BROWN)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their re-

marks on the Senate amendments to S. 2320 and S. 1393.

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

There was no objection.

COURT OF MILITARY APPEALS ACT OF 1980

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8188) to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to revise the laws governing the U.S. Court of Military Appeals, to provide for review of decisions of such court by the Supreme Court, and for other purposes and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mrs. HOLT. Mr. Speaker, reserving the right to object and I shall not object, I would ask the gentleman to explain this measure.

Mr. WHITE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, the Committee on Armed Services has reported H.R. 8188, as amended, a bill to revise the laws governing the U.S. Court of Military Appeals and to provide for a review of the decisions of that court by the Supreme Court and for other purposes.

The legislation, which is an administration proposal, is specifically intended to improve the appellate process in the military court-martial system by enhancing the stature of the Court of Military Appeals.

The principal provisions of the bill are to:

Clarify the independent status of the court by eliminating its current tie to the Department of Defense for administrative matters;

Increase the number of judges from three to five so that retirements, absences, illnesses, or resignations would not impair the ability of the court to function;

Authorize Supreme Court review of Court of Military Appeals cases by discretionary writs of certiorari; and

Provide full 15-year terms for each appointee.

The committee has amended the original administration proposal. Several of the committee changes are technical in nature. The substantive changes are to:

Provide for notification to the appellate counsel of the accused, as well as the accused himself, before the time for appeal to the Court of Military Appeals begins to run;

Include the judges of the court in the financial disclosure provisions of the Ethics in Government Act of 1978; and

Require that not more than three judges of the court may be appointed from the same political party—continuing a similar provision in the law today.

Mr. Speaker, the cost of the bill is estimated to be approximately $191,000 in fiscal year 1981.

The bill contains important improvements in the court structure and will improve the stability of the military justice system which is so essential to the state of discipline in the Armed Forces.

The changes in the bill as reported by the committee are technical in nature.

Mr. Speaker, I urge the Members to support H.R. 8188.

Mrs. HOLT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I also rise in support of H.R. 8188.

The principal purpose of this legislation is simply to put an end to the turbulence in the military justice system caused by changes in the membership of the Court of Military Appeals.

This bill would increase the size of the court from three to five members. Also, each new appointee would now be provided a full 15-year term upon appointment, rather than the current situation in which appointees serve the unexpired portion of any vacancy.

Mr. Speaker, the impact of this instability has been significant. Due to the size of the court, the absence of a single member, either for illness or resignation, can effectively prevent the court from operating. What has occurred more often is that frequent changes in membership have led to dramatic swings in the court's position on important issues which has made it very difficult for attorneys to advise their clients and for military commanders to enforce the law.

The Court of Military Appeals, as the highest appellate court in the military justice system, has an extremely important role to play in providing for the state of discipline in the military and protecting the rights of servicemen.

H.R. 8188 will substantially improve the operation of the court, as well as the military justice system.

Mr. Speaker, I urge passage of the bill.

Mr. ROUSSELOT. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. Mr. Speaker, I yield further to the gentleman from California.

Mr. ROUSSELOT. I thank the gentlewoman for yielding.

Mr. Speaker, would the gentleman assure us there is nothing highly unusual in this request or something to which the House does not give it attention?

Mr. WHITE. I assure the gentleman there is nothing unusual. I think it is important to get this bill through now because we are faced with something of a crisis on the court. We are trying to retain good judges and that is why we bring this matter up.

Mr. ROUSSELOT. I thank the gentleman and I thank the gentlewoman for yielding.

Mrs. HOLT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas (Mr. WHITE)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8188

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

SECTION 1. SHORT TITLE; REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

(a) SHORT TITLE.—This Act may be cited as the "Court of Military Appeals Act of 1980".

(b) REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.—Whenever in this Act (except in sections 3(c), 4(a), and 4(b)(1)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 2. JURISDICTION OF THE COURTS OF MILITARY REVIEW AND OF THE COURT OF MILITARY APPEALS.

(a) REPEAL OF MANDATORY REVIEW BY COURTS OF MILITARY REVIEW OF SENTENCES AFFECTING GENERAL OR FLAG OFFICERS.—Section 866(b) (article 66(b)), relating to review by a Court of Military Review, is amended by striking out "affects a general or flag officer or".

(b) REVISION OF JURISDICTION OF COURT OF MILITARY APPEALS.—

(1) IN GENERAL.—Section 867 (article 67), relating to the Court of Military Appeals, is amended to read as follows:

"§ 867. Art. 67. Review by the Court of Military Appeals; applications to the Supreme Court for writs of certiorari

"(a) The United States Court of Military Appeals, in accordance with subchapter XII of this chapter, shall review the record in—

"(1) all cases in which the sentence, as affirmed by a Court of Military Review, extends to death;

"(2) all cases reviewed by a Court of Military Review which the Judge Advocate General orders sent to the Court of Military Appeals for review; and

"(3) all cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

"(b)(1) Decisions of the Court of Military Appeals are subject to review by the Supreme Court by writ of certiorari as provided in section 1259 of title 28. The Supreme Court may not review any action of the Court of Military Appeals in refusing to grant a petition for review.

"(2) The accused may petition the Supreme Court for a writ of certiorari without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter IX is amended to read as follows:

"867. Art. 67. Review by the Court of Military Appeals; applications to the Supreme Court for writs of certiorari.".

(3) TECHNICAL AMENDMENT.—Section 869 (article 869), relating to review in the office of the Judge Advocate General, is amended by striking out "section 867(b)(2) of this title (article 67(b)(2))" and inserting in lieu thereof "section 867(a)(2) of this title (article 67(a)(2))".

(c) SAVINGS PROVISION.—The amendments made by this section with respect to automatic review of a case that affects a general or flag officer by a Court of Military Review or the Court of Military Appeals under sections 866 and 867 of title 10, United States Code, shall not apply to any case that affects

a general or flag officer in which, before the effective date of this Act, charges have been preferred or other official action has been taken with a view toward prosecution, and any such case shall be reviewed in a Court of Military Review and the Court of Military Appeals in the same manner and with the same effect as if such amendments had not been enacted.

SEC. 3. UNITED STATES COURT OF MILITARY APPEALS.

(a) REVISION OF LAWS GOVERNING COURT OF MILITARY APPEALS.—

(1) IN GENERAL.—Chapter 47 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER XII—THE UNITED STATES COURT OF MILITARY APPEALS

"Sec. Art.
"941. 141. Status.
"942. 142. Jurisdiction.
"943. 143. Judges.
"944. 144. Organization.
"945. 145. Procedure.
"946. 146. Administrative provisions.

"§ 941. Art 141. Status

"There is established under article I of the Constitution of the United States a court of record known as the United States Court of Military Appeals. The members of the Court of Military Appeals shall be the chief judge and the judges of the Court of Military Appeals.

"§ 942. Art. 142. Jurisdiction

"The Court of Military Appeals shall have such jurisdiction as is conferred by this chapter.

"§ 943. Art. 143. Judges

"(a) The Court of Military Appeals shall be composed of five members.

"(b) Judges of the Court of Military Appeals shall be appointed from civil life by the President, by and with the advice and consent of the Senate, on the grounds of fitness to perform the duties of the office. Not more than three of the judges of the Court of Military Appeals may be appointed from the same political party, and no person may be appointed to be a judge of the Court of Military Appeals unless the person is a member of the bar of a Federal court or the highest court of a State.

"(c) The term of office of any judge of the Court of Military Appeals shall expire at the end of the 15-year period beginning on the date after the judge takes office.

"(d) Judges of the Court of Military Appeals may be removed from office by the President, after notice and an opportunity for public hearing, for inefficiency, for neglect of duty, for malfeasance in office, or other cause.

"(e)(1) Judges of the Court of Military Appeals shall receive a salary at the same rate and in the same installments as the judges of the United States court of appeals.

"(2) Judges of the Court of Military Appeals shall receive travel expenses, and expenses actually incurred for subsistence while traveling on duty away from the principal office of the court, subject to the same limitations in amounts as are applicable to the judges of the United States courts of appeals.

"(f) If a judge of the Court of Military Appeals is temporarily unable to perform judicial duties because of illness or another disability and the court informs the President that a senior judge is not available for temporary service, the President may designate a judge of the United States Court of Appeals for the District of Columbia Circuit to fill the office for the period of disability.

"(g)(1) Any judge of the Court of Military Appeals who is receiving retired pay may become a senior judge, may be assigned offices in a Federal building, and may be provided with a staff assistant, whose compensation may not exceed the highest rate prescribed for grade GS–9 of the General Schedule under section 5332 of title 5.

"(2) If a judge of the Court of Military Appeals is temporarily unable to perform judicial duties because of illness or another disability, or if there is a vacancy on the court, the chief judge of the court may call upon a senior judge, with the consent of the senior judge, to perform judicial duties with the court for the duration of the disability or vacancy. Any act, or failure to act, by an individual performing judicial duties pursuant to this paragraph shall have the same force and effect as if it were the act (or failure to act) of a judge of the Court of Military Appeals, but such individual shall not be counted as a judge of the Court of Military Appeals for the purposes of section 943(a) (article 143(a)) of this title. Any individual performing such judicial duties pursuant to this paragraph shall, in lieu of retired pay, be paid the same compensation as a judge of the court and shall be paid the same allowances for travel and other expenses as a judge of the court.

"§ 944. Art. 144. Organization

"(a) The Court of Military Appeals shall have a seal which shall be judicially noticed.

"(b) The President shall from time to time designate one of the judges of the Court of Military Appeals to be chief judge of the court.

"(c) A majority of the judges of the Court of Military Appeals shall constitute a quorum for the transaction of the business of the court. A vacancy in the court shall not impair the powers nor affect the duties of the court nor of the remaining judges of the court.

"(d) The principal office of the Court of Military Appeals shall be in the District of Columbia.

"(e) Sessions of the Court of Military Appeals shall be held in the District of Columbia, but the court may sit at any other place where jurisdiction under this chapter is exercised by the armed forces.

"(f) The chief judge of the Court of Military Appeals shall have precedence and preside at any session that the chief judge attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence and shall preside according to seniority in age.

"§ 945. Art. 145. Procedure

"(a) The rules of practice before the Court of Military Appeals shall be prescribed by the court.

"(b) The accused has sixty days from—

"(1) the date on which the accused is notified of the decision of a Court of Military Review, or

"(2) the date on which a copy of the decision of a Court of Military Review, after being served on appellate counsel of record for the accused (if any), is deposited with the United States Postal Service for delivery to the accused by certified mail addressed to the latest address listed for the accused in the accused's official service record,

whichever is earlier, to petition the Court of Military Appeals for review of such decision.

"(c)(1) In any case reviewed under section 867(a) of this title (article 67(a)), the Court of Military Appeals may act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the Court of Military Review. In a case which the Judge Advocate General orders sent to the Court of Military Appeals, that action need be taken only with respect to the issues raised by the Judge Advocate General. In a case reviewed upon petition of the accused, that action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action under this section only with respect to matters of law.

"(2) If the Court of Military Appeals sets aside the findings and sentence, it may order a rehearing except where the setting aside is based on lack of sufficient evidence in the record to support the findings. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

"(3) After it has acted on a case, the Court of Military Appeals may direct the Judge Advocate General to return the record to the Court of Military Review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President or the Secretary concerned, the Judge Advocate General shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, the convening authority may dismiss the charges.

"§ 946. Art. 146. Administrative provisions

"(a) The Court of Military Appeals shall provide for the publication of its reports in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Court of Military Appeals contained therein in all courts of the United States and of the several States without any further proof or authentication thereof.

"(b)(1) The Court of Military Appeals may appoint and fix the basic pay of such employees as may be necessary to enable it to execute efficiently the functions vested in it. Such employees shall be appointed and such basic pay shall be fixed in accordance with the provisions of title 5 governing appointment and compensation in the civil service. Positions in the court are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

"(2) Employees of the Court of Military Appeals shall receive travel expenses and expenses for subsistence while traveling on duty away from the principal office of the court as provided in chapter 57 of title 5.

"(c) The Court of Military Appeals may make such expenditures (including expenditures for personal services and rent and for law books, books of reference, and periodicals) as may be necessary to enable it to execute efficiently the functions vested in it. All expenditures of the court shall be allowed and paid, out of moneys appropriated for purposes of the court, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the chief judge.

"(d)(1) The Court of Military Appeals may fix a fee, not in excess of the fee charged and collected therefor by the clerks of the United States courts of appeals, for comparing, or for preparing and comparing, a transcript of the record or for copying any record, entry, or other paper and the comparison and certification thereof. Such fee may not be charged for materials requested by a person subject to this chapter, or by such a person's counsel, with respect to material requested in connection with any review of a case in which that person is a party.

"(2) All fees received by the Court of Military Appeals shall be covered into the Treasury as miscellaneous receipts.

"(e) The Court of Military Appeals and the Judge Advocates General shall meet annually to make a comprehensive survey of the operation of this chapter and shall report annually to the Committees on Armed Services of the Senate and House of Representatives, and to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation, the number and status of pending cases and any recommendations relating to uniformity of policies as to sentences, amendments to this chapter, and any other matters considered appropriate.".

(2) CLERICAL AMENDMENT.—The table of subchapters preceding subchapter I is amended by adding at the end thereof the following new item:

"XII. The United States Court of Military Appeals---------- 941 141".

(b) TRANSITION PROVISIONS.—

(1) CONTINUATION OF STATUS.—The United States Court of Military Appeals established under the amendment made by subsection (a)(1) is a continuation of the United States Court of Military Appeals as it existed before the enactment of this Act. The judges of the United States Court of Military Appeals immediately before the effective date of this Act shall become the judges of the United States Court of Military Appeals under section 941 (article 141) of title 10, United States Code, upon the effective date of this Act. No loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the United States Court of Military Appeals before the effective date of this Act shall result from enactment of this Act.

(2) TERM OF OFFICE.—(A) The term of office being served by a judge of the Court of Military Appeals on the effective date of this Act shall expire (i) on the date it would have expired under the law in effect on the day before such effective date, or (ii) 10 years after the date on which the judge took office as a judge of the Court of Military Appeals, whichever is later.

(B) With respect to appointments to vacancies on the Court of Military Appeals that exist on the effective date of this Act, the President shall designate one nominee for such an appointment, at the time of the nomination, for a term of office to expire 12 years after the judge takes office.

(C) Any judge of the Court of Military Appeals on the effective date of this Act and any judge appointed under paragraph (2) for a term of 12 years may be reappointed in the same manner as a judge of the Court of Military Appeals appointed under section 943(b)(1) (article 143(b)(1)) of such title, as added by subsection (a)(1).

(3) EMPLOYEES.—Nothing contained in the amendments made by this Act shall be construed to deprive any individual who on the effective date of this Act is an officer or employee of the United States Court of Military Appeals of any rights, privileges, or civil service status, if any, to which such individual is entitled under the laws of the United States and regulations prescribed under such laws.

(c) FINANCIAL DISCLOSURE.—Section 308 of the Ethics in Government Act of 1978 is amended—

(1) by inserting "Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the Court of Military Appeals".

SEC. 4. SUPREME COURT REVIEW.

(a) ESTABLISHMENT OF REVIEW BY THE SUPREME COURT OF CASES REVIEWED BY THE COURT OF MILITARY APPEALS.—

(1) IN GENERAL.—Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

§ 1259. Court of Military Appeals; certiorari

"Decisions of the United States Court of Military Appeals may be reviewed by the Supreme Court by writ of certiorari in the following cases:

"(1) Cases reviewed by the Court of Military Appeals under section 867(a)(1) of title 10.

"(2) Cases certified to the Court of Military Appeals by the Judge Advocate General under section 867(a)(2) of title 10.

"(3) Cases in which the Court of Military Appeals granted a petition for review under section 867(a)(3) of title 10.

"(4) Cases, other than those described in paragraphs (1), (2), and (3) of this subsection, in which the Court of Military Appeals granted relief.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end thereof the following new item:

"1259. Court of Military Appeals: certiorari.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TIME FOR APPLICATION FOR WRIT OF CERTIORARI.—Section 2101 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The time for application for a writ of certiorari to review a decision of the United States Court of Military Appeals shall be as prescribed by rules of the Supreme Court.".

(2) FINALITY OF ACTIONS OF COURTS OF MILITARY REVIEW.—Subsection (e) of section 866 (article 66), relating to the Courts of Military Review, is amended—

(A) by striking out "or"; and

(B) by inserting "or the Supreme Court," after "Appeals,".

(3) APPELLATE COUNSEL IN APPEALS TO SUPREME COURT.—

(A) Subsection (b) of section 870 (article 70), relating to appellate counsel, is amended by adding at the end thereof the following new sentence: "Appellate Government counsel may represent the United States before the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.".

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

"(c) Appellate defense counsel shall represent the accused before the Court of Military Review, the Court of Military Appeals, or the Supreme Court—

"(1) when requested by the accused;

"(2) when the United States is represented by counsel; or

"(3) when the Judge Advocate General has sent the case to the Court of Military Appeals.".

(C) Subsection (d) of such section is amended—

(i) by striking out "or" and inserting in lieu thereof a comma; and

(ii) by inserting ", or the Supreme Court" after "Review".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

AMENDMENTS OFFERED BY MR. WHITE

Mr. WHITE. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. WHITE: Page 3, line 22, strike the quotation marks at the beginning of the line.

Page 14, line 14, strike "1979" and insert "1978".

Page 14, line 17, after the word "Court" insert "in paragraph 10".

Page 16, line 14, after "appeals" insert a comma.

Mr. WHITE (during the reading). I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the RECORD.

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

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

REDUCING COST SHARING REQUIRED IN THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Mr. WHITE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7536) to amend title 10, United States Code, to reduce the cost-sharing required of participants in the civilian health and medical program of the uniformed services (CHAMPUS) for inpatient medical care provided on an emergency basis.

The Clerk read the title of the bill.

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

Mr. ROUSSELOT. Mr. Speaker, I reserve the right to object.

Could the gentleman give us the add-on cost estimate on this?

Mr. WHITE. Mr. Speaker, I rise in support of the bill, H.R. 7536, which amends the present civilian health and medical program of the uniformed services (CHAMPUS) law to reduce the cost sharing required of retired participants in CHAMPUS who receive emergency inpatient health care.

CHAMPUS, enacted into law in 1966, authorized an expanded program of civilian inpatient and outpatient health care for retired military personnel and dependents of active-duty and retired personnel.

As seen against the prevailing view that military benefits are continuously eroding; thus, seriously affecting morale, recruiting, and retention, the proposal before you takes on added importance.

As indicated by the officers and enlisted men who testified before the House Armed Services Committee several months ago, military health-care delivery is very high on their list of priorities. Improvements in the CHAMPUS program are important if we are to answer the call of our young soldiers for better health care throughout their military service to include retirement.

As we all know, we must provide a better atmosphere for our military families—active and retired—if we hope to encourage our young people to join the military and our experienced people to remain. This bill clearly is a step in that direction.

Mr. Speaker, I strongly encourage enactment of this legislation.

Mr. Speaker, the bill is authored by

the gentlewoman from Maryland (Mrs. HOLT).

The Department estimates $5 million for fiscal year 1981 and the Congressional Budget Office estimates $15 million.

Mrs. HOLT. Mr. Speaker, will the gentleman yield to me?

Mr. ROUSSELOT. I yield to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Speaker, I rise in support of H.R. 7536, a bill which is a good effort to redress some of the problems our retired military community has encountered in acquiring emergency health care under CHAMPUS. I am particularly delighted to have the opportunity to sponsor this much needed legislation.

First, I would like to reinforce the distinguished gentleman from Texas (Mr. WHITE), comments concerning the erosion of military benefits.

I have received countless letters from my constituents recounting the demise of one of the single most significant incentives available to our soldiers and their dependents—the military health care program.

As I visit my district, I am frequently asked by many of my retired constituents to "bring back the good old days" when health care was readily available to retired members and their dependents. These are people, many of whom are on relatively modest incomes, who were promised that military medical facilities would readily open their doors to retired members and their dependents.

Many of my retired military constituents know that we are having problems staffing our military medical facilities; they know that doctors and dentists are leaving the military in large numbers; they know that the inpatient cost of providing health care has increased by more than 70 percent over the past 10 years; they know that retirees and their dependents are no less deserving than the active-duty members and their dependents; but they also know that this Nation's pledge to them is being breached.

An example of the unfair burden that the current law placed on many retired members can be illustrated by an incident that occurred last year after the Naval Academy Hospital was closed. One of my constituents had to go in a civilian hospital because of a medical emergency. She stayed in the hospital for 30 days for a cost of $10,000. Her share of the $10,000 was $2,500 (25 percent of total). However, the cost sharing for an active-duty dependent receiving the same medical treatment would have been $150 ($5 per day). In this case, the retiree had to pay $2,350 more than the active-duty dependent.

This is a bill that would reduce the inpatient cost-sharing for emergency treatment to retired members and their dependents participating in CHAMPUS, and thereby assist in ameliorating situations similar to the one mentioned in my example.

Specifically, the bill is designed to redress some of the problems retirees are having in acquiring emergency health care under CHAMPUS by:

Eliminating the 25-percent copayment required for emergency inpatient care for retired members and their dependents.

Establishing a $25 per patient fee, or the daily rate for a military medical facility (currently $5), whichever is greater, for emergency inpatient care for retired members and their dependents. This copayment schedule is currently available to all active-duty dependents on a nonemergency and emergency basis.

Retaining the current copayment rate of 25 percent for nonemergency inpatient care for retired members and their dependents.

The Department of Defense has estimated the cost of this bill to be approximately $5 million per year while the Congressional Budget Office has estimated the annual cost at about $15 million. Therefore, the annual cost might range between $5 to $15 million.

It is time to stop the current erosion of military benefits, and with the Congress and the administration working together, we can begin to reverse the dangerous trend.

I sincerely believe that the enactment of this bill into law will help send a strong signal to our military members that the Congress cares and is appreciative of the service they have given and are giving to our country.

Therefore, I urge enactment of this legislation.

□ 1600

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I do not think I will, so the gentlewoman from Maryland and the gentleman from Texas can assure us that the highest cost would be roughly $15 million?

Mr. WHITE. That is my understanding.

Mr. ROUSSELOT. And this is to provide health benefits that we had previously recommended would be there; is that correct?

Mr. WHITE. This applies on an emergency basis for the retired in the same manner as those who are on active service.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Texas and the gentlewoman from Maryland for their explanations, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1086(b) of title 10, United States Code, relating to contracts for medical care for retired members of the uniformed services and their dependents, is amended—

(1) by inserting "nonemergency" in clause (3) before "inpatient care"; and

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

"(4) For emergency inpatient care—

"(A) in the case of a person covered by section 1074(b) of this title, the greater of $25 or the amount that would have been charged under section 1075 of this title had the care being paid for been obtained in a hospital of the uniformed services; and

"(B) in the case of a person covered by section 1076(b) of this title or described in subsection (c)(2) who is eligible for health benefits under this section, the greater of $25 or the amount that would have been charged under section 1078(a) of this title had the care being paid for been obtained in a hospital of the uniformed services.".

SEC. 2. The amendments made by the first section of this Act apply to health care provided after September 30, 1980.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PROVISIONS OF FULL DENTAL CARE BENEFITS TO DEPENDENTS OF MEMBERS OF UNIFORMED SERVICES ON ACTIVE DUTY

Mr. WHITE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8189) to amend chapter 55 of title 10, United States Code, to authorize the provision of full dental care benefits to dependents of members of the uniformed services on active duty under the civilian health and medical program of the uniformed services and in facilities of the uniformed services.

The Clerk read the title of the bill.

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

Mrs. HOLT. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from Texas to explain this legislation, and also to assure the gentleman from California (Mr. ROUSSELOT) that there is nothing unusual in this legislation.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I rise to support H.R. 8189, which authorizes dental care for dependents of active-duty military personnel under the civilian health and medical program of the uniformed services (CHAMPUS), and to offer a technical amendment to the bill as reported.

Early hearings on CHAMPUS documented the dental needs of military dependents and assessed the benefits of including dental-care provisions in the CHAMPUS program. These hearings convincingly demonstrated that our military population perceived dental care as an important benefit.

In recent years, the widespread availability of prepaid dental care programs to the private sector work force sparked renewed interest in the enactment of legislation to provide full dental care for military dependents. As an example, about 70 million Americans in fiscal year 1980 participated in prepaid dental programs.

The current CHAMPUS legislation limits dental care to military dental facilities on a space-availability basis for dependents of active-duty personnel when there exists a dental care emergency, when dental care is adjunct to

medical or surgical procedures, when adequate civilian dental care facilities are not available, or when dependents of active-duty personnel are stationed outside of the continental United States.

The committee conducted a series of hearings this year motivated by the administration's dental CHAMPUS proposal and by its assessment: First, that presently many military personnel perceive that military family benefits have been eroding; and second, that spiraling inflation is having a severe impact upon the military family—particularly upon the families of personnel in the lower pay grades.

The evidence overwhelmingly suggested that the administration's proposal while obviously a step in the right direction, did not go far enough in providing for basic dental care. Specifically, it appeared that because of the out-of-pocket cost required of participants to meet the deductible and cost-sharing provisions, dependents of many enlisted members in the lower pay grades would be precluded from taking advantage of even the basic dental services. As a result, the cost-sharing and deductible provisions of the administration's proposal were revised and those changes are reflected in H.R. 8189.

The military witnesses who testified generally agreed that full dental care to dependents of active-duty personnel at military dental facilities should be provided when space facilities and dental staff are available. The witnesses indicated that, frequently as a result of broken appointments and scheduled and unscheduled training exercises by active-duty members, dentists occasionally have unscheduled open periods in their appointment calendars.

It was argued that these dentists should be permitted to take advantage of those openings and provide dental service to active-duty dependents in order to insure the full utilization of military dental facilities. It was clear from the testimony, however, that the number of such openings is not significantly large; thus, it would probably be possible to satisfy only a small portion of the total demand for dental services by active-duty dependents.

H.R. 8189 will remove the restriction which precludes active-duty dependents from taking advantage of available military dental facilities during periods of less than full utilization. This provision is intended to allow the dependent the free choice of seeking dental care under CHAMPUS or electing to receive dental care at a military dental facility if space and staff are available.

CBO estimated the first-year cost of H.R. 8189 at about $189 million. However, since the earliest the program could start would be in the March-April 1981 time frame, the effective date is set at April 1, 1981. This effective date will result in a first-year cost of about $95 million.

This bill (H.R. 8189) goes an important step beyond the administration's proposal, and I strongly recommend that you support it.

Mrs. HOLT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I would like to add my support to H.R. 8189. I agree with my colleague from Texas (Mr. WHITE) that H.R. 8189 is an important step in the right direction. It is certainly a vast improvement over the administration's dental CHAMPUS proposal, and its enactment will make dental care accessible to those who can least afford it.

I certainly recognize that this bill is not "all things to all people" and that it does not include dependents of retired members, but I feel that in view of our current budgetary constraints, the enactment of this legislation will send a strong and long awaited signal to our military families—that Congress cares.

Therefore, I strongly support this bill because it is the first step toward extending dental care to all of our military families.

I urge you to support H.R. 8189.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 8189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1077(a) of title 10, United States Code, is amended by adding at the end thereof the following new clause:

"(15) In the case of dependents described in section 1076(a) of this title, dental care in addition to the dental care authorized by clauses (10), (11), and (12).".

SEC. 2. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following new section:

"§ 1079a. Contracts for dental care for spouses and children:

"(a) To assure that dental care is available for spouses and children of members of the uniformed services who are on active duty for a period of more than thirty days, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, shall contract, under the authority of this section, for outpatient dental care for those persons under such insurance, dental service, or health plans as he considers appropriate. Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services, the types of dental care authorized under this section shall be the following:

"(1) Emergency treatment and diagnostic and preventive services.

"(2) Basic restorative services and prosthetic appliance repairs.

"(3) Endodontic, periodontic, and prosthodontic services, oral surgery, and single-cost restorative services.

"(4) Orthodontic services.

"(b) Plans covered by subsection (a) shall include provisions for payment by the patient as follows:

"(1) Payment for the first charges for a family group during any fiscal year for all types of care authorized by subsection (a) shall be made as follows:

"(A) In the case of the dependents of a member in a pay grade below pay grade E–8, there shall be no payment of such first charges.

"(B) In the case of the dependents of a member in pay grade E–8 or E–9, the first $50 of charges shall be paid.

"(C) In the case of the dependents of a member in a warrant officer grade, the first $100 of charges shall be paid.

"(D) In the case of the dependents of a member in pay grade O–1, O–2, or O–3, the first $150 of charges shall be paid.

"(E) In the case of the dependents of a member in pay grade O–4, O–5, or O–6, the first $175 of charges shall be paid.

"(F) In the case of the dependents of a member in pay grade O–7, O–8, O–9, or O–10, the first $200 of charges shall be paid.

"(2) Payment for charges for a family group during a fiscal year for care authorized by subsection (a) which are in addition to the charges paid for such family group under paragraph (1) shall be made as follows:

"(A) For care described in subsection (a)(1), a patient who is a dependent of a member in a pay grade below grade E–8 shall pay nothing and a patient who is a dependent of a member in a pay grade above pay grade E–7 shall pay 15 per centum.

"(B) For care described in subsection (a)(2), a patient who is a dependent of a member in a pay grade below pay grade E–8 shall pay nothing and a patient who is a dependent of a member in a pay grade above pay grade E–7 shall pay 30 per centum.

"(C) For care described in subsection (a)(3), a patient shall pay 50 per centum.

"(D) For care described in subsection (a)(4), a patient who is a dependent of a member in a pay grade below pay grade E–8 shall pay 50 per centum and a patient who is a dependent of a member in a pay grade above pay grade E–7 shall pay 75 per centum.

"(c) The methods for making payment under subsection (b) shall be prescribed under joint regulations issued by the Secretary of Defense and the Secretary of Health and Human Services"

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079 the following new item:

"1079a. Contracts for dental care for spouses and children: Plans.".

SEC. 3. (a)(1) Section 1080 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "A dependent"; and

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

"(b) A dependent covered by section 1079a of this title may elect to receive dental care in either (1) the facilities of the uniformed services, under the conditions prescribed by sections 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under section 1079a of this title.".

(2)(A) The heading of such section is amended to read as follows:

"§ 1080. Contracts for medical or dental care for spouses and children: election of facilities".

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"Sec. 1080. Contracts for medical or dental care for spouses and children: election of facilities.".

(b)(1) Section 1081 of such title is amended by inserting "or 1079a" after "section 1079".

(2)(A) The heading of such section is amended to read as follows:

"§ 1081. Contracts for medical or dental care for spouses and children: review and adjustments of payments; reports".

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"Sec. 1081. Contracts for medical or dental care for spouses and children: review and adjustments of payments; reports.".

(c) Section 1082 of such title is amended by inserting "dental service," in the fourth sentence after "medical service,".

SEC. 4. The amendments made by this Act shall apply to dental care provided on or after April 1, 1981.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 5, after line 7, insert:

"(d) The authority of the Secretary of Defense to enter into contracts under this section is effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

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

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have the balance of this legislative day in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON S. 1828 AND H.R. 5417

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Friday, October 3, 1980, to file a report on the Senate bill, S. 1828, and H.R. 5417, the Milner Dam bills.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I will not, my understanding is that the explanation for this is to allow conversion to hydroelectric power, or what?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, it is a dam in Idaho, I am told. I am acting on behalf of the Commerce Committee because they do not have anybody here to explain it, but there are a lot of dam bills floating by us, but these, I understand, are OK.

Mr. ROUSSELOT. Because the gentleman has been nice enough to make sure no dam floats by too quickly, I withdraw my reservation of objection.

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

There was no objection.

ESTABLISHING RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS IN STATE OF MONTANA

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3072) to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. WILLIAMS of Montana. Mr. Speaker, reserving the right to object, will the chairman describe the changes in the bill that was acted upon earlier by the House and the bill that is now before us?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, there are three principal changes from the House bill.

The Senate bill would exclude from the proposed wilderness area that is inside the national recreation area a corridor of approximately 7 miles, which would go northward into the wilderness portion of the recreation area. It would give the Forest Service discretion to allow motorcycle use in this corridor. As I understand it, this is presently a primitive road that is used by off-the-road vehicles, particularly motorcycles. It is also my understanding that the Forest Service will have discretion to carry out the management of this area along with the rest of this national recreation area in accordance with the applicable laws already in existence, and will conduct appropriate reviews of off-road vehicle use in this corridor to determine the extent to which such use would be compatible with the rest of the area.

The second change would be that the Senate bill excludes some 5,000 acres from the national recreation area on the south and east side of the recreation area; and as I understand it, follows a watershed line instead of arbitrary section lines.

The third principal change is to drop from the House bill the authorization of funding for the construction and operation of a wildlands education center in the national recreation area.

Otherwise, the bill is substantially the same as the House-passed bill.

Mr. WILLIAMS of Montana. Further reserving the right to object, does the chairman understand that the statement of intent mentioned in the bill reflects an agreement in principal between the parties as to the matters stated concerning claims, and will be used as a basis for agreement among those parties; and does the gentleman further understand that the statement of intent is an agreement reflecting, possibly, partial payment to the Montana Power Co. through coal bidding rights for its Rattlesnake holdings, and that the Forest Service has this day, October 2, 1980, signed that letter of intent; and does the gentleman intend to insert the letter of intent in the RECORD at this point?

Mr. SEIBERLING. The answer to the gentleman's question is this—I think I need to elaborate.

The parties the gentleman refers to are the National Forest Service and holders of certain lands that are in a checkerboard pattern in the proposed national recreation area. The bill authorizes an exchange of those lands for national forest lands outside the national recreation area. The parties include, besides the Forest Service, the Montana Power Co. and, I believe, the Bureau of Land Management.

The answer is yes, it does intend to cover that authorization and that understanding, and I will insert into the RECORD the letter of intent signed by those parties at this point:

STATEMENT OF INTENT

The Montana Power Company intends to convey all of its right, title and interest in and to the lands described in Exhibit A (hereinafter referred to as Montana Power or Rattlesnake Lands) hereto to the United States in order to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana hereinafter referred to as the Rattlesnake Area, subject to existing easements of record in favor of Mountain Water Company, a Montana corporation providing water utility service to the City of Missoula, Montana, and its environs. The Regional Forester of the Northern Region, Forest Service, U.S. Department of Agriculture, and the Montana Director of the Bureau of Land Management, U.S. Department of the Interior, intend to negotiate for and consummate the necessary exchanges with The Montana Power Company, including both land-for-land exchanges and the exchange of coal lease bidding rights for the Montana Power Company lands described in Exhibit A, and to give such exchange project the highest priority with the objective of completion within thirty-six months.

Now, therefore, in consideration of the lands to be exchanged and/or bidding rights to be issued, and/or payments to be made by the United States of America for such intended conveyance, the parties hereto agree as follows:

1. The consideration to be received by the Montana Power Company in exchange for conveyance of the Rattlesnake Lands will consist of three elements, the choice, combination and proportions of which are to be determined from time to time by the Montana Power Company. The three elements are: exchange lands, coal bidding rights, and cash.

2. It is agreed that within thirty-six months after this Statement of Intent becomes operative, and subject to appropriate enabling legislation, the Bureau of Land Management, Department of the Interior, subject to the authority and approval of the Secretary of the Interior, and in accordance with the provisions and limitations of the Federal Coal Management Regulations in 430 CFR 3400, will offer for competitive leasing and will lease the Federal coal on the lands described in Exhibit B as

(A) Naval Reserve coal lands (a portion of coal reserve 1, Montana 1, established by Executive Order of June 6, 1929), and

(B) Other coal leases on Federal lands listed on Exhibit B attached hereto. The

bidding procedure shall provide for bonus bidding beginning with the minimum acceptable bid needed to obtain fair market value determined by the Geological Survey, Department of the Interior, and with the royalty and rental rates fixed at the statutory minimum prior to the lease sale. If the Montana Power Company and/or Western Energy Company, its wholly owned coal producing subsidiary, shall be the successful bidder the lease(s) shall be issued in exchange for cash or for a combination of cash and bidding rights in the amount necessary to meet the bonus bid.

Future royalty payments and rentals may also be paid in cash or a combination of cash and bidding rights. All payments related to the Federal coal leases must include a minimum of 50 percent (½) cash. Cash portions of all receipts, up to 50 percent (½) of these total amount received by the Federal government, will be used to pay the State of Montana in accordance with the Mineral Leasing Act as amended. Subject to acreage limitations contained in the Federal Coal Management Regulations in 43 CFR 3400.0-5(cc), new leases issued as a result of the procedures herein described shall become a part of any logical mining unit which they are within or to which they are contiguous. By signifying its assent to the procedures described above, the Montana Power Company does not intend to represent that it will, in all events, bid upon the lands so offered, or that a bid, if made, will be made by the exercise of bidding rights in lieu of cash.

3. The United States Government, acting by and through the USDA-Forest Service, and USDI-Bureau of Land Management, agree, provided that the Rattlesnake Area is established, to attempt to exchange United States lands of equal value for the remaining "Rattlesnake Lands" owned by the Montana Power Company listed on Exhibit A. Said exchange is to be concluded within thirty-six months of enactment of the legislation establishing the Rattlesnake Area. As an identification of the lands to be considered in such an exchange, certain lands are designated in Exhibits C and D as the starting base for the negotiation of such exchange. All lands exchanged shall be conveyed to the Montana Power Company by patent or deed issued by the United States and shall include both the surface and mineral estate insofar as the ownership of the mineral estate resides with the United States. All Montana Power lands exchanged shall be conveyed to the United States by warranty deed conveying merchantable title to the property and shall include both the surface and mineral estate insofar as the ownership of the mineral estate resides with The Montana Power Company, subject only to the easements held by Mountain Water Company as aforesaid. Title to the U.S. lands shall be conveyed simultaneously with title conveyance of The Montana Power Company lands.

4. In the event a land exchange cannot be mutually agreed to, or if only a portion of The Montana Power Company lands are included in the exchange, the Montana Power Company may, at it option, obtain a cash payment for all of, or the remainder of, its "Rattlesnake Lands" subject to appropriation by the United States Congress.

5. Title to the "Rattlesnake Lands" shall not be conveyed to the United States until the values of the exchanges, bidding rights, and/or cash payments equal the estimated fair market value of the Montana Power Company lands listed in Exhibit A.

6. The value of the land, or interests in lands to be conveyed, both Federal and non-Federal, shall be determined, by independent professional appraisers acceptable to the United States and the Montana Power Company, according to the Uniform Appraisal Standards for Federal Land Acquisitions, as issued in May 1971, by the Interagency Land Acquisition Conference. The fair market value of any Federal coal as required by the Coal Leasing Amendments Act will be determined by the Geological Survey, Department of the Interior.

7. It is understood that the payment in cash of any determined values under this Statement of Intent shall be authorized by the United States Congress in the Enabling Act establishing the Rattlesnake Area.

8. It is the intent of all parties involved to meet within thirty (30) days of enactment of the Rattlesnake legislation to develop an action plan setting forth specific details and procedures for implementing and consummating this land transaction.

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

Mr. WILLIAMS of Montana. I yield to my colleague.

Mr. MARLENEE. Mr. Speaker, am I to understand that public access has been provided to Wangel Creek, the corridor we were talking about and discussed in the Interior Committee?

□ 1610

Mr. SEIBERLING. Mr. Speaker, let me take a look at the map here.

That is correct. The answer is, yes, the National Forest Service would be authorized to permit such access.

Mr. MARLENEE. That access would be, as the gentleman referred to it, by motorbike, by trail bike, or by snowmobiles?

Mr. SEIBERLING. That is correct.

Mr. MARLENEE. Mr. Speaker, if the gentleman will yield further, I understand that the differences in this legislation have been reconciled between the Members of the Montana delegation?

Mr. SEIBERLING. Mr. Speaker, that is what I am advised, and I say that the two gentlemen from Montana who are here are probably the best possible ones to know whether that is the case.

Mr. MARLENEE. Mr. Speaker, as the minority member of the delegation, I commend my colleague, in whose district this wilderness area falls, and I do support the bill.

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, let me simply say as the chairman of the subcommittee, the gentleman from Montana (Mr. WILLIAMS) has done an outstanding job in working with the various interests involved and bringing out a mutually acceptable bill. He has shown great patience, skill, and dedication in working out a balanced and farsighted solution.

I also commend the Members on the Senate side for their willingness to cooperate in doing the same.

As is usually the case, this is not a bill that everyone is totally happy with, but in talking with the gentleman from Montana (Mr. WILLIAMS) and some of the other interested parties, I am told by everyone that it is acceptable. I certainly commend him for his really creative and constructive work here.

Mr. WILLIAMS of Montana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3072

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That this Act may be cited as the "Rattlesnake National Recreation Area and Wilderness Act of 1980".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattleneck area to include the permanent preservation of certain of these lands under established preservation of certain of these lands under established statutory deignation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE WILDERNESS AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation Area as designated by this Act, which comprise approximately 33,000 acres as generally depicted as the "Rattlesnake Wilderness" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, the Rattlesnake Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE

SEC 3. An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) Within the boundaries of the Rattlesnake National Recreation Area and

Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

(b)(1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with the owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 2 and 3 of this Act, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this Act and other laws applicable to the management of national forest lands. Nothing in this Act shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this Act, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 FR 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within three years from the date of enactment of this Act, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this Act shall occur within three years of the date of enactment of this Act.

(5) In order to facilitate the exchange authorized by this Act, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended.

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

(d)(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after the date of the enactment of this Act.

(2) Nothing in this Act shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law at the time of enactment of this Act, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National Recreation Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 6. Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

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.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute only for the purpose of inquiring of the Chair whether or not, except for the routine requests and the special orders, this will conclude the business of the day.

The SPEAKER pro tempore. The Chair will state that the gentleman's question contains the answer. Yes, this will conclude the business of the day.

Mr. MICHEL. I thank the Chair.

GAS RESOURCES R.D. & D. ACT

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

Mr. ANTHONY. Mr. Speaker, I rise to introduce a bill which is intended to help improve our Nation's energy self-sufficiency by implementing an aggressive research, development, and demonstration effort in the area of natural and synthetic gas resources. Potential domestic energy production from unconventional gas formations and underground conversion of coal represent a significant source of energy, according to both industry and Government. The need exists for advanced technology to be developed so that these gas resources can supplement existing conventional gas supplies in meeting our energy needs. It is the intention of this legislation to publicly join, with industry, to develop this technology in a time frame that will allow these resources to assist in our transition to renewable forms of energy.

Production from these energy resources are particularly attractive because both well exploration and development and underground or in place conversion of coal are likely to be much less disruptive to the environment than other alternatives. In addition, gaseous energy is clean burning, versatile, and easily stored. Finally, initial estimates of cost put these gas resources in a range competitive with synthetic and renewable fuels.

The counterpart to this measure, S. 2774, was passed by the other body September 24. Knowing the history of the House Science Committee in acting on similar R.D. & D. measures, I look forward to a thorough examination of this bill in the near future.

Mr. Speaker, with the recurring turbulence in the Middle East again threatening the oil lifeline to the United States and the West, it is all too painfully apparent we are in dire need of establishing greater domestic energy self-sufficiency. The Congress, in recognizing this need, has responded over the last 3 years with legislation to stimulate increased domestic energy production through gas and oil price deregulation, subsidies for conversion of coal, shale, and biomass to energy, tax incentives for the use of renewable forms of energy, and grants as well as tax incentives for using energy more efficiently or practicing energy conservation. Although the response time to these initiatives will necessarily be gradual, the United States is moving in the right direction so as to lessen its dependence on unstable, expensive foreign energy sources.

Yet as the legislation enacted by Congress recognizes, most, if not all, the tools to be used in meeting our energy challenge are new and largely untested in today's environment. There is a substantial degree of technical risk, in addition to the economic and environmental risks so often mentioned, in producing new forms of usable energy. Further, the incentives mentioned earlier such as in the Energy Security Act, to reduce the economic risk of producing synthetic fuels will help develop only a portion of our domestic resources, because of conventional technology limitations.

Thus, in order to meet a national objective of maximizing domestic energy

production, there is a need to both improve upon conventional energy production technology and introduce more efficient and versatile advanced technology. It is to meet the national objective that research, development and demonstration efforts must be undertaken to reduce the technical risks to deployment of new energy technology. And it is in the energy areas in particular where a Government R.D. & D. role is justified to move up the timeframe in which the private sector can respond to the national need to be more energy independent. It is in the context of an appropriate Government partnership with industry that I submit the Gas Resources R.D. & D. Act will contribute in part to resolving our energy problem.

This bill will accelerate our research, development and demonstration efforts in so-called unconventional gas resources and in the underground or in situ conversion of coal to gas. A Government-sponsored program for the development of improved gas exploration and drilling technology to produce hard-to-get gas as well as advanced processes for converting coal into gas while the coal is in place is doable, will have the involvement of industry, and is in the public interest. These resources will serve to supplement conventional natural gas production which currently is the largest contributor to U.S. domestic energy supplies.

Like conventional natural gas, unconventional or in situ coal gas, is likely to be very desirable environmentally both from the production and utilization points of view, and therefore, a premium fuel for applications in this period of heightened public concern about many of our energy sources. Because there is already a massive investment in the gas pipeline delivery system and in end-use equipment, it is possible to utilize an existing energy infrastructure to market these new gas sources while at the same time get the best return on investment by assuring the use of existing gas delivery and end-use equipment as long as possible.

Unconventional gas resources—tight gas sands, Devonian shales, geopressured aquifers, and coal bed methane—are found in most areas of the Nation, close to existing pipelines and in proximity to potential markets. Both industry and Government analyses of the resource potential of unconventional gas state the case why this resource deserves consideration. The National Petroleum Council, DOE, and Gas Research Institute all put the minimum recoverable resource potential of unconventional gas at double the current level of proved gas reserves—200 TCF, or a 10-year supply at current consumption rates.

As table 1 shows, the amount of gas recoverable from these sources is both price and technology dependent, with advanced technology serving as the stronger variable. In order to address the uncertainties this range of estimates represents, this bill maintains a strong program within the Department of Energy to work with industry to develop advanced drilling technology and attempt to better define the nature of the resource, its behavior under production conditions and the environmental impacts of its production. In addition, other institutional barriers to production are to be examined.

TABLE 1.—ESTIMATES OF UNCONVENTIONAL NATURAL GAS RESOURCES

[Prices in 1979 dollars; volumes in trillion cubic feet]

	Price	GRI	Lewin	NPC[1]
Western tight gas sands:				
Existing technology	$3.12	30	90.0	140
	4.50	45	104.0	160
	6.00	60	----------	175
Advanced technology	3.12	100	170.0	185
	4.50	120	185.0	215
	6.00	150	----------	230
Eastern devonian shale:				
Existing technology	3.00	10	6.1	9.4
	4.50	15	9.6	16.6
	6.00	25	----------	21.0
Advanced technology	3.00	10	12.1	15
	4.50	30	19.5	24
	6.00	45	----------	29
Coal seams:				
Existing technology	3.00	10	----------	6.0
	4.50	15	----------	16.8
	6.00	30	----------	25.3
Advanced technology	3.00	30	1.3–19.2	----------
	4.50	40	1.6–24.6	----------
	6.00	60	----------	----------
Geopressured zones: advanced technology	----------	----------	----------	3.6 [2] 0.24–.57

[1] NPC estimates for western tight sands are preliminary and incomplete.
[2] Projection is based upon "best prospects" known to date.

More impressive from a resource potential standpoint is our Nation's vast abundance of coal. With U.S. coal reserves in excess of the energy equivalent of OPEC's oil reserves, we are not without the fossil energy resources to do the job of becoming more energy self-sufficient. However, 93 percent of these coal resources are considered technically or economically unrecoverable using conventional underground or surface mining techniques.

In order to utilize much of these coal reserves in an economically and environmentally acceptable manner, underground coal gasification processes can be developed to convert the coal in place to low- or medium-Btu gas, and thus into usable energy. An exciting prospect of how this source of energy would be used is in the in situ coal gasification of lignite coal which is found in areas of the South and Southwest where new industries are being located. It is envisioned medium-Btu gas could be produced and sent a short distance to an energy park, where industry could operate closer to its energy source rather than population centers.

To date, promising tests of the technology have occurred, while the U.S.S.R. currently uses similar processes commercially. This bill would establish program objectives to further test and demonstate in situ coal gasification technology with industry in order to tap our staggering reserves of unminable coal.

In summary, a successful research, development and demonstration program in gas resources heretofore termed unconventional or exotic could more than double estimates of remaining domestic gas reserves. There is good reason to carry out such a program because the projected economics of these technologies show significant amounts of recoverable resources at prevailing natural gas prices and substantial increases in the recoverable resources when compared to alternate energy sources and when further advances are made in current technology.

An aggressive R.D. & D. program is necessary to improve present state-of-the-art technologies and to foster advanced technologies. Because industry funds for strictly private projects are usually limited to high payoff, near-term efforts, the job of investing in large expenditures to advance technology is not likely to occur without public support, or is not likely to occur as quickly without Government help. This is not to say industry will not or is not doing the job, but can do it faster with cost sharing contributions by the public.

This bill provides a 6-year program authorization for the DOE to commit to a strong R.D. & D. in gas resource development. The amounts authorized in this bill are identical to those outlined in the program planning documents of DOE. The goals of the bill—to foster production of two TCF or quads of unconventional gas by 1990 and six TCF by 2000, while fully demonstrating in situ coal gasification technology by 1990—are both modest and attainable.

Finally, the bill, by committing Government to strong support of this environmentally desirable energy form, gives industry the right signal to proceed to development of these resources under the expectation of consistent Government policy. The consistency factor is important to industry in commitment of long-term capital resources.

Mr. Speaker, I urge my colleagues to consider cosponsorship of this measure and look forward to examination of its merits in the Science and Technology Committee at an early date.

IRAN'S PARLIAMENT HAS APPOINTED A COMMISSION TO NEGOTIATE RELEASE OF AMERICAN HOSTAGES

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

Mr. McCLORY. Mr. Speaker, almost since the time of the seizure of our American hostages, an unprecedented offense against civil government, the revolutionary elements in Iran and the Ayatollah Khomeini have declared that the Iranian Parliament would set the terms and arrange for negotiating the hostages' release.

Just yesterday the newly elected Iranian Parliament appointed a commission of seven members to negotiate "with the American people"—not with the American Government. This, I interpret to mean that the Iranian Parliamentary Commission is directed to negotiate with the people's representatives which would seem to me to be a commission or committee of the Congress—primarily the people's representatives or, in other words, a committee formed from the membership of this House.

Mr. Speaker, it is recalled that at the initiative of our colleague, BEN GILMAN

of New York, a communication endorsed by 187 of our colleagues was directed recently to the President of the Iranian Parliament urging that steps be taken to provide an early release of the hostages. That communication has been discussed by the Majlis (Parliament) and we await their response.

Mr. Speaker, while I am not suggesting that diplomatic prerogatives should be taken over by this body, still I do not regard the negotiations for the release of the hostages as necessarily a diplomatic undertaking. President Jimmy Carter, or at least his wife, Rosalynn Carter, has sought to have the President's brother, Billy Carter, serve as a representative to seek release of the hostages. The Secretary General of the United Nations, Kurt Waldheim, has endeavored to use his offices. Even such individuals as Ramsey Clark, Jesse Jackson, and several religious leaders have endeavored to use their offices.

What I am suggesting, Mr. Speaker, is that thoughtful consideration should be given to the naming of a committee of this body which could be available to use our offices in any possible negotiations to secure release of the hostages under any reasonable terms—at the earliest possible date. Certainly, Mr. Speaker, no obstacle should be placed in the path of this proposal by the Carter administration or any of its officials on the grounds that negotiations should be handled under a formula which President Carter may prefer. The important objective is to see the hostages return home, after their horrendous ordeal now extending to 334 days.

Mr. Speaker, I know that there are Members of this body fully capable of representing our Nation's best interests in the difficult and yet highly critical role of finding a basis for our hostages to be released and returned to their homes and families. Let me add that I am aware of strong indications that the suggestion which I am making is consistent with the thinking and overtures of political leaders in Iran which was advanced by the Ayatollah Khomeini himself, and deserves the opportunity for a congressional reponse to the Iranian parliamentary initiative. This initiative requires the immediate attention of our leaders here in this legislative branch of our Government.

STORAGE OF OIL FOR STRATEGIC PURPOSES

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

Mr. JEFFORDS. Mr. Speaker, if this Nation should suffer disastrous defeat, in my view historians will not point to unfired, misfired or misdirected missiles, or to ineffective training in our military, but rather to the fact that this country ran out of gas. The Iraq-Iranian conflict has again directed the eves of the world to our Achilles' heel; that is, the failure of this Nation to build a strategic petroleum reserve.

Mr. Speaker, here the Carter administration has demonstrated gross negligence of catastrophic proportions. Notwithstanding that, throughout the present administration's tenure, it has been directed to form a strategic reserve, it has failed to do so. During the oil glut, while private companies and other nations have been filling their reserves, the Carter administration has done nothing. No oil has been placed in storage since November 1978. Only recently have plans been made for exchanging oil from the Elk Hills Naval Petroleum Reserve, a program suggested by myself and the gentleman from New York (Mr. STRATTON) 5 years ago. While recent evidence indicates that 13 million barrels were offered for purchase at relatively bargain prices, none was taken. Recently the administration revealed plans to fill the reserve at minimum levels; under their design it will take 25 years to attain minimum protection.

Because world oil stocks stand at extremely high levels, we may be preserved this time from gross vulnerability and economic crisis. But we may not be so lucky next time.

As I have stated, the armed conflict now taking place between Iran and Iraq prompts renewed concern about the Department of Energy's failure to fill the strategic petroleum reserve mandated by Congress in 1975. As this conflict escalates, there is a very real threat of closing the Strait of Hormuz, through which the major Mideastern oil producers ship their supplies.

It is only because world oil stocks have reportedly reached the enormous level of 6 billion barrels that this contingency does not present an immediate threat to our national security. The current situation contrasts with the 3 billion barrel level which tended to prevail before the Iranian revolution and all of the ensuing anxieties.

Once again, Mideastern events underscore the precariousness of our oil supply, and the reasons why the United States must have a significant amount of oil placed in strategic storage. The Department of Energy's management of the SPR program has amounted to a scandalous failure; 5 years after we established a reserve intended to reach 1 billion barrels of capacity, we have a total of 92 million barrels in storage, only a couple of weeks supply.

Other oil importing countries have insured that, through either private or Government action, their reserves now stand at record levels. According to this week's "Lundberg Letter," a widely recognized authority on the world oil market, most countries are retaining a surplus of about 60 days worth of supply above the "minimum acceptable level," as defined by the Department of Energy. In August, petroleum stocks in the United States equaled 14.5 days above the "minimum acceptable level." The Lundberg Letter estimates that we would need an additional billion barrels in reserve to bring us in line with the world average. It happens that this amount corresponds to the level envisioned for the U.S. strategic petroleum reserve in the authorizing legislation.

The Department's dereliction is particularly unconscionable in light of the supply glut which has characterized the world oil market for the last 6 months. Before the Iran-Iraq conflict developed, this glut was projected to last another year. The Department has not taken advantage of these extremely favorable market conditions to purchase oil for the reserve. It is difficult for me to understand this inaction, since the Department explained its failure to act last year, and the year before, by citing tight world supply conditions. It took a new mandate in the Energy Security Act to prod the Department into issuing any bids for oil purchases. Even with this mandate, the Department does not expect to begin filling the reserve before November.

To describe the dimensions of the current oil glut even further, testimony recently submitted to the Energy and Power Subcommittee by the Arco Co., indicates that over 100 million barrels of oil is now sitting in Anchorage, the Gulf of Mexico and the Caribbean, waiting to be unloaded. At the present time, storage tanks are too full to accept these supplies. There is now 450 million barrels of oil in world pipelines alone.

Under these circumstances, Arco offered to sell the Department 13 million barrels of oil, but the Department refused the offer. Not only have they failed to take decisive action under excellent market conditions, they have also announced intentions to fill the reserve at the minimum rate mandated by the Energy Security Act. Approved in July, this law required a minimum fill rate of 100,000 barrels per day. This rate is completely unacceptable and should be increased several times. At a 100,000-barrel-per-day fill rate, it would take nearly 25 years to accumulate 1 billion barrels.

A few months back, several newspapers reported that the Department's reluctance to purchase oil for the reserve stemmed from strong objections made by Saudi Arabia. Again, this behavior astonishes me, as the reserve was meant to help free the United States from OPEC dictates and extortion.

The SPR program was spurred by the experience of this country during the 1973 Arab oil embargo. Among the many disturbing aspects of that period, Members were appalled by the revelation that the American oil companies which are partners in Aramco accepted directives from the Saudi Arabian Government to cut off supplies to the U.S. military. This cutoff was documented by the findings of at least three major investigations during the 93d Congress, including those of the House Armed Services DOD Energy Resources Subcommittee, the Church Subcommittee on Multinational Corporations, and the Jackson Permanent Subcommittee on Investigations. While it was disturbing to learn of such actions being taken by U.S. multinational corporations, it is intolerable for the U.S. Government to follow Saudi guidance in an area which so vitally affects our national security.

The Department of Energy cannot continue to mismanage the SPR program the way it has so many other energy programs. The implications are too important for our national security. It is essential that Congress act promptly after the October recess to insure that this program finally gets underway, par-

ticularly while favorable supply conditions remain. We cannot afford to continue lagging behind other countries in providing for strategic oil storage.

RECONSTRUCTION FINANCE CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, during my 22 years in the House I have been involved in many pieces of legislation. But none were so difficult, so delicate, so fraught with the potentiality for error, as the two bills which I managed on the floor to provide financial assistance to New York City and the Chrysler Corp.—two very large entities whose financial collapse would have had profound repercussions on the Nation as a whole.

I am genuinely proud, Mr. Speaker, of both of those laws. While we cannot yet claim final success in either case, I believe that we were right to provide the assistance in both instances, and both New York and Chrysler stand a good chance of getting back on their feet.

However, that experience has taught me something. While I feel that we wound up with sound legislation in both cases, there were many perils along the way. In brief, I have reached the conclusion that ad hoc action by Congress, sometimes under severe pressure of time, is not the most sensible way of handling this kind of financial emergency.

Therefore, Mr. Speaker, I am introducing legislation today that endeavors to provide a more orderly mechanism for dealing with large potential bankruptcies in the future. In addition, this new mechanism—appropriately named the Reconstruction Finance Corporation—will also be empowered to play a role in what has been called reindustrialization of the American economy.

Let me emphasize at the outset two important points about this bill, as it concerns large business or local government entities threatened with default.

First, there will be no help unless there exists a reasonable prospect of recovery, based on a hardheaded examination by this new Corporation, which will be as insulated as possible from political pressure. Bankruptcy will always be an option. The new RFC will not automatically help any entity just because it is big and its failure would cause significant pain.

Second, the legislation draws from our invaluable experience in writing the New York and Chrysler bills. It is what I called, in both cases, tough and mean. Any large corporation or local government will think long and hard before applying for help. Not only will the assisted entity have to give up some of its autonomous decisionmaking power as long as assistance is outstanding, but also there are rigid requirements for rounding up additional assistance beyond that extended by the RFC. For example, in the case of a potentially failing business corporation, at least half of the financial assistance—as was required for Chrysler—must come from private sources, including banks and other lenders, suppliers, and the company's workers through forgone wages and benefits.

I want to mention also another important feature of this bill that we thought about in the case of Chrysler but did not regard as feasible in the time we had available. In the case of business entities—though not local governments—what is sometimes needed is not more debt, even Government-guaranteed debt, but equity. The new RFC would be empowered to offer assistance through loans and loan guarantees, but it would also be able to provide equity capital through purchase of a company's stock, though with carefully prescribed limits on voting control of the company and prearranged provisions for retirement or sale of this stock.

The financial structure of a new Government corporation such as this is a crucial issue, and I am not wedded to any particular device or method. As a starting point for discussion, the legislation provides a three-part structure.

First, the RFC will be initially capitalized through the proceeds of a 1-percent surcharge on the corporate income tax, to be in place until a total of $2.5 billion is raised. This would take less than 2 years at current and prospective levels of taxable corporate profits. This capital would be the RFC's own money and might never have to be supplemented by another dollar from the taxpayer.

Second, with backing from its capital and its assets—that is, debt securities and stock it has acquired from assisted entities—the Corporation could issue its own obligations in the market, with no guarantee from the U.S. Government.

Third, as an additional backstop for its own bonds, and as a means of assuring rapid payment in cases of default on loan guarantees where that method of assistance by the RFC is used, the Corporation would have the right to borrow up to $5 billion from the Treasury. This money would all be repaid—if necessary, from the proceeds of liquidation of a defaulted entity.

Let me conclude, Mr. Speaker, with a brief note on the other "window" of this new RFC. It would be empowered to extend financial assistance, even in cases where impending bankruptcy is not the problem, to single companies or groups of companies in an industry to achieve specific modernization objectives which would have, and I quote,

> a significant beneficial impact on employment opportunities and productivity, or on the provision of necessary goods and services in any region of the United States.

This aid could be extended only if—

> the recovery plan would not be undertaken and the specified objectives would not be obtained without Federal financial assistance because of the higher costs of obtaining non-Federal financial assistance or the unavailability of such other assistance.

Mr. Speaker, I regard this provision as tentative and subject to extensive exploration in hearings and general public debate. However, I believe that it deserves consideration because, to the extent financial assistance is going to be needed to modernize some of our older industries, I would rather have it provided by an essentially nonpolitical RFC than by an ordinary agency of the Government.

As the Nation starts a great debate on industrial policy, or reindustrialization, or "economic renewal," or whatever other name may be applied, I commend to my colleagues this carefully designed legislation. It is aimed at solving specific problems in a realistic way. It is not pie in the sky but a hardheaded approach for dealing with the kind of hurricane winds that can now afflict our huge economy.

I include a summary of the bill at this point in the RECORD.

H.R. 8301—RECONSTRUCTION FINANCE CORPORATION ACT OF 1980

PURPOSE

To assist financially distressed major businesses and local governments to return to financial health.

FORMS OF ASSISTANCE

Loans, loan guarantees, and, with certain limitations, purchases of stock.

ELIGIBLE RECIPIENTS

Major business entities or groups of entities, and major local governments.

ADMINISTRATION OF PROGRAM

Through the "Reconstruction Finance Corporation of 1980" (RFC), an instrumentality of the U.S. Government, to be administered by a 7-member board of directors appointed by the President and confirmed by the Senate, one director to be nominated as chairman. Directors to serve four years, no more than three directors to be employees of U.S. Government, all directors to serve without salary and may hold outside employment.

FUNDING OF RFC

$2.5 billion capital stock to be raised through a 1-percent surtax on corporations with taxable income over 41 million; up to $5 billion draw on U.S. Treasury to cover defaults on guaranteed loans and to meet maturity schedules on its own debt; RFC authorized in first 6 years to issue its own debt obligations up to 10 times paid-in capital and for maturities not longer than 30 years.

CONDITIONS OF ELIGIBILITY FOR BUSINESS ENTITIES

1. Assistance may go to a single large business entity facing bankruptcy, or to a firm or group of firms to achieve specified objectives of retaining or increasing employment and productivity or provision of necessary goods or services in a region of the U.S.

2. Requires written request accompanied by a feasible plan for return to profitability or attainment of objectives. RFC may refuse assistance if recovery regarded as improbable or objectives unattainable.

3. There must be assurance of financial assistance from non-Federal sources in amount equal to Federal assistance.

4. There must be reasonable assurance of repayment of the Federal assistance.

5. Applicant must agree to annual independent audits, establishment of employee stock ownership plan, and, as RFC may require, revisions of recovery plan and analyses reconciling actual performance with provisions of recovery plan.

CONDITIONS OF ELIGIBILITY FOR LOCAL GOVERNMENTS

1. Financial assistance must be in the national interest because bankruptcy or de-

fault of the local government, or serious interruption in essential services, would have significant adverse impact on State or region. Assistance could also be given to enable local government to provide services or facilities for cooperative industry-government recovery plan to retain, expand, or establish significant business operations in the community or region.

2. Applicant must show inability to obtain sufficient credit elsewhere.

3. Requires written request accompanied by recovery plan, and certification by Governor of need for assistance and inability of State to meet applicant's financing needs.

4. There must be a State-created entity with authority to control applicant's fiscal affairs.

5. Recovery plan must include goal of truly balanced operating budget and a financing plan for meeting all financing needs while assistance is outstanding.

6. There must be a matching amount of non-Federal assistance from the State, other creditors, employees, private sources.

7. There must be reasonable assurance of repayment of Federal assistance.

8. Applicant must agree that, on default or breach of a condition, U.S. may withhold any Federal transfer payments to offset RFC claims.

9. Applicant must agree to annual independent audits, to refrain from reducing significant taxes without RFC approval, and to provide as RFC may require revised recovery plans and reconciliation analyses.

10. Interest on guaranteed local government obligations subject to Federal income taxation.

CAPITAL STOCK PURCHASE

1. RFC may purchase stock of a business enterprise only if loan or loan guarantee will not accomplish objectives of recovery plan.

2. Stock must be retired, repurchased or sold in 30 years, or there must be reasonable assurance that it can be sold.

3. RFC may not exercise its voting rights to control the enterprise by electing a majority of board of directors.

TERMS FOR DIRECT AND GUARANTEED LOANS

Maturity: 30 years or useful life for capital projects; 5 years for working capital for business enterprises.

Interest rate: Reasonable considering appropriate return to RFC and U.S. Treasury's borrowing rate.

Guaranteed fee: Requires at least 0.5 percent, may be higher to cover administrative expenses and provide appropriate return to RFC.

LIMITATIONS

1. Amount of assistance to any one local government or business enterprise may not exceed 10 percent of paid-in capital of RFC plus permissible amount of obligations authorized to be outstanding (10 times paid-in capital) at any one time.

2. Federal Financing Bank prohibited from purchasing obligations of RFC or obligations guaranteed by RFC.

3. Commitments for financial assistance prohibited after six years after effective date of the Act, unless extended by Congress.

□ 1620

PROPOSED AMENDMENTS TO SENATE VERSION OF H.R. 39, ALASKA LANDS NATIONAL INTEREST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 30 minutes.

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

Mr. SEIBERLING. Mr. Speaker, today our colleague Congressman MO UDALL, joined by Congressman TOM EVANS of Delaware, Congressman ASHLEY, the acting chairman of the Merchant Marine and Fisheries Committee, Congressman PHILLIP BURTON of California, and myself, have introduced proposed amendments to the version of H.R. 39, the Alaska National Interest Lands Conservation Act adopted by the U.S. Senate.

The other body adopted that bill, making very substantial changes in the House-passed version of H.R. 39, in August. We have been engaged since that time in what turned out to be a fruitless attempt to see if we could get the Senators, particularly the senior Senator from Alaska, Mr. STEVENS, to agree to some modifications to bring it closer to the House-passed bill.

Last night Senator STEVENS presented to our colleague, Mr. UDALL, the Senator's proposed changes, which fell far short of even meeting the House halfway. He sent them over after the House had adjourned. Early this morning the Senate adjourned.

That being the case, those of us who feel that there must be some improvements in the Senate version are introducing this bill in order to permit our colleagues and others interested to look at our proposals between now and the time we get back for the special session.

Mr. Speaker, I am including, following my remarks, a summary of the proposals in our bill and a list of the major benefits to the State and other interested parties that will be derived from enactment of the Senate version of H.R. 39, as amended by our bill.

PROPOSED AMENDMENTS TO SENATE VERSION OF H.R. 39

A. SOUTHEAST ALASKA

1. East-West Chichagof designated as wilderness.

2. Rocky Pass and Karta—Further planning—protected until next revision of TLMP; to remain protected in any new plan unless Secretary finds it essential to meet 450 mmbf.

3. Misty Fjords—50,000 acre exclusion. Borax permitted to use only one of the two watersheds for access. Include language to allay "viewshed" concerns. Revise special exemptions for Borax.

4. Forest Service directed to offer options to Shee Atika as alternative to Admiralty Island selections.

5. Russell Fjord—Add 19,000 acres to Senate wilderness. House S.W. boundary in Pike Lakes area.

6. Revisions of section 705 so as to draw funds from miscellaneous receipts, and to reflect provisions of Tongass Land Management Plan.

B. "STATE INTEREST" LANDS

1. Yukon Flats—restore original monument boundary in Circle Hot Springs area. This leave State 200,000 acres in Circle Hot Springs area outside wildlife refuge.

2. Return Your Creek to Arctic National Wildlife Refuge (292,000 acres).

3. Denali—restore north boundary (about 115,000 acres) and south boundary (about 30,000 acres) to National Park status. Retain name of Mt. McKinley.

4. Delete south unit of Steese NCA for possible State selection.

5. Revise subsections 906(e) ("top filing") to prevent filing in conservation system units, National Forests or PET-4; revise subsection 906(f); strike the provisos from subsection 906(o) (status of land within units); in the last sentence of paragraph (1) of subsection 906(d), strike "previously selected" and insert "previously validly selected".

C. WILDERNESS IN PARKS AND REFUGES

1. Add about 3.6 million acres to Senate wilderness designations. In addition, redistribute southern one-half of Senate Wrangell-St. Elias acreage to Preserves and Refuges.

2. Revise wilderness study provisions of the Senate bill to include interim protection language for areas subsequently recommended.

3. Add to Senate Wilderness:
Arctic—4,430,000 acres.
Kodiak—50,000 acres.
Copper River Delta—530,000 acres.
Tetlin—100,000 acres.
Koyukuk—570,000 acres.
Gates of the Arctic—300,000 acres.
Katmai—150,000 acres.
Denali—500,000 acres.
Yukon Charley—1,040,000 acres.

D. WILDLIFE REFUGE PROVISIONS

1. Designate Copper River Wildlife Refuge.

2. Designate Teshekpuk Wildlife Refuge.

3. Designate Utukok Wildlife Refuge.

4. Expedited oil and gas leasing in Teshekpuk and Utukok Refuges per House bill.

5. Restore North unit of Steese NCA to Yukon Flats Refuge; Steese highway right-of-way as south boundary.

6. Treat refuges same as those in "lower 48" as regards revenues.

E. NATIONAL PRESERVES

1. Wrangell's—add 700,000 acres in Logan Glacier-Tana River Country—not to abut Canadian border. Redesignate about 65,000 acres of preserve in Nebesna area as park.

2. Denali—Add Kahiltna Glacier area (about 235,000 acres) to S.W. preserve.

3. Lake Clark—expand Preserve to add 140,000 acres.

F. WILD AND SCENIC RIVERS

1. Boundaries of river units should average one mile on each side of river; Senate bill provides for one-half mile, House bill for two miles. (No automatic exclusion in first one-fourth mile for private inholdings.)

2. Add Yukon (Ramparts section) as per House bill.

G. ADMINISTRATIVE PROVISIONS

1. Delete Section 1323 (nationwide access amendment).

2. Maintain Secretarial and State authorities regarding subsistence while still providing for judicial review and a right of action to subsistence users to enforce the subsistence protection provisions.

3. Add six months to time baseline study of coastal plain of Arctic Range to provide proper coordination between biological study and seismic study of oil and gas potential (without delaying completion of seismic study or subsequent report to Congress on oil and gas potential).

4. Revise Section 1326 ("No More" clause) to clarify that it is not intended to alter the Alaska Native Claims Settlement Act.

5. Add "instant" conveyance of core townships of Native villages entitled to same under Alaska Native Claims Settlement Act.

6. "Grandfather" protection for trespass cabins modified to eliminate automatic renewal of permits in favor of descendants of present claimants, and to increase Secretary's flexibility in issuing permits for new cabins and regulating incompatible uses of such cabins.

7. Additional changes to correct ambiguities, technical problems, etc., including explicit provision that maps are controlling over specified acreages.

MAJOR BENEFITS TO SPORT HUNTERS, TO THE STATE OF ALASKA, TO INDUSTRY GROUPS, AND TO ALASKANS FROM ENACTMENT OF AN AMENDED SENATE VERSION OF ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

1. SPORT HUNTING INTERESTS

The amended bill would open to sport hunting one million plus prime acres now closed and which would remain closed under the Senate-passed bill. These are:

(a) Wrangell Mountains—700,000 acres

(b) Denali (Mt. McKinley National Park)—235,000 acres

(c) Lake Clark—140,000 acres

2. STATE LAND INTERESTS

The amended version would further the State's interests as follows:

(a) Southern Steese Area. (680,000 acres) made available for State selection. (Senate bill designates as part of a national conservation area in Federal ownership).

(b) Right to select in other previously withdrawn areas.

(c) 10-year extension (to 1995) of selection period under Statehood Act.

(d) Right to overselect and thus have additional flexibility in choosing selections.

(e) Right to "Top File" and thus establish interest in some areas not open to State selection.

(f) Bristol Bay Cooperative Region. Establishes a Bristol Bay Cooperative Region in Southwest Alaska, as desired by the State administration. This portion of the bill includes conveyance to the State one of its top-priority land interests in the Iliamna area (which the House bill would have made available to the State only in exchange for other State lands) and a State voice in planning for future management of the Federal lands in the area.

(g) "No more" conservation withdrawals. Provides that in Alaska no future Executive withdrawals exceeding 5,000 acres could persist for more than one year unless affirmatively approved by the Congress.

(h) Exemption from BLM Wilderness Reviews. Exempts Alaska from the mandatory wilderness review provisions of the BLM Organic Act (FLPMA).

(i) Revocation of withdrawals. Revokes the National Monuments and the other withdrawals made by the Administration, and supplants them with the various classifications of the bill itself.

3. TIMBER INDUSTRY INTERESTS IN SOUTHEAST ALASKA

(a) Special entitlement for timber industry. Establishes a special entitlement program of at least $40 million annually for assisting the timber industry to be able to harvest an average of 450 million board feet annually from the Tongass National Forest. This would be drawn from oil, gas, timber, and coal receipts from public lands nationally and would be exempt from limitations of the Budget Act, the marginal-lands provisions of the National Forest Management Act (Sec. 6k), and the appropriations process.

(b) National Forest "Release" clause. Establishes the legal sufficiency of the RARE II studies which produced the Administration's wilderness recommendations in Southeast Alaska, to preclude any need for additional studies or recommendations during this decade.

(c) Guarantees timber supply at average annual rate of 450 million board feet from the Tongass National Forest, with built-in "cushions" of timber from the Forest and also from State and private lands in addition to that 450 mmbf figure.

4. MINING INDUSTRY INTERESTS

(a) Retroactive validation of U.S. Borax claims. Alters the normal standard of testing the validity of U.S. Borax's molybdenum claims in Misty Fjords (by requiring that they be deemed to have filed for mill sites although they did not) so that their otherwise-doubtful validity will be assured.

(b) Exclusions and special provisions for mineral interests. 50,000 acres exclusion in the Misty Fjords wilderness for benefit of U.S. Borax's molybdenum claims.

(c) An additional exclusion from wilderness of 20,000 acres on Admiralty Island for the benefit of Noranda's claims in the Greens Creek area.

(d) Mandated transportation corridor across the southern ("boot") portion of the Gates of the Arctic, for the benefit of Anaconda's claims in the Picnic Creek area—the House bill not only has no such mandated corridor, it places the area in a National Park Wilderness.

(e) Overall 5 of the 7 "World Class" mineral deposits identified by SRI research institute's study are outside the boundaries of conservation system units; and other two can be developed also.

(f) Additional time for claimants in several areas to "prove up" and thus validate their claims.

5. OIL AND GAS INDUSTRY INTERESTS

(a) Seismic exploration in coastal plain of the William O. Douglas Arctic National Wildlife Refuge—an area which the House-passed bill placed into wilderness.

(b) Expedited lease sales in two parts of the National Petroleum Reserve—Alaska (Teshekpuk and Utukok areas).

(c) Facilitation of Alaska natural gas pipeline. The amended language (included in the House bill but dropped by the Senate) which would ensure that creation of the conservation system units would not create new obstacles to building the Alaska Natural Gas Pipeline, which is expected to boost the Alaskan economy perhaps to the same extent as did construction of the Trans-Alaska Oil Pipeline.

6. ALASKAN NATIVES INTERESTS

(a) Immediate conveyance of the "Core" townships to villages entitled to them under the Alaska Native Claims Settlement Act.

(b) Improvements in Alaska Native Claims Settlement Act. Upon the initiative of the House, the various Alaska lands bills have provided the opportunity for amendments to the Alaska Native Claims Settlement Act to improve the workings of that Act, for the benefit of the Alaskan Native entities organized pursuant to that Act. Nearly a hundred such provisions would become law upon enactment of an amended Senate version of the Alaska lands bill. These include (among others) provisions such as a resolution of the submerged-lands problem, selection requirements, approval of Native allotments, creation of a land bank, and supplemental grants which would benefit the Native communities generally and would be worth millions of dollars in outright gains or in reduced legal, administrative or other costs.

(c) Specific provisions for Alaskan Native Corporations. Both the House and Senate bills contain numerous provisions which benefit particular Alaskan Native corporations, through specific land exchanges, resolutions of disputes or problems, and the like. It is not proposed to change these provisions (worth millions to the various beneficiaries) in the amended Senate version.

7. PROTECTION OF THE "ALASKAN LIFESTYLE"

(a) Maintenance of the present division of responsibility between State and Federal governments for management of fish and wildlife.

(b) Enforceable protection of continued subsistence uses of Alaska's wildlife and other renewable resources.

(c) Special provisions to protect "Alaskan lifestyle" including (among others) the assured continued use of hunting camps and of recreational and other cabins in conservation system units; assured continued use of snowmobiles, airplanes, etc. in conservation system areas; guarantees for continued subsistence uses of renewable resources on public lands; provisions to encourage local hire of personnel for staffing conservation system units; and special protection against condemnation of individual holdings in conservation system areas.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. I thank the distinguished gentleman from Ohio for yielding, and I thank him especially for his contributions over the past many years particularly, in connection with H.R. 39.

Mr. Speaker, today I am proud to join my colleagues MO UDALL, LUD ASHLEY, PHIL BURTON, and JOHN SEIBERLING in sponsoring a bill which would amend H.R. 39, the Alaska National Interest Lands Conservation Act, as passed by the Senate. The road to this point has been long and rocky, but I hope that our action today signals both our resolve to continue to fight for a balanced Alaska lands bill and our willingness to go a long way to meeting the concerns of our colleagues in the other body.

As my colleagues know, in 1978 the House passed by a 277-to-31 margin a conservation-oriented bill of historic proportions. I actively supported that bill in the Merchant Marine and Fisheries Committee and on the floor of the House. Unfortunately, our effort was frustrated in the Senate where they refused to consider a bill on the floor, and where even a last ditch effort to approve a much weakened compromise failed in the waning hours of the 95th Congress.

In the 96th Congress the battle started all over again. I am a cosponsor of H.R. 39 and fought for a strong bill all the way to yet another overwhelming victory on the House floor. I shared the delight of many Members of this body when the Senate finally took up the bill as reported by the Committee on Energy and Natural Resources, even though it was a much altered and weakened version of our bill. Fortunately, once the Senate invoked cloture and approved a bill, it was modified in a way that at least headed back in the direction of the House bill.

That bill, which is now here in the House, still falls far short of the high standard set by the House in both the 95th and 96th Congresses. In the Arctic National Wildlife Range, southeast Alaska, the Copper River Delta—area after area—the Senate bill falls short of the mark.

Mr. Speaker, the time since passage of the Senate bill in August has been exceedingly frustrating for supporters of the House version of the Alaska lands bill.

I am afraid to say that the prevailing view from the other body appears to be that the House should simply roll over and accept the Senate bill without significant change. We are being asked to come not just halfway, but half of half of half. That is not good enough. It is not good enough for the many Members of this body who have worked so hard on this proposal for 4 years, and more im-

portantly, it is not good enough for the millions of Americans in present and future generations who have a stake in the fate of Alaska's magnificent wilderness and wildlife.

I might add that it is not only on the Alsaka lands bill that this is happening. With alarming frequency, we are simply asked to accept the Senate's work as though our only purpose in the Nation's Capitol is to rubberstamp their bills.

The bill I have cosponsored today amends the Senate bill, H.R. 39, in a way that makes it not only an acceptable bill, but I think a good and fair bill for all parties concerned. By releasing this bill today, before the recess, we are making a good faith effort to make available for public consideration a proposal which we think goes more than half way in addressing the concerns of the Senate. Make no mistake, this proposal is a compromise in every sense of the word.

While it is not possible to detail here each aspect of this proposal and to compare it with the House and Senate-passed bills, a few examples will make it clear how far we have come.

Foremost in my mind is the Arctic National Wildlife Range. In both House-passed bills the coastal plain of the wildlife range, which is acknowledged to have potential for oil and gas reserves, was declared a wilderness area because of the overwhelming value of the area as an Arctic wilderness and as a calving ground for the 120,000-animal porcupine caribou herd. In the Senate bill, this fragile and special area is opened for a program of seismic exploration by private industry, after which there will be a report to Congress as to the area's oil and gas potential. I am one of those who believed that this area should be the last place to be explored in Alaska, not the first. I still believe that. Nonetheless the compromise is proposed here in deference to our colleagues on the Senate Energy Committee. The only change we make is to extend by a mere 6 months the period allowed for the ecological baseline study which is to precede the seismic program. That is an exceedingly modest request given the ecological resources at stake.

In another major compromise on the North Slope of Alaska, the House bill designated the entire 22.5 million acres of the national petroleum reserve—Alaska as a unit of the National Wildlife Refuge system, albeit with an expedited oil and gas leasing program. In the compromise proposed today, only two portions of this vast area (one of which is at the bottom of the list in terms of oil and gas potential), are proposed for the refuge designation. Expedited oil and gas leasing provisions would still apply.

When the House passed its bill in May of 1979, there were those who argued that the State of Alaska was not getting a fair deal. In my opinion, that argument no longer holds water, if it ever did. This bill contains numerous provisions which will directly benefit the State. To cite only one example. acreage has been taken out of National Wildlife Refuges as approved by the House in the Selawik, Tetlin, and Nowitna areas to make it available for purposes of State selections. We do not know that the State will actually select the areas, but we are willing to forego inclusion in the refuge system to give the State that opportunity.

Mr. Speaker, notwithstanding the many compromises contained in this proposal, this is a good, strong bill which will go far in protecting Alaska's rich and diverse wildlife and its vast wilderness.

This is not the occasion to detail the many virtues of this bill; again, a few examples will suffice.

High on my list is protection of the Copper River Delta in south-central Alaska. As in the House-passed bill, and unlike the Senate bill which eliminated it entirely, this proposal would establish a Copper River National Wildlife Refuge of 1.2 million acres with a portion of it, 530,000 acres, also designated as a wilderness area. This region is perhaps the single most critical resting and feeding area for millions of Pacific Flyway waterfowl and shorebirds that breed in the Yukon Delta, an area already in the refuge system which would be enlarged through Alaska lands legislation. The Delta is a stronghold for nesting trumpeter swans, and its rivers are rich in spawning salmon. The wilderness portion of this bill would give special protection to nesting swans and to a prime salmon spawning stream, the Bering River.

Of all the areas considered in the Alaska lands legislation, I believe the Arctic National Wildlife Range has probably most captured the imaginations of the American public. The Arctic wilderness with its wide-ranging caribou herd that resembles the buffalo of the past century or the teeming herds of hoofed animals on Africa's Serengetti Plain is a priceless part of the American heritage. While a compromise has been made in terms of a seismic study on the coastal plain, an incredible area will still receive the strongest legal protection we can confer—that is the wilderness designation. The migration routes and a part of the wintering grounds of the porcupine caribou herd will be protected, as will raptor breeding habitat and the range of many mountain-dwelling Dall sheep. It is my hope that one day this area in its entirety will be protected as part of the wilderness system, and I look forward to that day.

Mr. Speaker, in sum, our proposal as it amends the Senate-passed bill represents a strong conservation bill—a measure of historic importance, as well as a pragmatic and reasonable compromise with our colleagues in the Senate. I am proud to be a cosponsor of this bill, and I look forward to seeing this great issue resolved before the end of the 96th Congress. We must settle the uncertainties with which Alaskans have been living, and we must do what we can to guarantee the long-term welfare of Alaska's wilderness and wildlife. They belong to us all.

SOVIET OCCUPATION OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the 1980 Moscow Olympics are, of course, long past and I am sorry to report that earlier predictions have become a glaring reality; the fighting in Afghanistan has intensified and the few reports we receive depict a very gruesome war that is being waged.

On August 11, the New York Times reported that fighting between Afghan guerrillas and Soviet-backed government troops intensified in early August, just after the Olympic games and as the Islamic fasting month of Ramadan drew to a close. In addition to urban fighting, there were reports that attacks by rebels on convoys and government outposts had occurred with renewed intensity in several parts of the country.

The wire services reported on August 27 that Soviet military forces in Afghanistan totaled between 80,000 and 100,000 men despite the limited withdrawal announced in June. The Soviet troops are being armed with new and better equipment. To the horror of the watching world, they are armed with a new rifle which uses bullets which have an effect similar to dumdum bullets; they flatten and expand upon hitting a target. Dumdums are outlawed internationally. In addition, Soviet forces have begun using antipersonnel cluster bombs filled with thousands of needle-sharp arrows against the guerrillas.

While they are badly in need of arms, the resistance fighters have withstood the might of the Soviet forces in a sustained test. There are reports that the Soviet Union has suffered about 10,000 casualties since its invasion last December. Apparently neither side is taking prisoners in this war.

On September 11 the New York Times reported that diplomats in New Delhi have confirmed reports that the Soviet Union has increased its involvement in Afghanistan. In addition to the increased Soviet role in pursuing the fighting, there has also been a buildup of Soviet civilian advisers, estimated in the tens of thousands. Reports have circulated for months about Soviet officials filling high posts in government ministries and controlling communications.

On September 14 the New York Times again reported continued heavy fighting and heavy casualties in Afghanistan. According to reports by diplomats in New Delhi, the streets of Kabul are now being patrolled by Soviet troops during the day; the Russians had been policing the city only at night. Furthermore, there are reports that the Soviets are planning to extend the runways at Kabul airport, which has become the main Soviet airbase in Afghanistan.

Every indication is that the Soviets are in Afghanistan to stay. And why not? The Olympics are over, the President's grain embargo has failed, and the ban on the export of technology has not deterred the Soviets from buying what it wants elsewhere.

The question of U.S. response, "Where do we go from here?" was addressed in a recent article in the Far Eastern Economic Review. I would conclude my re-

marks today by sharing with my colleagues through the RECORD, excerpts from that article.

The Moscow Olympics are over and the partial boycott—like other measures taken by those nations which disapproved of the Soviet occupation of Afghanistan—has apparently not altered the Kremlin's determination to add the remote, landlocked country to its expanding empire. The world's press continues to report Afghan rebel activity which, even discounting some of the more inflated claims of the propagandists, has apparently been enough to rattle the occupation forces and to render more transparently false Moscow's claim that its troops were invited in. But the headlines are becoming almost routine and, unlike Vietnam, there are no reporters or television cameras to bring home the ruthlessness of the Soviet occupation forces, as villages are reduced to rubble and helicopter gunships mow down the tribesmen.

The chances of the Soviet Union relaxing its hold on Afghanistan are nil, at least for the near future. President Leonid Brezhnev darkly spelled out the Afghans' fate in a speech on August 29 delivered in yet another Soviet colony, Kazakhstan, when he reiterated Moscow's intention to maintain its military forces in Afghanistan: "We shall discharge our duty to the last, fully in accordance with the Soviet treaty of friendship," he said, adding without any apparent irony, "and with the UN Charter." He warned: "No one should have any doubt about this."

For the time being, the Soviet occupation of Afghanistan is a fait accompli, and the story itself is becoming routine. The moment demands an appraisal of the rest of the world's reaction to this act of imperialism and of the quest for a possible solution.

The two main—and opposing—courses being debated at present are: either provide more and better arms and proper training for the guerrillas so as to turn Afghanistan into a Soviet Vietnam; or do not risk trouble, forget the invasion and let the Soviets keep the remote country.

After evaluating its capability for a military response, the West decided to contain itself to a largely political reaction combined with some covert support to the rebels. The declared intention was to make the Kremlin pay dearly for its latest adventure so that it was at least discouraged from making similar moves in future. Enough time has elapsed since the invasion in December 1979 to draw a balance-sheet of Soviet gains and losses.

Counting losses first, it is impossible to ignore the worldwide condemnation the invasion earned. Also, because of the Islamic nature of the resistance, the invasion was a setback to Moscow's growing propaganda claims that communism and Islam are compatible. Besides, the Moscow-sponsored Kabul coup of April 1978, followed a month later by an abortive coup attempt in Baghdad, badly shook Moscow's valuable alliance with its erstwhile key ally in the Gulf—Ba'athist Iraq. All the same, it is hard to argue that these reactions, even cumulatively, constitute a setback for the Soviets' international relations.

The economic sanctions could have been a far more effective response, but their effect was diluted by the fragmented response of the Western allies. Understandably, the Soviets came to believe that half-hearted sanctions would not hold for long. Latest developments seem to endorse this view.

Whatever the military, economic and diplomatic cost of the invasion to the Soviets so far it seems to be more than compensated for by strategic gains. Afghanistan, where the Soviet Union, Iran, China and the Subcontinent meet, is no longer the buffer between the Soviets and the Indian Ocean through Pakistan or the Persian Gulf through Iran. By extending its border with Iran, the Soviet Union is now controlling those northwestern Afghan regions that enhance its advantage in any future southward invasion. Besides, once again the Soviet Union is standing on the borders of promising lands—Pakistan and Iran—made attractive by internal fragmentation.

Above all, by reaching to within 300 miles of the Arabian Sea, the Soviets brought the Gulf into the range of their tactical aircraft. The Soviets expect the Chinese to start developing nuclear missile-armed ships later this decade and into the next. Given the Soviets' paranoid fear of China, the Kremlin is now in a position to deny the Chinese access to the Arabian Sea, and thus eliminate a possible threat to western parts of the Soviet Union.

Inevitably, these strategic gains have yielded corresponding political benefits. The domination of Afghanistan, combined with a strong military presence in Ethiopia, South Yemen and the Indian Ocean, gives the Soviet Union its first role in the politics of Southwest Asia. It reinforces the Soviet claim to acceptance in the region, not only as a balancing force but as a co-guarantor. Indeed, there are now reports that any future discussion of detente must include not only the accommodation of Soviet oil needs, but also the sharing with the Soviets of the security of oil transport routes.

The Soviet proximity and the awareness that United States power in the region is waning puts pressure on local policymakers—whatever their ideological affinity with the West—to seek some accommodation with the Soviet Union. The fear remains, because they know the only concept of security the Kremlin understands is Soviet hegemony, to the exclusion of all rivals.

The depth of the fear that the Soviet invasion of Afghanistan generated cannot be assessed without taking account of what Southwest Asian states feel about the role of the U.S. They know that the U.S. can no longer tackle the Soviet Union with impunity. They also believe that U.S. inhibitions about the open use of force tend to increase in direct relation to the distance from U.S. shores.

Regional policy makers are convinced that the U.S. will not start a huge rearmament programme to confront the Soviet Union. Further, they realize that the U.S. will not regain the dominant position it held in the 1950s, even when it develops its "invisible" aircraft and creates a mobile strategic missile system and a rapid deployment force.

A FREE LITHUANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DOUGHERTY) is recognized for 60 minutes.

Mr. DOUGHERTY. Mr. Speaker, I rise today to take this special order in conjunction with a number of my colleagues, to express our concern and to call attention to a matter of great significance to this Nation and to many of our citizens, and that is the basic concept of freedom.

Mr. Speaker, for the next few moments I would like to discuss two issues, first the upcoming trial on October 7 of the Lithuanian Eighteen, a group of 18 young Americans of Lithuanian descent who were arrested and are being prosecuted for demonstrating in front of the Soviet Embassy.

Of greater significance, Mr. Speaker, is our concern for the future of this Nation's relationship with the Republic of Lithuania, for the very survival of the symbol of a free Lithuania, namely, the Lithuanian Legation here in Washington.

Mr. Speaker, in 1940 Lithuania was forcibly annexed by the Soviet Union. The United States committed itself at that time never to recognize this forcible annexation. For the past 40 years, Mr. Speaker, we have met that commitment. Mr. Speaker, we are now faced with a reality that subtle changes have occurred.

Today, Mr. Speaker, we face the real possibility that that visible sign of a free Lithuania, that symbol of the U.S. commitment to the people of Lithuania may and possibly is being extinguished by time and by the actions of our State Department.

Mr. Speaker, the funds of the Republic of Lithuania were held here in the United States at the time of the annexation by the Soviet Union of Lithuania. Those funds since 1940 have been used to maintain the Legation. Those funds, Mr. Speaker, have run out. While the Legation is currently being funded by the resources of the Legation of Estonia and Latvia, it is our feeling that the Legation of Lithuania will ultimately be forced to close. Indeed, Mr. Speaker, the future of the staff of the Legation is in jeopardy, as the staff is now near retirement age.

□ 1630

What we have, Mr. Speaker, is the possible demise of a symbol of freedom, a symbol of resistance to Soviet aggression, a symbol of commitment by America to the beautiful people of Lithuania.

Mr. Speaker, there is a growing rebirth of a spirit, of awareness, of concern among our people, particularly those of our Lithuanian-American community that these things must not happen, that this symbol of freedom, the Legation of the Republic of Lithuania must continue to exist. This rebirth of spirit is particularly evident among the proud young people of Lithuanian descent here in America.

Mr. Speaker, sometime ago, 18 young Lithuanian-Americans moved by their renewed awareness of their proud heritage, demonstrated in front of the Soviet Embassy here in Washington in support of the Soviet boycott. They demonstrated to protest the brutal Soviet invasion of Afghanistan. They demonstrated to bring a renewed awareness in America of the tragedy of the people of Lithuania.

Their demonstration, Mr. Speaker, was peaceful. It was orderly. No one was harmed. No damage was done. Yet, Mr. Speaker, unlike the violent demonstrations conducted by the Iranian students, which devastated this city and which were not prosecuted—and I reemphasize the fact that the Iranian students were not prosecuted—these young people of Lithuanian-American descent, whose actions were in the cause of freedom, are now being fully prosecuted by the U.S. attorney.

Why such a double standard, Mr. Speaker? Why are the forces anxious to stimy, to cut off, to destroy this reborn awareness of how precious freedom for Lithuania is for these young people?

How can we tolerate a double standard that punishes those who demonstrate peaceably for the cause of freedom while those who demonstrate violently, who demonstrate for anarchy, who demon-

strate with ingratitude, who demonstrate unlawfully, go unpunished?

Mr. Speaker, we are concerned not only about this injustice, this double standard, but also about the unwillingness of our State Department to move enthusiastically to preserve that symbol of freedom, the Legation of Lithuania, that symbol that is so precious to these young people, to our Lithuanian-American community, to many Members of this body and indeed, Mr. Speaker, to all America.

Mr. Speaker, some time ago, legislation was introduced that would have provided funding for this Legation, which would have provided for the right of succession for the staff, so that both the facility and the people would continue to exist as a symbol of freedom. Meetings were held with the State Department.

I should comment here on the tremendous support we received from the chairman of the Committee on Foreign Affairs, the gentleman from Wiscons'n (Mr. ZABLOCKI) and our ranking Republican, the gentleman from Illinois (Mr. DERWINSKI), but to no avail, Mr. Speaker.

Many of us believe the State Department is acting to threaten and intimidate the Legation. They obviously do not want the Legation to cont'nue to exist. They want to see the Legation fade away, fade away as a thorn in the side of the Soviet Union.

Mr. Speaker, today, I am putting the State Department on notice, and I speak, I am sure, for many of my colleagues, that they either vigorously move to renew the Legation, to establish a process for succession of staff, to provide direct funding, to cease and des'st with threats, intimidations and innuendoes and to reassert vigorously our commitment to Lithuania and the other Baltic States. Either the State Department will make those moves, Mr. Speaker, or we will do it for them. That is a commitment that I am making here tonight.

Mr. Speaker, the renewed awareness of the importance of the Lithuanian Legation is a symbol of freedom. It is a symbol of resistance to Soviet tyranny, as a sign of America's visible commitment to Lithuania.

Mr. Speaker, the enthusiasm and vibrant activism of these young Lithuanian Americans, the public commitment by Members of this Congress to the preservation of this legation will not go away. It will not fade, but rather, it will continue to grow and to flourish.

Something exciting is happening among the Lithuanian community in the United States, Mr. Speaker. They have found a cause. They have become more vibrant. They have become more involved in the American political process.

A spirit of Lithuania has been rekindled among the young people of America of Lithuanian descent, and with or without the support of the U.S. State Department, their cause will prevail.

Mr. Speaker, a number of my colleagues have indicated an interest in joining in this special order today.

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

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

Mr. DONNELLY. Mr. Speaker, we are a Nation of immigrants which is truly a unique feature of America. Most importantly, it is one of our greatest strengths.

Our families chose to sacrifice, leaving their native lands and people behind, so their children could know of freedom, opportunity, and justice.

Today, some belittle that vision of America—some may call it naive—but let them ask Lithuanian patriot, Simas Kudirka, if the call of freedom still beckons the price paid to obtain that freedom.

I rise this afternoon to challenge a travesty of justice the Department of Justice has unwittingly provided cause for those who wish our Nation ill, for those who boast that the United States is no longer the land of equal justice for all. I refer to the October 7 scheduled prosecution of American citizens of Lithuanian heritage who held a peaceful protest at the Soviet Embasy in July the Department's action stands in sharp contrast to the blanket amnesty granted Iranian nationals who staged violent demonstrations 9 days later.

As shown by the interest of the Congress, my colleagues and I join the Lithuanian-American community in protesting the Soviet invasion of Afghanistan, the occupation of your homeland since 1940, and the Soviet Union's disregard for basic human rights.

We challenge the Congress to recommit ourselves to upholding the very ideals of justice and freedom which first brought our people to this great land.

Mr. DOUGHERTY. I thank the gentleman for his participation and comments. I believe it is very important we reiterate the fact, Mr. Speaker, that there is an imbalance of injustice when Iranian students can rip up Washington and go unprosecuted, and yet 17 or 18 young Lithuanian-Americans demonstrate peaceably and are being prosecuted to the full extent of the law.

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

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

Mr. LUNGREN. Mr. Speaker, in this, the 63d year since the reestablishment of the Independent Republic of Lithuania, and a full 40 years since the subjugation of that land by the Soviet Union, the spark of independence still glows in the hearts of the Lithuanian people.

This is most recently evidenced by the action's of 18 Lithuanian Americans outside the Soviet Embassy in Washington. These 18 brave people, knowing well that they would be called on to account for their actions, persisted in protesting the continued Soviet occupation of their motherland and the recent Soviet subjugation of yet another freedom loving people, the people of Afghanistan.

This latest incident is just one in a long train of actions by which the Lithuanian people have shown that they love their liberty—perhaps with a greater ferocity than any people in the world.

For 7 years after the Soviet annexation of Lithuania, the people actively fought their oppressors. Indeed, I was surprised to note that as late as the mid-1950's guerrilla actions were still being undertaken in the forests of Lithuania by the freedom fighters. Yet, they paid dearly for their efforts. Throughout the struggle, no fewer than 30,000 of them gave up their lives and literally hundreds of thousands were transported from their homeland to slave labor camps in the Soviet Union.

The struggle continues today, but Lithuanian resolve to regain their independence goes on undiminished. Lithuanians worldwide are united in their continued hopes and efforts for achieving their goal.

And that is the real meaning of this unified statement of support for the courageous 18 Lithuanian freedom fighters here in Washington, who face the prospect of losing their liberty—so ironically—for peaceably protesting the actions of their oppressors.

Let the Members of this body unequivocally voice their support for the people of Lithuania everywhere who still courageously aspire to the reinstitution of the human rights to which they are entitled.

□ 1640

Mr. DOUGHERTY. Mr. Speaker, I thank the gentleman from California for his participation.

At this time I yield to my friend, the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Pennsylvania.

I, too, want to commend the gentleman from Pennsylvania (Mr. DOUGHERTY) for being farsighted enough to take this reservation.

I may also say, this is the first time I have ever participated in one of these postreservation sessions. I do it because I have become particularly interested in this cause. Some may recall that a few days ago I gave a 1-minute address on this subject. One of my constituents happened to be one of the 16 Lithuanian Americans who are being brought up for trial on the seventh of this month.

I circulated a letter here on the floor of the House and obtained approximately 50 signatures of Congressmen. I am sure I could have obtained 435 if I had been persistent enough.

I sent a letter addressed to Phil Heymann, the chief of the criminal division of the Department of Justice, protesting this situation where these 16 peaceful Lithuanian Americans were demonstrating peacefully, offered no resistance to arrest, within 500 feet of the Soviet Embassy and none of them have any kind of criminal record. One of them, Simon Kadurska, was the young man who jumped off the Soviet boat and came aboard an American Coast Guard cutter and they erroneously permitted the Russians to pursue him and haul him back aboard, only later to embarrassingly discover he was an American citizen and he is now here and is 1 of the 16; where 10 days later, after the 18th day of July, the Iranians, protesting against the U.S. Government and creating actual violence which resulted in the injury of policemen and bystanders, some of them ended up with being charged with felonies, were released completely and all charges dismissed; whereas these Americans, who were peacefully exercising their rights in support of the posi-

tion of the U.S. Government are being brought to trial and prosecuted to the letter of the law.

I called Phil Heymann following the sending of that letter. I happen to know the gentleman because of my participation in the Criminal Justice Subdivision where we were rewriting the Criminal Code and consequently were in constant contact with the Department. He had no knowledge of the matter and said it was being handled by the USDA's office here probably. He said that they had some house rule against discussing pending cases with Members of Congress. They have no such reluctance in discussing congressional business, pending legislation, with Members of Congress; but he acknowledged that this was somewhat different than the rule was intended to be.

I pointed out that this, as opposed to an attempt to obstruct justice, this was an attempt to further justice, which he acknowledged. He said he would, notwithstanding that rule, make inquiry into it.

So certainly the high level of the Department is advised of it. It is not just some independent action of a vigorous assistant DA locally. I am going to be extremely disappointed if Mr. Heymann and the powers that be in the Justice Department who are now fully advised, and I personally full advised them in addition to the letter, do not take a hand in this and see that justice is done.

I think this Lithuanian-American group are fantastically good citizens. We were the great beneficiaries, really, of the Russian usurpation of Lithuania.

We have a small, but very prominent, Lithuanian-American group in my community, as well as a Latvian one. They are certainly a great credit to their ethnic background. They are all hardworking, excellent, industrious citizens that we are very glad to have. I sympathize with them.

Again, I want to commend the gentleman from Pennsylvania (Mr. DOUGHERTY) for doing this and thank him very much.

Mr. DOUGHERTY. Mr. Speaker, I thank the gentleman very much for his participation and, indeed, for having the foresight to send that letter to the Department of Justice on behalf of the young people who did demonstrate.

Mr. Speaker, at this time I would like to advise Members of Congress that there is a reception this evening for Members of the Lithuanian-American community.

I would like to note that eight Senators have joined us in this effort to bring to the attention of the Congress and the American public this unfair justice, this double standard, by which young people from the Lithuanian-American community are being prosecuted for acting on behalf of freedom, while Iranian students who destroyed the city and demonstrated for anarchy were let free.

Mr. Speaker, I think the question really is in the short run and in the long run, what are we going to do about the question of the Baltic States, whether or not we are going to allow Latvia, Estonia, and Lithuania to fade from the scene as being committed, viable, free nations that we will recognize as long as we, indeed, ourselves are free. To me, the legation here in Washington is a symbol that goes far beyond Lithuania. It is a symbol to the world that America will not recognize the Soviet domination of the Baltic States.

It would seem appropriate, Mr. Speaker, that the Justice Department should rethink its actions in prosecuting these students, these young people. As I say, it seems rather ironic that those who demonstrate for freedom are persecuted, while those who demonstrate for persecution are allowed to go free in this land of America.

● Mr. DOUGHERTY. Mr. Speaker, as we prepare to recess the Congress until after the election, it is only fitting that we take a few moments to recognize and condemn an unconscionable travesty of justice. I commend my colleagues for their special order on this issue.

I speak, of course, of the 18 Lithuanan-Americans arrested for peacefully demonstrating too close to the Soviet Embassy on July 18. Although charges have been dropped for technical reasons against five of those arrested the remaining 13 are subject to prosecution and will go on trial this month. At the same time, all charges have been dropped against the so-called Iranian "students" who staged a violent demonstration in Washington only 9 days later.

The proximity in time of these two demonstrations has given this unequal treatment great symbolic significance, and that is: Leniency for Iranians who violently protest against the United States; the letter of the law for Americans who peacefully exercise their rights of free speech to support U.S. policy and oppose Soviet aggression. These are precisely the wrong signals to send to the American people at this moment in history. To Americans who first saw law enforcement against Iranian student violence as ineffectual, it now appears arbitrary.

The Justice Department apparently will not reconsider its decision to prosecute the Lithuanian-Americans, in spite of the letter to Assistant Attorney General Philip Heymann, initiated by the gentleman from Michigan (Mr. SAWYER) which many of us signed.

Some time ago, a number of us cosponsored H.R. 5407 to provide continued funding for the legation of Lithuania. The State Department continues to stall on our efforts to insure dipomatic representation of Lithuania in Washington.

I join my colleagues in calling upon the Carter administration in protesting the unequal treatment of American citizens and Iranian nationals, and urge the Justice Department to treat in an impartial manner all persons who violate the law.

Lithuanian-Americans in my congressional district have asked me why the Justice Department decided to handle these two situations differently. I do not know, and it seems that the Justice Department does not know either.

The Lithuanian-American community feels quite strongly about these actions by the Department of Justice, as evidenced by the following quotation from a letter I received:

As an American who believes in the freedom of speech and of expression, and living in a country where all men are supposed to be treated equally, regardless of national origin, religion, or color, I find this quite apparent double standard of justice very offensive.

I, too, find it offensive.●

● Mr. FROST. Mr. Speaker, the trial of 18 Americans of Lithuanian descent should be followed closely by all Americans who support this Government's human rights policies. Last year, the House of Representatives saluted the people of Lithuania on the anniversary of their "Day of Independence." We made a special effort to commend Lithuanians for their struggle to maintain a measure of human dignity under the yoke of Soviet domination. Yet this year, 18 Americans will soon be standing trial for protesting publicly against the spread of Soviet domination into the nation of Afghanistan.

Mr. Speaker, these 18 people are all too familiar with the horrors of living under totalitarianism. Their relatives in East Europe, the workers in Poland, and the Afghan freedom fighters, these people all share a common sense of the need for the individual to live freely in a sovereign state. By demonstrating in front of the Embassy of the U.S.S.R., these 18 people spoke for every American who watched in horror as the Soviet tanks rolled into Afghanistan. In a sense, these 18 spoke for the current administration—an administration that has taken great pride in its efforts to liberate human beings from the oppression of totalitarianism. The cries for freedom have never fallen upon deaf ears in this country, yet many of our efforts could be nullified if the 18 are not treated with compassion.

Moreover, our effort to eradicate the stamp of Soviet domination on countries outside its borders will not be served if this body does not continue to support the right of the Lithuanian people to be represented as a sovereign nation here in Washington. We must do everything within our power to support the Lithuanian legation, because by doing so, we send a very clear signal to Moscow that we do not and never will recognize the legality of its incorporation of the Lithuanian State.

Last year, I took particular pride in speaking on behalf of Lithuanians, because my maternal ancestors came from this country. My original family was centered in Vistinecs, a small town near the Baltic Sea that was completely destroyed in World War I. The tradition of national pride and struggle could very well have originated then—during the German battles with Russia for domination. What is clear is that this tradition has continued to this very day, and the House of Representatives should support that tradition by going on record in sympathy with the spirit and strength of the 18 Americans who demonstrated against the Soviet Union. I made an observation in my last tribute that is even more fitting today: The people of Lithuania, as represented by these 18 protestors, epitomize the philosophy of Winston Churchill when he defined courage as "the first of all human qualities because it is the quality which guarantees all others."

I take great pride in asking for lenience for Lithuanian Americans who dared to speak up on behalf of their compatriots all over the world.●

● Mr. CLINGER. Mr. Speaker, next Tuesday 18 Lithuanian-Americans will be tried for demonstrating in front of the Soviet Embassy in violation of a District of Columbia statute. They will be tried under a system of law that protects their individual rights even as it protects the peace and order of the larger society.

These Lithuanian-Americans were protesting the violation of other nations' peace and order by a great power that holds scant respect for the individual rights of its own or other nations' citizens, a power that this year forcibly invaded the independent State of Afghanistan as it had, 40 years ago, invaded the independent State of Lithuania. Their demonstration serves us as a vital and timely reminder of the continuing dangers of Soviet expansionism to the freedom and integrity of its neighbors.

Our own great Nation must not yield, as these nations have been tragically forced to do, to the threats of a government to whom international law and the human rights of all peoples mean little in comparison to the advancing of its own strategic goals. We must continue to defend life, law, and freedom when they are threatened by force or subversion.

We must also continue to support the rights of the Lithuanian people, who have suffered and struggled under 40 years of Soviet domination. As you know, the United States has consistently refused to recognize the unlawful Soviet incorporation of Lithuania and the other Baltic States and has maintained diplomatic relations with representatives of the Republic of Lithuania. However, the Lithuanian legation is now facing extinction, its diplomatic personnel of an advanced age and its independent assets nearly gone.

As a cosponsor of H.R. 5407, a bill to provide funding for the Lithuanian legation, I am deeply concerned that our Nation insure the continuation of the diplomatic representation of Lithuania to the United States. We must show the Soviet Union, the world, and ourselves that the cause for which these 18 Lithuanian-Americans demonstrated, the freedom and self-determination of the Lithuanian people and every people, remains a cherished goal of American foreign policy.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, my colleagues will recall the news reports indicating that on October 7, 18 Lithuanian Americans will be tried for peacefully demonstrating outside the Soviet Embassy in Washington, after protesting the recent Soviet invasion of Afghanistan, the occupation of the Soviet Union of their native Lithuania since 1940, and the Soviet Union's disregard for basic human rights.

Exactly 9 days after this demonstration took place, 192 Iranian, pro-Khomeini demonstrators were arrested after repeated clashes with District of Columbia police, resulting in injuries to several officers and citizens. It is quite interesting to note that while all criminal charges against the Iranian demonstrators were dropped and a check on the immigration status of the demonstrators halted, the U.S. Department of Justice has prosecuted the Lithuanian-Americans to the fullest extent of the law.

The conclusion to be drawn from such discriminatory treatment is that United States appears to treat its own citizens more severely than Iranian nationals who have publicly belittled our Nation. This appears to be an open violation of the tradition of our Nation of "equal justice under the law."

I do not choose to endorse or criticize the leniency shown the Iranians at this juncture: Prosecutors commonly dismiss charges for offenses judged minor, for first offenses, or for reasons of public policy. However, the proximity in time of these two demonstrations, has given the apparent unequal treatment an inevitable, symbolic significance. What we have demonstrated in leniency for Iranians who violently protest against the United States and the letter and spirit of the law for Americans who peacefully protest against Soviet aggression.

It is particularly fitting to restate our commitment to Lithuanian independence in lieu of the recent Soviet action in Afghanistan, where once again we see the same frightful pattern of Russia's expansionism. Perhaps recent events in Afghanistan have made many Americans realize the fragile state of the world and sensitized them to the plight of the Lithuanian people who continue to struggle, to pray, and to work for the day when their country can once again enjoy liberty.

In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history. We too often forget that in other countries of the world the rights which we enjoy are denied. We are free to celebrate our "Independence Day" with patriotic speeches, fireworks, parades, and picnics, but to the Lithuanians, their freedom is only a memory and a dream of the future.

Lithuania today is a colony in a vast Russian Empire. She saw a period of freedom, as well as economic and industrial expansion between this century's world wars. During that time, she was given the Russians' "sacred word of honor," in a peace treaty and nonaggression pact, that they would respect her neutrality and independence. In June 1940, however, Soviet soldiers marched in, forced a coalition government to resign and installed a regime of their own choosing.

Since then, Lithuanians have been denied even the most elemental of human and civil rights, and have suffered severe assaults on their national identity and cultural heritage. The Lithuanian people have bravely refused to accept this oppression and have kept alive their determination to reclaim control over their own lives.

While there are many outstanding examples of those who have stood up to this oppressive Soviet rule, I am honored to join with my distinguished colleagues in singling out 18 Americans of Lithuanian descent for their exceptional courage. The undaunted spirit and the determination of the people of Lithuania have somehow filtered through the iron wall of Soviet domination. The support and encouragement of the American people will permeate that iron wall and will clearly indicate to the Lithuanian people that they are being seen and heard, clearly and loudly, by a nation which remembers.●

● Mr. MAZZOLI. Mr. Speaker, I am pleased to join my colleagues in honoring the courageous people of Lithuania.

The recent Soviet invasion of Afghanistan has heightened the awareness of all the world's free people that democracy is precious and must be actively protected. And, the recent labor activities in Poland have shown us that a strong-willed and freedom-loving nation contains a force that is greater than the repression and presecution tactics used by the Russians.

Similarly, the Lithuanian people are a determined people who have repeatedly voiced their opposition to the Soviet aggression with which they must live daily. Despite the religious persecution, political and cultural repression and denial of fundamental human rights, the Lithuanians have not lost their will to be a sovereign people.

In this same vein, 18 Americans of Lithuanian descent demonstrated their support of the Olympic boycott, and protested the Soviet invasion of Afghanistan and the 40 years of Soviet occupation of Lithuania in front of the Soviet Embassy in Washington.

These Americans demonstrated with the same spirit that has survived throughout the Eastern bloc countries, and with the same spirit which offers inspiration for all the world's people who value human freedom above all else.●

● Mr. RHODES. Mr. Speaker, I join my colleagues in the House in support of the 18 Lithuanians who face trial in the District of Columbia for expressing their protests of the actions of the Soviet Union, which is occupying their homeland.

We in the United States set great store by liberty. William Allen White once reminded us that:

> Liberty is the one thing you cannot have unless you give it to others.

As the seat of Government, Washington is a magnet for citizens who want to petition their Government in person. It is ironic that the District of Columbia grants permits for demonstrations, many of them not peaceable, to groups whose purpose is not freedom, but destruction of our system of rights and privileges. If the representatives of the Government of Iran, which has held 52 Americans prisoner for nearly a year, can go scot free after rioting, the prosecution and trial by the District of these 18 Lithuanian patriots, who sought only to demonstrate their love of freedom, becomes a travesty of justice.

The jackboot of Soviet tyranny has spread across Europe like a plague of the soul. We see signs that the people in oppressed lands are becoming restless, that the yearning for freedom of expression and action has not been

quenched by the years of Communist domination. The uprising in Poland is but the tip of an iceberg of discontent. It is important that our Government continue its moral support of displaced ethnic groups, people who want their homelands once more to exercise free choice.

Although the Lithuanian 18 may be in technical violation of an ordinance of the city of Washington, the cause for which they were demonstrating is just, and I believe the District government would be wise to admonish them, but would be unjust to insist on punishing them.●

● Mr. DERWINSKI. Mr. Speaker, on numerous occasions, I have directed the attention of the Members to the continued Soviet persecution of Lithuanian nationals held captive in the Baltic State of Lithuania. This is a situation that is typical of the oppression that exists under the Soviet Government rule.

However, on October 7, 18 Americans of Lithuanian descent will be tried for demonstrating in front of the Soviet Embassy in Washington, D.C. These Americans, in expressing their support of the U.S. Olympic boycott and protesting the Soviet aggression in the invasion of Afghanistan, were utilizing their rights as U.S. citizens.

In contrast to the orderly and peaceful demonstration of the Lithuanian-Americans in front of the Soviet Embassy, Iranian "students" who incited a violent demonstration in the streets of Washington 9 days later to protest American "crimes" in Iran have had all charges dropped against them.

In the case involving the Lithuanian-Americans, each demonstrator was charged with a single misdemeanor and none had a previous arrest record. Yet the Carter administration Justice Department is insisting on prosecuting them for violation of an ordinance which prohibits congregating within 500 feet of an Embassy or displaying flags or placards criticizing a foreign government. Despite the fact that the Iranians provoked a confrontation with onlookers resulting in American citizens and police being injured and despite the fact that several Iranians were charged with felonies, the charges against them were dropped even before the Immigration and Naturalization Service could verify their immigration status. This decision was made at the highest levels in Government.

It is of utmost importance that we insist that the Justice Department reconsider their gutless treatment of the Iranian nationals who demonstrated against U.S. policy as compared to their determination to prosecute the Lithuanian-Americans who demonstrated in support of freedom. I have joined with our colleague, Mr. DONNELLY, in cosponsoring House Concurrent Resolution 430, which expresses the sense of Congress that the U.S. Government should, in the tradition of our Nation of equal justice under the law, treat in an impartial manner all persons who violate the law.

For the last 40 years, freedom, self-determination and independence have been denied to the Lithuanian people. Soviet repression in Lithuania has reached alarming proportions. Show trials and harsh sentences are used to intimidate and to silence the widespread nationalistic and religious fervor in this Baltic country. The United States has consistently refused to recognize this unlawful Soviet occupation and to this day continues to maintain diplomatic relations with representatives of these Baltic States.

Unfortunately, the Lithuanian legation in the United States is facing extinction because that small nation's monetary assets frozen in the United States at the Soviet takeover are almost completely depleted. I have joined with other Members in cosponsoring Mr. DOUGHERTY's resolution to authorized appropriations for the Lithuanian legation. I believe that the legation must remain open as a symbol of U.S. nonrecognition of the Soviet occupation of the Baltic States, and to provide hope to the more than 1 million people of Lithuanian descent living in the United States that Soviet oppression can be resisted and that freedom will be restored to their homeland.

On this occasion, we should reaffirm our commitment to those Baltic nations still struggling for independence. The eventual restoration of self-determination for Lithuania, as well as Estonia and Latvia, must be an objective of freedom-loving people throughout the world and is the policy of our Government.

I hope the administration will take this into account.●

GENERAL LEAVE

Mr. DOUGHERTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

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

There was no objection.

GENERAL LEAVE

Mr. DOUGHERTY. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks and to include extraneous material on the subject of the special order today of the gentleman from New York (Mr. KEMP) on the subject of urban jobs.

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

There was no objection.

COMMENDATION TO CHAIRMAN BENNETT ON A TRAGIC AND DIFFICULT DAY

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

Mr. DOUGHERTY. Mr. Speaker, I would like to pay my public respect and admiration to the chairman of the Ethics Committee, the gentleman from Florida (Mr. BENNETT) on what was, indeed, a most tragic and very difficult day for him. I think he handled himself to the credit of this Congress and to the credit of his constituency in Florida.

GROWING BIPARTISAN SUPPORT FOR THE KEMP-GARCIA URBAN JOBS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, the headlines of the three articles I am submitting for the record today speak for themselves. On August 28 the Christian Science Monitor reported that "Coalition Charts Way To Save Cities." The Fort Worth News-Tribune on September 12 carried a story about how "Liberals, Conservatives in Congress Back Novel Plan To Restore Cities," while the Philadelphia Inquirer on September 21 announced that "Free Enterprise Zones Growing in Popularity, if Not Reality."

This is not a Republican idea or a Democratic idea. It is a practical idea, which transcends our ideological and political disputes. BOB GARCIA and I do not agree on all issues, but we do agree that this Congress must explore new approaches to restoring jobs and growth in our inner cities.

Today I would like to join my colleagues BOB GARCIA, DAVE STOCKMAN, HANK NOWAK, BOB LIVINGSTON, and NEWT GINGRICH in placing recent editorials, letters, resolutions, and testimony in support of H.R. 7563 into the RECORD:

[From the Christian Science Monitor, Aug. 28, 1980]

COALITION CHARTS WAY TO SAVE CITIES

(By Guy Halverson)

WASHINGTON.—An unusual coalition of blacks, conservative economists, socialists, urban planners, and liberal officeholders is taking shape here to push a bold new effort to save central cities from urban blight.

Dubbed "enterprise zones" by proponents, the concept is relatively straightforward: remove most zoning, taxation, and federal and local business regulations from carefully defined central city districts. The upshot, in the eyes of proponents, would be to encourage new industrial and commercial development, including jobs, in those same areas.

The concept has not yet been formally tested out in North America—despite somewhat similar but more restricted ventures, such as "free-trade zones," now under way in 40 US jurisdictions. However, as many as seven enterprise zones are now expected to begin operation later this year in the United Kingdom.

Stuard M. Butler, an economist with the conservative based Heritage Foundation, a Washington research group, sees "strong interest" in the enterprise zone concept from diverse political and economic groups.

The reason, says Dr. Butler, is that given tight pressures on the federal budget, the zoning taxation approach offers a "practical, low-cost" method of attempting to lure business back into central city areas.

Republican presidential contender Ronald Reagan has already made "enterprise zones" one of the cornerstones of his urban political agenda.

But support for the special zones goes far beyond merely the Republican Party. In fact, a version of the concept in the House of Representatives is co-sponsored by conservative upstate New York Republican Jack Kemp and liberal Democrat Robert Garcia, whose district encompasses the South Bronx, one of the most blighted urban areas in the U.S.

"We were supporting this concept long before Mr. Reagan was nominated," argues Jeff Noah, an aide to Representative Garcia. "We've tried just about every possible federal urban renewal program in our district (the South Bronx). They haven't worked. That's why we're willing to try this approach."

The Kemp-Garcia bill is now before the House Ways and Means committee. It has already snapped up support from 40 lawmakers from all sides of the political spectrum, including members of the black caucus.

A similar bill has been introduced in the Senate.

The enterprise zone concept was first developed in England several years ago—the work of Sir Geoffrey Howe (Chancellor of the Exchequer in the present Conservative government) and Peter Hall, an urban planner (and Socialist).

Under the British concept, zoning regulations in a specified industrial area would be reduced, while property taxes would be dropped on commercial and industrial property.

Business taxes—as well as capital gains taxes—would be lowered. Minimum wage laws and the closed shop would be eliminated. If possible, free trade zones would be included within the larger enterprise zones.

Earlier this year the British government announced that it would be going ahead with some six enterprise zones. That number has since been boosted to seven.

Though no such zones are yet underway in the U.S., a bill to establish one experimental plan lost by one vote last year in the Illinois legislature.

The Kemp-Garcia bill—the urban jobs and enterprise zone act—deliberately skirts "local" jurisdictional issues such as zoning. The bill also does not call for elimination or lowering of the minimum wage.

Rather, the emphasis is primarily on lowering taxes. There must be a permanent reduction of not less than 20 percent of the effective real rate on property taxes. The capital-gains deduction would be increased from 60 percent to 80 percent on personal property used essentially for business purposes in the zone. Corporate tax rates would be sharply reduced.

One key criterion for the zone, however, would be that firms must employ at least 50 percent of their work force from the zone area to qualify for most of the various tax reductions. Firms with a smaller percentage of the area work force would have more limited tax advantages.

Opposition to the enterprise zone concept centers around the possibility that such trade-commercial areas might be used to exploit workers. At the same time, the current Republican political identification with the plan almost prohibits Carter administration support.

[From the Fort Worth News-Tribune, Sept. 12, 1980]

LIBERALS, CONSERVATIVES IN CONGRESS BACK NOVEL PLAN TO RESTORE CITIES

(By David A. Williams)

WASHINGTON.—"The problems of urban employment and economic decline . . . have made the South Bronx look like Berlin in 1945," according to Democratic Congressman Robert Garcia from the South Bronx.

To help remedy these problems Garcia has joined Republican Congressman Jack Kemp to co-sponsor the Urban Jobs and Enterprise Zone Act (H.R. 7563). The bill has captured the attention of Democrats and Republicans, liberals and conservatives alike.

Rep. Augustus Hawkins (D. Cal.), the senior black Congressman in the House and chairman of the Subcommittee on Employment Opportunities, has called the bill "a bold, innovative approach," that is needed "to restore the vigorous economic growth needed to create jobs for black Americans and other minorities."

The impetus behind this bill is this: Between 1970 and 1979 population in the Northeast actually declined, even though United States population grew 8.3 percent. From 1970 to 1974 northeastern metropolitan areas experienced a net migration and a net job loss. For instance, in the South Bronx, 66 percent of the inhabitants were black or Hispanic by 1970, and 40 percent were below 18. One-third of the population is now dependent on welfare, and although the South Bronx has lost 20 percent of its residents, it has lost less than 3 percent of its welfare cases.

In those areas of the cities where 20 percent or more of the population lives below the poverty level (one in five city residents, and two in three black city residents live in such areas) the overall unemployment rate in 1979 was over twice the national average. For blacks, it was close to three times the national average, and for black teenagers the unemployment rate reached 42 percent, seven times the national average. By 1976, 16 percent of our nation's central city residents fell below the poverty line, compared to a national average of 10 percent in other areas.

The nation is faced with the fact that little or no economic activity is being generated in our inner cities, and that is where our urban problems are coming from. Furthermore, the billions of dollars spent by the federal government since the 1960s although spent with good intentions, have failed to solve the problems of chronic unemployment and economic underdevelopment among our minorities and those in the inner cities.

Since no revenues are coming from these areas, government must introduce measures that will encourage economic growth by lowering tax rates, and drastically reduce or eliminate regulations that serve as a barrier to economic activity. Government loses not a dime by dramatically lowering the tax rate on the unemployed black or Hispanic teenager who is producing no taxable income for the government to lose. Neither does it lose by lowering small business tax rates in burned-out areas of the city since all small enterprises have already left these areas. This is significant since 66 percent of new jobs created nationally, and 100 percent of net new jobs created in the Northeast, come from small business (companies with fewer that 25 employees).

The concept of the "Enterprise Zone" was put forward in Britain in June, 1978 by Sir Geoffrey Howe, now Conservative Chancellor of the Exchequer, and Peter Hall, a socialist and professor of urban planning. A zone of about a square mile is chosen in the most depressed part of a city, and in it restrictions and most business taxes are removed. Zoning is simplified, property taxes cut dramatically and business taxes reduced significantly. The area is designated a free trade zone and thus with taxes, government regulation and red tape minimized, entrepreneurs find it cheaper and simple to turn ideas into jobs.

Kemp's urban jobs and Enterprise Zone Act includes

1. To encourage job creation in the inner city, particularly for the young, the bill reduces Social Security payroll taxes on employers and employees by 90 percent for workers under 21, 50 percent for workers 21 and older.

2. To encourage small enterprise investment and job creation, the bill reduces the capital gains tax rate on investment by 50 percent (on the sale of residential property, the tax reduction applies only when the seller has his or her principal residence in the zone.)

3. To encourage business expansion and to retain existing enterprises, the bill reduces business tax rates 15 percent across-the-board for any business located in and employing at least half of its employees in one or more zones.

4. To increase small business incentives, the bill (a) allows three-year, straight-line depreciation on the first $500,000 of assets purchased each year, (b) allows the use of cash rather than accrual accounting methods for firms with gross sales below $1 million, and (c) extends the loss carry forward provision to ten years.

To be eligible for Enterprise Jobs Zone status, either there must have been an average rate of unemployment in the area of twice the national average for the most recent 24 month period, and 30 percent of families are below the poverty level, or average unemployment rate during the most recent period was at least three times the national average, or at least 50 percent or more families are below the poverty level.

A companion bill (S. 2823) introduced in June, 1980 by Senators Rudy Boschwitz (R.-Minnesota) and John Chafee (R.-Rhode Island) and hearings on it will be held late in the summer in the Senate Finance Committee.

According to British economist Stuart Butler, the beauty of this bill is that, "It would not require tax money—indeed, it would take people off welfare rolls and turn them into taxpayers. Suspending property taxes on empty buildings would involve no loss to a city. Even the tax loss on occupied housing and commercial buildings would likely soon be recovered by increased revenue as new jobs and economic growth were created."

A new concept such as this may finally turn around the spiral of unemployment and urban malaise suffered by our minorities and teenagers.

In the words of William Raspberry, syndicated columnist, with the Washington Post, "If you believe that what America needs is more people gainfully employed, more people producing goods and services, then you might be interested in the Urban Jobs and Enterprise Zone Act introduced by Rep. Jack Kemp."

[From the Philadelphia Inquirer, Sept. 21, 1980]

FREE ENTERPRISE ZONES GROWING IN POPULARITY, IF NOT REALITY

(By Douglas A. Campbell)

Buried in the economic medicine bag of election-year inflation cures and tonics for the nation's gouty big businesses is a remedy designed to restore industrial activity in Philadelphia and other big cities.

The prescription is simple: Cut taxes and other government-related business expenses in depressed urban neighborhoods, and the areas will rebound economically.

The prescription is also old. Pennsylvania, for example, already has a statewide program aimed at making urban neighborhoods more hospitable to business.

What has changed is the scope.

Two bills already in Congress would, as a matter of national policy, authorize what are often called "free enterprise zones," in which laissez faire would take over where government has dominated.

The legislation would put the federal government's money where its mouth is, too. At the minimum, it would give huge tax

breaks to businesses that set up shop in low-income, high-unemployment neighborhoods.

Not surprisingly in an election year, support for such urban reinvestment proposals comes from individuals representing a wide range of political views.

Ronald Reagan has embraced the free enterprise zone idea as his recommendation for urban renewal. But the concept also is advocated by a number of Democratic experts who cannot help but notice that chronic urban unemployment persists as a major economic problem.

"It's a good idea," said economists Bernard Anderson, an expert on youth unemployment and executive vice president of the Rockefeller Foundation in New York. Anderson was a campaign adviser in 1976 for Jimmy Carter.

"Much of the loss (of urban jobs) is due to tax and expenditure systems we have set up in this country at the local level," said Michael Wachter, a Wharton School economist and another former Carter adviser. "What this enterprise zone is almost saying is: 'Let's copy what the booming Southwest and Southeast is doing.'"

While the general idea of free enterprise zones garners bipartisan support, however, there are several renditions of the theme that would produce substantially different results.

The moderate proposals would simply cut taxes. The more elaborate schemes would create islands for industrial free-for-alls where everything from safety regulations to minimum wage rules would be abolished and where tax levies would be minimal.

Credit is given to the British for coming up with the free enterprise zone as a means of stemming the deterioration of old industrial centers in England, Scotland and Wales.

According to the Heritage Foundation, a conservative, Washington-based group that supports studies of public policy, the British experiment, which started last month, should be imported by the United States because "federal intervention has failed to halt urban blight and decay.

The foundation, which has taken the lead in publicizing the idea, describes the zones as areas where government "would substantially reduce taxes, regulations and the minimum wage to encourage entrepreneurs to create new industry and jobs in the cities' most depressed areas."

The leading piece of legislation in Congress does not fill all those criteria, but it has the foundation's blessing. The congressmen sponsoring the bill are led by South Bronx Democrat Robert Garcia and by Jack Kemp, the Buffalo, N.Y., Republican whose proposal to cut federal taxes by 30 percent in three years has * * * the core of Reagan's economic proposals.

The Kemp-Garcia proposal requires a city that wants to have a free enterprise zone to cut property taxes in the zone by 20 percent permanently. If that is done, the legislation would cut corporate income and capital gains taxes sharply, would reduce Social Security taxes paid by employers by up to 90 percent and would provide for accelerated depreciation rates for companies in the area.

For their parts, companies doing business in free enterprise zones would, under the Kemp-Garcia bill, hire at least 25 percent of their workers from the zone.

Zones would be limited to areas with unemployment rates of at least twice the national average and with at least 30 percent of its residents with incomes below the poverty level.

THE PAUL PLAN

In the view of Temple University economics professor Walter E. Williams, however, this proposal provides insufficient incentives to promote economic development. Williams helped draft legislation introduced by Rep. Ronald E. Paul (R-Texas).

Paul's bill goes further than the Kemp-Garcia measure in six ways, explained Williams, who is on leave from Temple to teach at George Mason University in Fairfax, Va.

Paul's legislation:

Eliminates the federal minimum wage law in free enterprise zones.

Eliminates the jurisdiction of the Occupational Safety and Health Administration (OSHA) in the zones.

Requires deeper local property tax cuts.

Requires elimination of all local zoning ordinances.

Reduces federal taxes even further, both on companies and individuals.

Extends the lifetime of the zone to 20 years from the 10 years proposed under the Kemp-Garcia bill.

Moreover, under the Paul legislation, a city could establish a free enterprise zone if the area had a 7 percent unemployment rate and if 10 percent of its families were under the poverty level.

"In a word or two, these calls for free enterprise zones simply eliminate all those rules and regulations and taxes that have shackled our cities," Williams said in a telephone interview. "They take into account that these cities . . . did not become great as a result of extensive government regulation. They became great because they were free enterprise centers.

"I don't know whether (the taxes and regulations) have a basis for being, but they nonetheless are not free. Somebody has to pay. If the cities have high taxes, they will just drive companies to places in the country that have lower taxes."

FOLLOWING ADAM SMITH

Williams' brand of economics harks back to the days of Adam Smith, whose 1776 book, *Wealth of Nations*, outlined the economy of the industrialized world and described the benefits of a free market.

Williams, himself a product of Philadelphia's poor neighborhoods, insists in his writing that unskilled blacks and other minorities have been kept off even the bottom rung of the nation's economic ladder by the existence of a minimum wage that he believes is kept above the actual value of their work.

In a free market, where unskilled people could offer their toil for the going wage, they would find work and would develop skills, Williams tells his students.

Elimination of the minimum wage is thus a key ingredient in Williams' formula for free enterprise zones, as is the elimination of most forms of government participation in the economy, including existing jobs programs.

"I would argue that if we got some free enterprise zones we could eliminate some of these (government) job training programs and have real job training programs in the private sector," Williams said.

He said he would replace the existing Comprehensive Employment and Training Act (CETA) system of job training with his free enterprise zone scheme.

Economist Wachter said he agreed with Williams' "general thrust." Wachter and his economist wife, Susan, will host a University of Pennsylvania conference next year to discuss the nation's options for reviving its industry.

"We're spending a lot of government money (in CETA) subsidizing jobs in the government sector," Wachter said. "We really do have to reverse that trend."

He cautioned that while CETA has "an awful lot of problems," the program should be phased out rather than ended abruptly.

Wachter also praised the idea of free enterprise zones as a replacement for existing efforts to attack urban unemployment.

"It's the new fiscal conservatism, pro-investment strategy that we're adopting on a national level, applied on the local level," Wachter said.

But he criticized the suggestion that government safety regulations be suspended.

"I think it's one thing to say OSHA has done a terrible job in administering job safety," he said. "(But) we want to have job safety. We just want it done correctly and not done at a cost that's burdensome to employers."

He also said that "any conservative should be opposed" to a plan to cut back on Social Security taxes "for things that have nothing to do with Social Security," a system that is widely acknowledged to face financial difficulties in the years ahead.

Bernard Anderson's reservations about free enterprise zones are even more fundamental, however.

"We don't want this policy to become one for creating low-level, dead-end jobs—for creating in the ghetto a second-class island," Anderson warned.

The minimum wage is not the problem Williams makes it out to be, Anderson said.

"They (minorities) have had the bottom rung for a long time and they didn't get on" because of other factors, he said.

Those factors include economic deterioration in cities, the World War II baby boom that has now flooded the labor pool and the entry of women into the work force, he said.

Nor did Anderson support the idea of relieving safety or other labor standards for companies in the zones.

"If this (free enterprise zone) is a veiled attempt to diminish the quality of labor standards and to depress the quality of economic opportunity for minorities . . . then it will not be well received by minority groups," Anderson said.

Finally, Anderson cautioned against eliminating CETA.

"Simply giving incentives (to business to locate in the zone) does not get individuals in that community trained for the job," he said. "It does not develop their productivity."

But without these qualities, a free enterprise zone "could contribute to the expansion of jobs" and would be "worthwhile" as long as existing companies are not excluded, Anderson said.

Wachter took that point a step further.

"The question would come up: Why wouldn't you do this for the whole city?" he said.

Wachter's answer is that, indeed, whole cities should be established as free enterprise zones, and companies should be given tax breaks for hiring the hard-core unemployed regardless of where they live.

"In a city, you would want all manufacturing zones to get the same breaks," he said. "In terms of equity it would be awfully hard to establish separate zones."

Despite their individual ground rules, however, these economists expressed uniform affection for the notion of some scheme that would ease government's presence in urban industry. Said Williams: "What we've got to do is get government to stop destroying jobs." ●

● Mr. GARCIA. Mr. Speaker, when JACK KEMP and I introduced the Urban Jobs and Enterprise Zone Act, H.R. 7563, last June, we stated that above all we hoped to reopen the debate on America's urban policy. Four months later I think we can claim success. Liberals and conservatives. Democrats and Republicans, urban experts and community leaders have all expressed their support for the new concept of enterprise zones.

Last July I had the opportunity to testify before the House Committee on the District of Columbia hearings on urban centers. During these hearings I ar-

gued that the history of urban development is the history of "opportunity development." Generations of Americans have come from across the sea, from farms and small towns, to seek in the city an opportunity to better their lives and the lives of their children. Today our cities are filled with people who also came to the cities full of hope—and whose hope is being crushed by the high unemployment rates and business decline in our central cities. The purpose of my bill is to create new jobs and new enterprises in the cities, by providing major tax incentives to entrepreneurs who will start up businesses in poor communities and hire people from them.

I would like to submit my testimony for the RECORD.

TOWARD A NEW FEDERAL ROLE IN URBAN REDEVELOPMENT—A POLICY OF OPPORTUNITY DEVELOPMENT

Chairman DELLUMS. It is indeed a personal pleasure for me to appear before you and your committee today in order to discuss the general state of America's cities.

It is difficult, I think, to offer generalizations about any subject as vast and complex as is the American city. Were someone cheerily to make the blanket statement that our cities are thriving, for example, I would angrily walk with him through the rubble-strewn streets of my congressional district, the South Bronx portion of New York City, point out as many abandoned buildings, burned-out businesses, truant children, unemployed adults, dilapidated apartment houses, and dangerous street gangs as were necessary to bring tears to his eyes and anguish to his soul.

If that same person were then to tell me with sadness that there is no hope for these inner-city people, I would impatiently walk with him to the numerous self-help projects scattered throughout my district where the Black and Hispanic poor—so often denigrated by those in no position to know them—are in reality proving themselves to be the greatest and most unsung heroes of our age as they refashion their community and rebuild their own lives brick by brick and cinderblock by cinderblock. Their heroism in the face of daily crime, a sick economy, bureaucratic inertia, and dogmatic and facile political attitudes toward them would serve to inspire, I am sure, my observant companion.

If that same companion, however, were to argue that such efforts were doomed by the decline evident in all directions, I would walk with him to the nearest subway, sidestepping the litter, the alcoholics, and the occasional drug addict, and ride the train for no more than five minutes. There, within the same city and less than two miles from the devastated scene which earlier brought tears to his eyes, I would watch my companion's eyes light up with astonished delight as the two of us departed the subway in wondrously awesome and diverse midtown Manhattan. Once there, after walking past the continental sidewalk cafes, the modern skyscrapers, the chic plazas, the fabulously expensive boutiques, the renowned museums, and the exciting Broadway shows, if my companion were to state that my city was truly wonderful, I would take him back to my district, force him to watch a fifty year-old building burn to the ground as a result of arson, make him continue to watch in horror as teenagers and young children hurl rock after rock at the arriving firemen, and then ask him to tell me just how wonderful the city is.

Mr. Chairman, I have known for some time what my imaginary friend has recently learned—it is as useless for any of us to speak of an urban crisis as it is for us to speak of an urban renaissance. I know that each of these phrases has been bandied about during the course of these hearings and, frankly, I believe that each phase is as emotionally charged as it is thoroughly void of intellectual substance.

This is not to say, of course, that our patent inability to characterize the state of urban America must of necessity yield to an inability on our part to analyze urban conditions. Far from it. I do believe, however, that if we are to be true to the spirit of our great urban heroes of today—the inner-city residents who thrive on a spirit of community, cooperation, and enterprise—then we must be as precise as is possible in our thinking about what the Federal government can and cannot do to help our cities. Specifically, we must understand that for certain policy purposes the three areas visited by my imaginary friend—tragically declined, hopefully heroic, and fabulously exciting—are part of the same economic entity and for certain other purposes the three areas are absolutely unique.

As I shall explain in these remarks, when viewed in the former context, National economic policy is of greatest significance. When viewed in the latter context, targeted tax policy is of greatest significance.

Jurisdictionally, of course, the three areas of my city are part of the same metropolis, but I am referring to something more important for our purposes, however. Each seemingly different area is part of the same economy—local, regional, and National—and to the extent that Federal economic policymakers devise policies which pit city against city, state against state, and region against region all of our cities, states, and regions will lose. When growth is encouraged in the sunbelt through the relocation of businesses formerly located in the northeast, when mayors must devote their time to lobbying the Federal government for a share of scarce resources instead of governing their communities, when such policies as planned shrinkage gain currency in cities which face opportunity losses instead of gains, then I submit that all of our cities, large and small, are the losers despite any apparent signs to the contrary in some of those cities.

The great principle of urban development throughout the history of the world, I would argue, is that people move from areas of less opportunity to areas of greater opportunity. I urge the members of this committee to keep this principle firmly in mind at all times, just as I urge my fellow members of the House Subcommittee on Housing and Community Development to do likewise. I would contend further that the opportunities need not be economic alone, or even primarily. How else can one explain the eagerness of economically comfortable Jewish scientists to depart the Soviet Union for a rigorous life in Israel other than to conclude that freedom of religion and the right to practice freely their profession is of utmost importance to them? How else can one explain the boatloads of Haitians and Cubans, initially willing to face difficult lives, who nevertheless surge into our country other than to conclude that we offer something which these people never had? Indeed, how else can one explain in its entirety the history of the United States and its cities, villages, and towns other than by reference to this great principle which equates urban development with opportunity development?

Permit me to state my point once again, for it is crucially important. The great principle of urban development throughout the history of the world is that people move from areas of less opportunity to areas of greater opportunity.

Let us not be so blinded by the modern alphabet soup of government and its programs vitally important as they are—HUD, EDA, IRS, DOT, DOL, UDAG, CDBG, etc.—that we forget the simple truth that the history of urban development is the history of opportunity development. To the extent that a government program increases the opportunities of some or all Americans without correspondingly decreasing the opportunities of any Americans, then that program has provided us with an example of the proper role of government in bringing about American urban development, that is, opportunity enhancement not limited to a particular place but instead resulting in enhanced opportunities facing the Nation as a whole. And, to the extent that we pit any aggregation of Americans against another, to that extent we have American urban antidevelopmental policies.

How do we attain the former and avoid the latter. This, it seems to me, is the most significant question faced by this committee. It requires a recognition by the members of this committee that the seemingly separate issues of urban redevelopment and the enhancement of National productivity are exactly one and the same.

We attain the former and avoid the latter approach by recognizing that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is by far the boldest, most innovative, least costly, least bureaucratic, and most efficient urban policy this Nation could possibly hope to devise. There is only one way that the three very different areas of my city which I described earlier can thrive simultaneously as they frankly are not doing now: through National growth policies designed to make all parts of our land highly productive once again.

There is only one way that my city and the Midwestern farm areas which feed it can thrive simultaneously as they frankly are not doing now: through National growth policies designed to make all parts of our land highly productive once again. And there is only one way that the South Bronxes of the United States will ever be able to capture the enterprising spirit of their residents whose affection for their homes is so great that they have not left them during these hard times: through National growth policies designed to make all parts of our land highly productive once again.

This, then, is the first reason for my identification of urban development with opportunity development.

What are some of the policies which must be followed if we are to achieve these National growth policies? Mr. Chairman, I have already stated that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is such a policy. A few specific examples come to mind:

Strict enforcement of our civil rights statutes provides for the expansion of minority involvement in the Nation's economy and does not require any lessened majority involvement.

Assistance by the government of already existing regional industries, such as the auto industry, and the employment and business spinoffs derived from such assistance, provide for the economic growth of our Nation when such assistance does not mandate or otherwise make more likely the shift of an industry from one region to another.

Vigorous and fair enforcement by governments of both express and implied contracts lawfully entered into by various parties provides for the mutual, cooperative economic growth of our Nation's consumers and producers without resort to the perversely competitive "either-or" atmosphere which now characterizes public and legal discussion on this subject.

Government loans for new businesses provide for the economic growth of our Nation when, combined with comparable private sector activity, all areas of the country are recipients of loans for new commercial development.

Expanded urban homesteading, shopsteading, and lotsteading programs provide housing, jobs, and site preparation for further developmental activities in places where these now do not exist without depleting scarce resources from other areas which may also require additional housing, jobs, and site preparation.

Finally, a National Development Bank would go far toward providing credit to those living or working in areas which for the most part are not in competition with the recipients of credit from more traditional sources.

It seems to me, therefore, that above all the Federal government primarily must not view cities as places where the rich or poor or middle-class live—specially developing whichever program it feels best suits the needs of a particular group, important as these programs often are—but rather as places which require exactly the same levels of opportunity as are found everywhere else. To the extent that there are discrepancies in the opportunities which exist within cities—as in my city—or among cities, suburbs, and rural areas, to that extent our Nation as a whole is impoverished. When people migrate from one place to another solely because they face no opportunity for advancement of any sort where they are, our Nation as a whole is impoverished by the lack of choices offered its citizens. But, to the extent that people migrate from one place to another not because they face no opportunities where they are but because they prefer instead the different opportunities found elsewhere, our Nation as a whole is enriched by its diversity of choice.

In other words, stated at its most basic, just as the great principle of urban development is opportunity development, so too is the great principle of opportunity development private sector development. For it is only in the private sector that any lasting sense of accomplishment and belonging will occur, and it is only in the private sector that assets may be accumulated and a Nation's wealth created. Thus, although the maintenance of a vigorous, productive private economy is critically necessary for all Americans if our cities are to thrive, in one respect it is even more necessary for the rural and central city poor. For a productive private sector represents the only institution in society capable of permitting the poor to escape their poverty; a weak private sector simply does not offer them that opportunity.

It is for this reason that I place no stock in the "limits to growth" psychology which has attracted so many policymakers. Although I will readily admit that we may at some point run out of certain natural resources, I refuse to concede for one moment that this fact inexorably implies that we are running out of the human resources to find substitute goods and thereby to enrich our lives. To so imply would be tantamount to accepting that the poor must remain poor forever because they were left out of the economic system when our growth allegedly began to be limited, and this is something I will never do.

If there are no limits to our Nation's growth, and if the private sector alone will provide the opportunities for all citizens to better their—and our—lives by participating in this boundless growth, how then do we more precisely orient our Nation's policies to providing opportunities for the poor to participate in that system and through their participation to develop the areas in which they live?

I think the answer may be found by considering for a moment that opportunity is a dual concept: it exists for people and it occurs in places. When the movies of the 1940's depicted the simple country boy leaving home to make it in the big city, or when the movies of the 1970's depicted the cynical urban gentleman leaving home to find life's meaning on a farm, the same basic fact underlay both stories: an opportunity attracted a person, and the land upon which the opportunity presented itself benefitted from the person's presence. Thus, growth requires people to confront real opportunities and those opportunities to be acted upon require a setting.

This is the second reason for my identification of opportunity development with urban development. (The first reason, you will recall, is that in all lands thoughout the history of the world people have migrated from areas of less opportunity to areas of greater opportunity.) As opportunities in the cities develop, the land within their borders will develop as well.

Thus, the key to urban development is opportunity development, specifically the development of opportunities within the private sector.

To that end, I have introduced a bill which I would like to discuss briefly with you. That bill, the "urban jobs and enterprise zone act of 1980" (H.R. 7563) was drafted jointly by me and a man who in working closely together with me has very quickly become a good friend, our colleague Jack Kemp of New York. I should point out that our mutual draft is a revision of an earlier bill drafted by Jack himself.

I suppose that it is unnecessary to remind you that Jack and I disagree on numerous issues. What we agree wholeheartedly upon, however, is that the key to areawide redevelopment is opportunity development—or, more precisely, the reestablishment of opportunity producing incentives in areas where they no longer exist but once did—and that it is proper for government to provide incentives to attract businesses to areas which face severe depression, unemployment, and poverty.

For that purpose, in a bipartisan effort that has rapidly attracted many cosponsors from both parties and been greeted warmly in the Nation's press, Jack and I have drafted a bill which, in its essence, would permit the most decayed, poorest, and most underemployed areas of the country to lower a host of personal and business tax rates applicable within them in order to restore incentives for economic activity. These incentives, suffice it to say, now do not exist in these areas for the most part.

Specifically, the Kemp-Garcia bill would:

Allow city and other local governments, including those in the most severely depressed rural and urban areas, to establish enterprise zones with Federal approval.

Require any eligible businesses within the zones which take advantage of the tax reductions to hire at least fifty percent of their workers from within the zones.

Reduce social security payroll taxes on zone employers and employees to encourage hiring of youths and others in hard-core unemployed areas, while providing simultaneously that any temporary shortfalls to the social security trust fund be made up through general revenues.

Reduce capital gains taxes and provide faster depreciation of business assets in order to encourage investment in job-creating businesses within the zones.

Permit the use of cash rather than accrual accounting methods by small firms and an extension of the loss carryforward from seven to ten years.

And allow the establishment of duty-free foreign trade zones for the fabrication of imported and exported products.

Safety and health standards would be maintained, of course, as would all existing social programs and regulations. The hope of this legislation, however, is that as the depressed areas encounter enhanced economic opportunities the residents of those areas will be able to get off the welfare rolls and onto the payrolls.

Our bill is still undergoing changes as it becomes circulated more widely to groups and individuals around the country and benefits from additional improvements. At some point, I would enjoy appearing before the House Ways and Means Committee with Jack to present a more systematic exposition of our bill. We intend also to hold hearings on our draft law throughout the Nation, thereby giving the people a chance to discuss its merits.

Nevertheless, whatever technical changes may take place in the future, I believe strongly right now that this targeted tax cut approach, when combined with the nondiscriminatory National growth policies I discussed earlier, should form and will form the basis for a new, more cogent Federal role in the redevelopment of our Nation's urban areas. Only through the provision of economic incentives in areas where none presently exist will these areas be transformed from consumers of government services to producers of wages and taxes.

Secretary of State Muskie once stated when he was a Senator that, "The problem of the cities is perhaps the most critical domestic issue with which this country has been confronted since the Civil War, if not since the founding of the Republic."

I would agree with that assessment, Mr. Chairman, but I would add to it ". . . and its solution requires the exact same expansion of economic and personal opportunity which led to the founding of the Republic and its explosion into greatness."●

● Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from New York (Mr. KEMP) for brining this special order to the House floor. Revitalization of the inner cities is one of the most serious problems we as Members of Congress must face today. The congressional direction we take in this regard is extremely vital and I believe that Congressman KEMP and Congressman GARCIA have effectively begun to address this serious problem by introducing the Urban Jobs and Enterprise Zone Act.

Since the creation of this great republic we have only seen real economic growth eminate from our innovative business enterprises and small businessmen in the private sector. It is these entrepreneurs who we must turn to to rebuild our inner cities and provide the permanent jobs our inner city poor so desperately need. The Urban Jobs and Enterprise Zone Act will provide the incentive necessary to attract these small businessmen back into our blighted urban areas.

Mr. Speaker, as a cosponsor of this bill, I feel that participation from all segments of our country in its discussion is vital if we are going to adopt the much needed policies that the Kemp-Garcia Urban Jobs and Enterprise Zone Act encompasses. For such reasons, I will close my statement with a copy of a letter from the Honorable "Dutch" Morial, mayor of the city of New Orelans. The mayor's support, in concept, of the bill is important for the Members of this body to note:

CITY OF NEW ORLEANS,
August 21, 1980.

Hon. JACK KEMP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEMP: I want to commend you and Senator John Chafee for introducing the Urban Jobs and Enterprise Zone Act of 1980, S. 2823/H.R. 7563. I would also like to thank you for requesting comments from the City of New Orleans on the proposed Act. I and my Office of Economic

Development staff have read the provisions of the Act and are enthusiastic about its potential. In general, I view the Act as a major initiative to revitalize distressed urban areas by providing much needed investment incentive for the private sector, without the need to earmark additional federal program monies for a particular area or site.

While the City of New Orleans is in full agreement with the conceptual design of the Urban Jobs and Enterprise Zone Act of 1980, there are a few specifics that I feel deserve clarification and redefinition.

First, New Orleans, unlike most major cities, is characterized by a mixture of numerous, relatively small, low, middle and upper income neighborhoods, whose overall statistics tend to mask unemployment and poverty rates in depressed areas. Hence, it may be difficult in cities like New Orleans to define a unique or single enterprise zone made up of contiguous neighborhoods that would meet the stringent unemployment and poverty requirements the Act proposes as outlined below:

Unemployment and Poverty Requirements:

a. The average unemployment for the past 24 months must be at least twice the national average and 30 percent or more of the families living in a zone must be at or below 85 percent of the Bureau of Labor Statistics lower living standard; or

b. The average unemployment rate for the past 24 months must at least be three times the national average; or

c. Fifty percent of the families within the zone are at or below 85 percent of the Bureau of Labor Statistics lower living standards.

Second, although New Orleans is one of America's oldest centers of concentrated economic activity, historic economic and geographic factors have not permitted the establishment of many large areas of the city that are seriously underutilized. In New Orleans, the potential for creating new job opportunities for low and moderate income residents lies in our eastern sector, or our so-called Almonaster-Michoud Industrial District.

As assurance that these conditions would not preclude New Orleans from addressing its serious unemployment and subemployment problems, we would encourage you and Congressman Kemp to adopt Enterprise Zone requirements which would be designed to provide for larger zones or multiple zones, perhaps to the extent that in some cases, whole cities would be utilized as Urban Jobs and Enterprise Zone. Permitting entire cities to be classified as Enterprise Zones may prove to be most appropriate in light of the general lack of available unemployment and income statistics at levels lower than citywide.

The Urban Jobs and Enterprise Zone Act suggests that local property taxes within a zone would be reduced by 5 percent per year for 4 consecutive years. In New Orleans, as will occur in other cities where property taxes are already low, reduced property taxation would not constitute a truly effective incentive for business expansion. At the same time, the cumulative effect of decreased tax revenues on the fiscal health of our city would be very serious and we would need compensation for the decrease.

Fourth, many of the tax incentives offered to individuals and businesses in the zone require that both employer and employee be located in a zone. If the zone designation requirements as outlined in the Act are adhered to, it is very possible that employment growth locations and needy residents may not be includable in a single zone. Many firms and industries may be encouraged to employ groups of needy residents that live in near, but not necessarily adjacent neighborhoods. We therefore suggest that the Enterprise Zone eligibility requirements be modified to guarantee that both low and moderate income neighborhoods and probable job creation areas both be included in zone boundaries or that the tax incentives in the Act be made available to private firms which already employ or commit to employ residents of the targeted or zone populations.

In closing, I want to repeat my general support of the Urban Jobs and Enterprise Zone Act of 1980 and my belief that the Act can serve as a powerful tool to stimulate new private investments and jobs keyed to the residents of disadvantaged neighborhoods. I would only add the significant factor that the Act could and perhaps should be expanded to include recognition of the serious need to provide significant additional incentives for private sector based skills training programs, without which there is not really much likelihood that either the tax or the investment incentives cited in the Act alone will assure the desired outcome.

Please feel free to contact me at your convenience if I can be of any further assistance. Thank you for this opportunity to comment on your very worthwhile proposal and for your consideration of my comments.

Sincerely,

ERNEST N. MORIAL,
Mayor.●

● Mr. STOCKMAN. Mr. Speaker, the articles that follow discuss an exciting new idea that would go far toward revitalizing urban America. The legislation proposed by the gentleman from New York (Mr. KEMP), offers massive tax breaks to private industry and individuals that will locate and work in the depressed sections of our cities.

The Urban Jobs and Enterprise Zone Act, H.R. 7563, is designed to eliminate city poverty through the promotion of private enterprise rather than public handouts. The bill points the way to genuine urban renewal—renewal based not on the empty promises of a new Federal urban aid program, but on the solid growth that private incentive and investment will bring.

[From the Detroit News, July 8, 1980]

ISSUE: THE SUFFERING CITIES

Since the beginning of what has been called America's "urban crisis," the Democratic Party has been the cities' chief advocate in the political arena.

Many of the programs aimed at making decaying cities livable and prosperous—principally public-employment programs, housing assistance, and income transfers—have come from Democratic presidents or a Democrat-controlled Congress.

Unfortunately, as we in Detroit know too well, few of these programs could be termed successful in any comprehensive sense. Deteriorating cities are, by and large, still deteriorating.

This isn't to say the programs have had no effect. In the area of income transfers, they have made life easier for a broad constituency of poor people. Housing programs have provided shelter to a vast group of city dwellers. And public-employment programs have put large numbers on government payrolls.

The economic cost of these measures has, of course, been enormous. And critics, primarily conservatives, have usually targeted these costs when attacking the Democratic agenda.

But what of the social costs?

Has massive income redistribution brought the poor into the mainstream of American society? Or has it created a permanent underclass, dependent on an entrenched federal Establishment that needs the poor as clients to justify its very existence? Has it broadened opportunities or guaranteed an ever-shrinking economic pie, to be doled out in smaller and smaller slices?

Have the housing programs strengthened neighborhoods and encouraged pride in home ownership? Or have they encouraged blight and locked poor families into grotesquely designed and crime-infested "projects"?

Have the public-employment programs, like the Comprehensive Employment Training Act (CETA), prepared people for productive jobs in the private sector? Or are they another means of expanding the public sector at the expense of the market economy?

The answers to these questions aren't simple. But the most generous thing that can be said about most of the social programs undertaken in recent years is that they haven't met their short-range goals.

Until now, though, they've been virtually the only game in town.

If the GOP is serious about leading the country in the 1980's, it is going to have to change this by developing a comprehensive strategy for reviving the central cities.

The centerpiece of any effective urban strategy should be massive federal tax breaks to private businesses which locate or expand in targeted poverty areas. Such a program has been proposed in Congress by Rep. Jack Kemp, R-N.Y. It would require no new bureaucracy and no army of social workers; so it's unlikely to find support among public-employe groups. But it might just work, since federal tax policies have a decisive impact on almost all business decisions made today.

Too, it might be wise to return more tax money, and authority for allocating it, to local officials. Washington now takes money from the cities in the form of taxes, and returns it in fragmented programs with endless strings attached. Flat grants, unencumbered by federal regulations and priorities, would give local officials the flexibility to spend money where it's needed most.

The GOP should also look at the current British campaign to sell public housing to its tenants and at a long-standing proposal to reduce the minimum wage for summer jobs performed by teen-agers.

A national commission of private businessmen, union officials, academics, local politicians, and ordinary citizens should be asked to develop recommendations for coordinating public and private efforts to rebuild the central cities.

Finally, the Republican platform should include a strong commitment to an urban reconstruction program, based on federal incentives for private enterprise and increased local control of spending.

This may not be high on the agenda of some of the party faithful. Yet, it is absolutely essential, not only to winning elections, but to effectively governing a diverse country—a country in which the old cities have become repositories of the wretched poor.

[From the Detroit Free Press, July 31, 1980]

GREENLINING: REPRESENTATIVE KEMP'S PLAN COULD BOOST URBAN JOBS WITH LITTLE RISK

Rep. Jack Kemp, has hit upon something most intriguing with his "urban greenlining" approach to urban revitalization. And unlike his more famous proposal to cut the federal budget by 30 percent, adopting his urban development plan would be virtually painless.

The plan, embodied in a bill sponsored by Mr. Kemp, aims at encouraging economic

development and job creation in inner city communities by setting up "enterprise jobs zones." Within these zones, identified by the localities and approved by the federal government, entrepreneurs would be offered a wide range of tax incentives.

Social Security taxes would be reduced for both employers and employes. The capital gains tax on investments would be reduced. Business tax rates would be lowered. And businesses would be allowed to use more profitable accounting practices. The result presumably would be more entrepreneurial activity and, hence, more jobs.

Even if the plan doesn't work, argues Mr. Kemp, the loss to the federal budget would be minimal since the unemployed minority teenager "is producing no taxable income for the government to lose." Mr. Kemp estimates the total cost to the treasury might amount to $1.4 billion. On the other hand, if the plan does work, some of the federal dollars now going for welfare could be released for other purposes.

At this time no one can really say what the net result of Mr. Kemp's plan would be. What is clear, however, is that the solutions America has so far come up with have left millions of citizens unemployed and in poverty. Clearly, something more is required. And Mr. Kemp seems to be headed in a promising direction.●

● Mr. NOWAK. Mr. Speaker, I would like to join in support of my colleagues' concept of targeting tax incentives to create jobs and investment in economically distressed areas.

I am inserting in the RECORD a resolution on this subject adopted September 4, 1980, by the Erie County, N.Y., Legislature.

RESOLUTION

Whereas, H.R. 7240, the "Urban Jobs and Enterprise Zone Act," is pending in Congress with bipartisan sponsorship and is designed to stimulate employment and investment in declining urban areas by creating special urban jobs and enterprise zones in which unique tax breaks and incentives would apply to both businesses and workers, and

Whereas, To encourage job creation in the inner city, particularly for youth, the bill would reduce Social Security payroll taxes on employers and employees by 90% for workers under 21, and 50% for workers 21 and older, and

Whereas, To encourage business expansion and to retain existing enterprises, the bill would reduce business tax rates 15% across the board for any business located in and employing at least half of its employees in one or more zones, and

Whereas, To increase small business incentives—and small businesses create almost all the new jobs in the inner city—the bill would allow three-year straight-line depreciation for the first $500,000 of assets purchased each year, would allow the use of cash or accrual accounting for firms with gross sales below $1.5 million, and would extend the loss carryforward to ten years, and

Whereas, Basically, H.R. 7240 would allow local governments to establish "Private Jobs and Enterprise Zones" in areas with high levels of poverty and unemployment, and

Whereas, Designation of such areas would be based on criteria similar to that required for U.S. Economic Development Administration programs, and

Whereas, Congressional enactment of this proposal would help solve the high and tragic level of unemployment and expand the tax base in Buffalo, New York State, the Northeast and other pockets of economic despair,

Now, therefore, be it

Resolved, That the Erie County Legislature hereby goes on record in support of H.R. 7240, the "Urban Jobs and Enterprise Zone Act," and requests Congress and the President to enact it, and be it further

Resolved, That certified copies of this resolution be sent to United States Senators from New York, Congressional representatives from Erie County and the President.

● Mr. GINGRICH. Mr. Speaker, according to the Bureau of Labor Statistics, the youth unemployment rate for August was 19.1 percent. This is tragic.

Youth unemployment among minorities, age 16 to 19, was at 37.4 percent. This means that an overwhelming number of minority youths looking for employment in August just could not find anything.

For many years our Government has attacked this problem of minority youth unemployment with a short-term solution—Government-sponsored job training programs. These job training programs have done very little to curb the rising rate of youth unemployment. What we need is a long-term answer to our youth unemployment problem and I believe the Kemp-Garcia Urban Jobs and Enterprise Zone bill will provide part of the solution.

According to an editorial in the Richmond Times-Dispatch, there are a growing number of leaders from predominantly black and Hispanic communities that feel the urban jobs and enterprise zone bill may help youths find jobs. In addition to creating job opportunities for minority youths, the bill would also allow many black families and would-be businessmen the opportunity to establish their own business.

I thought my colleagues would be interested in reading the remarks made in the editorial concerning the impact of the urban jobs and enterprise zone bill in inner-city minority communities. The text of the editorial follows:

THE URBAN FRONTIER

Hardcore unemployment and economic depression plague inner cities in spite of many years of expensive government programs designed to renew blighted neighborhoods. William Douthit, president of the Urban League of Metropolitan St. Louis, says that during the past two decades his office has been visited by thousands upon thousands of youngsters, unemployed and unemployable even though many of them had participated in government job training and public service employment programs.

Government-sponsored job training programs, declares Mr. Douthit, "are rigid and specific and must proceed as directed in the State, Federal or local grants that pay for them. . . . They often produce more auto mechanics, spot welders or key punch operators than the community can absorb." Public service employment programs "that teach painting stripes down the middle of streets or park maintenance," says the Urban League leader, "are dead-end programs that prepare the clients they are designed to help for no future except enrollment in the next year's public service employment program.'

Mr. Douthit is one of a growing number of leaders from the nation's predominantly black and Puerto Rican inner-city constituencies who are expressing enthusiasm for the idea of urban "enterprise zones," sorely blighted areas wherein tax and regulatory burdens would be eased substantially as an incentive to new, private business activity. Speaking at a recent seminar conducted by Washington's Heritage Foundation, Mr. Douthit was echoed by black businessman J. A. Parker, who argued that "instead of fighting the Webers and the Bakkes" for job and training opportunities, blacks should be encouraging economic freedom and growth in order to develop greater opportunities for all Americans to share. Mr. Parker noted that middle-income blacks, who in greater numbers than ever before have accrued personal savings that would enable them to establish their own small businesses, are discouraged from entrepreneurship at least as much as middle-income white because of government red tape and excessive taxation.

The idea of enterprise zones was originated by a maverick British Laborite and embraced by the conservative government of Margaret Thatcher, which soon is expected to create seven such districts wherein tax rates and regulatory delays and paperwork will be substantially reduced. The plan enjoys support from both socialists and freemarket advocates. The 1980 Republican platform endorses the idea, and Ronald Reagan has promoted it, notably in his speech before the National Urban League convention and in his recent televised debate with John Anderson.

In Congress, two New Yorkers are the most avid advocates of the plan. Rep. Robert Garcia, a liberal Democrat who represents the desolate South Bronx, and Rep. Jack Kemp, the unconventional Republican conservative who serves a blue-collar constituency in Buffalo, have introduced legislation to authorize the establishment of enterprise zones where federal tax rates on personal and business income and capital gains would be slashed drastically provided that local and state governments agreed to cut their income and property taxes in the same areas. To qualify as enterprise zones, areas of one to two square miles would have to suffer from unemployment and poverty rates two to three times as severe as the national average. Rep. Kemp proudly distinguishes his plan from tax abatement, remarking that a business taxed at a low rate is better for the Treasury than an enterprise that was never begun because of high tax rates. Reps. Kemp and Garcia recently were joined in sponsorship of their bill by Rep. William Gray of Philadelphia, a Democrat and a member of the Congressional Black Caucus.

The Urban League's Mr. Douthit has given the idea of enterprise zones perhaps its most forceful endorsement. He says: "It is too good an idea to discard because the unions won't like it, businesses unwilling to relocate will scream 'unfair,' kneejerk liberals will scream 'exploitation' or partisan politics will cause it to be forgotten by Congress. It appears to me, out of many years of experience, as the best chance we have to preserve our great cities and make them livable in the future."

We, too, are eager to see this plan for entrepreneurial incentive given a test in America's cities. The idea quite evidently is so powerful that the mere discussion of it already has begun to knock down some of the old barriers of prejudice and ideology.●

U.S. SHORTAGE OF STRATEGIC METALS AND MINERALS AND THE NEED FOR USE OF THE BARTER PROVISION

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

man from Ohio (Mr. MILLER) is recognized for 30 minutes.

● Mr. MILLER of Ohio. Mr. Speaker, On April 5 of last year I offered an amendment to H.R. 3324, the International Development Act of 1979, to require the President to report annually to Congress the steps he has taken to implement section 663 of the Foreign Assistance Act of 1961. Section 663 provides for the bartering of foreign aid for strategic and critical raw materials.

The joint conferees to that bill, however, recommended that any barter arrangement be reported in the annual foreign assistance report, required by section 634 of the act, if the provision (section 633) is ever used.

It is with growing concern that I must say that the President has yet to use his barter authority. The President has not yet reported making any effort to consider benefits from its implementation. As we become increasingly dependent on foreign suppliers of critical metals and minerals, it is alarming that the President would continue to refuse to shore up this country's strategic minerals supply by utilizing this provision which I authored and which the House agreed to in 1974 by an overwhelming recorded vote of 244 to 136.

The use of barter by the United States to acquire strategic materials is not a new concept by any means. During the late 1950's, for instance, barter was used to reduce surplus U.S. agricultural commodities and to build up U.S. strategic stockpiles.

Never before has the need for strategic stockpiling been more evident than it is today. The GAO has reported that under current programs it will take 15 to 20 years to build up our badly deficient strategic stockpiles. But with so many regions of the world in turmoil, we are being unrealistic, and forgetting recent history, if we expect to avoid all market disruptions for 15 to 20 years. Failure to take immediate steps to fill our stockpile is evidence of sheer complacency.

We cannot afford to be complacent. While we are becoming increasingly dependent on foreign supplies, the U.S.S.R. is rapidly achieving total self-sufficiency, and is already a net exporter of most strategic materials. The U.S.S.R. is self-sufficient in 21 of 27 strategic materials. The United States, however, is self-sufficient in only 5 of the 27 materials. The following table from the U.S. Bureau of Mines shows the percentage of sufficiency by the U.S.S.R. and the United States in 27 critical commodities:

COMMODITY SUFFICIENCY, 1975

[In percent]

Commodity	U.S.S.R.	United States
Aluminum	140	102
Antimony	90	51
Asbestos	150	18
Barite	50	68
Bauxite	60	9
Chromite	230	9
Coal—Anthracite	110	110
Coal—Bituminous	100	115
Cobalt	100	2
Copper, refined	130	102
Fluorspar	50	15
Gas, natural	100	90
Gold	240	48
Iron ore	120	70
Lead, refined	110	89
Manganese	120	2
Nickel in ore	100	28
Petroleum, crude	120	65
Phosphate	130	105
Platinum group metals	140	17
Potash	150	49
Steel, crude	100	91
Sulfur	100	95
Tin in ore	80	16
Titanium	100	75
Tungsten	70	45
Zinc	110	39

Source: U.S. Bureau of Mines.

In the August 1980 issue of the U.S. Department of the Interior Bureau of Mines' "Minerals and Material a Monthly Survey," the following startling table is presented:

U.S./U.S.S.R. NET IMPORT RELIANCE OF SELECTED MINERALS AND METALS AS A PERCENT OF CONSUMPTION IN 1979 (U.S.S.R. IN 1978)

Minerals and metals	U.S. percent reliance	U.S. major foreign sources (1975–78)[1]	U.S.S.R. percent reliance
Columbium	100	Brazil (67), Canada (9), Thailand	0
Mica (sheet)	100	India (80), Brazil (8), Madagascar (3)	10
Strontium	100	Mexico (96), Spain (4)	0
Titanium (rutile)	100	Australia (88), Japan (5), India (4)	[2] 20
Manganese	98	Gabon (23), South Africa (20)	0
Tantalum	96	Thailand (31), Canada (15), Malaysia	0
Bauxite and alumina	93	Jamaica (33), Australia (27), Guinea	52
Chromium	90	South Africa (44), U.S.S.R. (12)	[2] 44
Cobalt	90	Zaire (41), Zambia (10), Canada (5)	[2] 45
Platinum-group metals	89	South Africa (50), U.S.S.R. (22)	[2] 32
Asbestos	85	Canada (96), South Africa (3)	50
Tin	81	Malaysia (55), Thailand (16)	21
Nickel	77	Canada (54), New Caledonia (8)	[2] 9
Cadmium	66	Canada (22), Mexico (13)	[2] 29
Potasium	66	Canada (94), Israel (3)	[2] 6
Mercury	62	Algeria (23), Yugoslavia (9)	[2] 42
Zinc	62	Canada (48), Honduras (3)	0
Tungsten	59	Canada (23), Bolivia (15), South Korea (9)	0
Gold	56	Canada (43), Switzerland (20)	[2] 145
Titanium (ilmenite)	46	Australia (55), Canada (42)	12
Silver	45	Canada (37), Mexico (24), Peru (15)	19
Antimony	43	South Africa (34), Bolivia (11)	[2] 10
Barium	40	Peru (30), Mexico (12), Morocco (9)	51
Selenium	40	Canada (46), Japan (21), Mexico (6)	[2] 9
Gypsum	33	Canada (74), Mexico (20), Jamaica (4)	0
Iron ore and iron and steel scrap.	28	Canada (54), Venezuela (21), Brazil	[2] 20
Vanadium	25	South Africa (57), Chile (25)	[2] 31
Copper	13	Canada (25), Chile (24), Zambia (15)	[2] 3
Iron and steel products	11	Japan (43), Europe (37), Canada (10)	[2] 2
Sulfur	11	Canada (55), Mexico (45)	[2] 17
Cement	10	Canada (50), Mexico (10)	[2] 44
Salt	9	Canada (34), Mexico (26)	0
Aluminum	8	Canada (60)	[2] 2
Lead	8	Canada (28), Peru (17), Honduras	[2] 3
Pumice and volcanic cinder.	4	Greece (82), Italy (18)	0

[1] Percentage supplied by country in parentheses ( ).

[2] Exports.

Subsection 6(c)(1) of the Strategic and Critical Materials Stockpiling Act of 1979 (Public Law 96–41) states:

The President shall encourage the use of barter in the acquisition of strategic and critical materials for, and the disposal of materials from the stockpile when acquisition or disposal by barter is authorized by law and is practical and in the best interest of the United States.

This language gives the President sufficient latitude and discretion to work out the right kind of barter arrangements. Unfortunately, the President has altogether avoided using barter for obtaining strategic materials. There is nothing complicated about how barter works. It was mankind's first form of value exchange. It can and will work in today's world if given the opportunity.

Here is one example:

A developing country might have a very real need for foreign exchange and at the same time have a surplus of a given mineral or of oil which it would like to contribute to the United States at the going prices rather than risk a drop in demand for the surplus product and, subsequently, a drop in prices. For example, such an arrangement might be possible in the case of Zaire—one of the United States two main sources of cobalt. Zaire is an unstable country, which owes billions of dollars primarily to Western banks. It very much needs debt relief as well as additional foreign exchange. Zaire also had a substantial excess of cobalt inventories. If Zaire's cobalt could be moved through barter arrangements rather than through regular market channels, it might prove to be of assistance to all concerned, assuming that the U.S. Government would not otherwise purchase Zairian cobalt for the stockpile. It would prevent cobalt prices from falling due to oversupply, free up Zairian foreign exchange for buying abroad and paying off debts, and help the U.S. strategic posture.

Bartering with Zaire would also help us to erase our 1977 stockpile deficit of 44,523,074 pounds of contained cobalt—a metal used in the manufacture of jet engines, paint, magnets, and steel.

Barter arrangements could also be considered on a regular basis when the annual allocation of foreign assistance among countries is being determined. Rather than automatically providing financial assistance or goods and services, the natural resources (oil, minerals, and so forth) of each country could be evaluated (though it must be noted that not all countries receiving foreign assistance are endowed with natural resources), and a determination made as to what, if any, part of these resources could be exchanged for foreign assistance.

Section (c)(3) of the Strategic and

Critical Materials Stockpiling Act of 1979 provides that:

To the extent otherwise authorized by law, property owned by the United States may be bartered for materials needed for the stockpile.

Thus, to the extent that a U.S. national stockpile item needs to be rotated or disposed of, it could be decided that no cash would be spent until the barter route had been explored. For example, in December 1979, the President signed a bill authorizing him to dispose of excess amounts of tin and industrial diamond stones (the Strategic and Critical Materials Transaction Authorization Act of 1979. Public Law 96–175 of December 29, 1979). Though the law authorizes the disposal of certain excess items, it does not specify how they are to be disposed of. In view of section (c)(3), perhaps a barter arrangement could be initiated with regard to tin and industrial diamonds, and these items offered to traders in exchange for deficit stockpile commodities.

Regrettably, the country is already engaged in a barter arrangement of sorts. For by continuing to pour dollars into foreign aid programs while realizing few if any tangible results, the United States is bartering away its future security. We can correct this problem by requiring Third World nations who receive U.S. foreign aid to trade us strategic minerals and metals in return for this aid. There is no reason why these countries should receive a "free" gift from the hard pressed American taxpayer. It is time that we move toward a foreign aid program which is mutually beneficial—and in many cases, bartering can help us to make gains in our assistance programs by providing immediate relief for our international allies and by preserving our own future security and well-being.●

THE CONGRESS HAS FAILED ON FEDERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, with the recess for the elections imminent, I am deeply disappointed and frustrated with the attitude that the Congress and its leaders have taken regarding the issue of general revenue sharing. This program, first enacted in 1972, expired on September 30 without the needed reauthorization. The Congress, in its inaction, has left countless State and local government officials in a quandary as budgets for their States and communities are being finalized for next year.

While I have some serious reservations about H.R. 7112, State and local fiscal assistance amendments, on balance it is a good proposal which will continue in most respects a thoroughly tested and successful program. H.R. 7112, which contains many aspects of the current Federal general revenue sharing program, reauthorizes a total amount of $13.5 billion for fiscal years 1981, 1982, and 1983 to local governments. Continuing the basic provisions of general revenue sharing for our local general purpose governments is something I enthusiastically support.

I believe that the importance of the revenue sharing program cannot be overly stressed. Since the inception of the program in 1972, my district has received nearly $80 million in revenue sharing moneys, which have been used for capital improvements and for many other useful public purposes. In addition, this bill includes many needed changes with respect to the existing distribution formula. Limiting the tax effort factor of localities to 250 percent of a statewide average should assure that a more equitable distribution of funds will result.

My reservations though, about the bill are significant. For the first time since this program was authorized 8 years ago, States will not share in the bill presented to us by the Government Operations Committee. This is a mistake, and I intend to support the effort by our colleagues, Messrs. CONABLE and WYDLER, to include States in the program for fiscal years 1982 and 1983. More importantly, the Conable-Wydler amendment will insure that funds to the States would be made under an annual appropriations basis, rather than on an entitlement basis. Without the adoption of this amendment, Illinois public schools will be hard-pressed to substitute funds from other sources, since the entire State share of the revenue sharing program in Illinois in the past has gone to the schools.

Also, I will support an amendment offered by my colleague, Mr. WALKER, to remove the $1 billion countercyclical title of the bill. I object to the proposed inclusion of this antirecession program inasmuch as such a program is neither a part of the budget resolution, nor is it germane to general revenue sharing.

Finally, I believe that this bill, like its predecessors, reconfirms the success of a program which returns moneys to the local officials who best know what to use them for to effectively promote capital improvement programs and the like in their communities. Until the time when more moneys can remain in the local areas and not travel to Washington to be redistributed, the revenue sharing program remains our best bet. The "no-strings-attached" approach, with little of the Government redtape that is constantly harassing our local and State officials, contained in this concept should be included in many other grant-in-aid programs now in existence. We should move promptly to institute this approach in these Federal programs.

In conclusion, Mr. Speaker, I rise in support of H.R. 7112, and I urge the leadership to bring up this matter as quickly as possible following the reconvening of the Congress on November 12.●

GREEN DEFENDS LITHUANIAN DEMONSTRATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 5 minutes.

● Mr. GREEN. Mr. Speaker, on July 18, 1980, eighteen Americans of Lithuanian descent were arrested during a peaceful demonstration in front of the Soviet Embassy. They were protesting the Soviet invasion of Afghanistan and continued occupation of Lithuania. These are patriotic, law-abiding citizens.

They were arrested for violating a law which states that demonstrations cannot occur within 500 feet of an embassy. None of the eighteen visibly protested this action. Indeed, the arresting officers praised them for their cooperation.

On October 7, these 18 Americans will be tried. This seems particularly inappropriate to me. It was not long ago that a very violent demonstration, by Iranian students, was held in Washington to protest U.S. policy. After looking at all the options, the U.S. Attorney General decided the best course of action was to drop all charges against those arrested in this demonstration.

I am not ridiculing this decision. My point is that the eighteen freedom-loving Americans arrested in front of the Soviet Embassy deserve at least the same treatment. Clearly, justice would not be well served if the punishment of a crime were determined by the cause of the individual arrested. I am not arguing that the patriotism of these Americans should lead to lenient treatment. I am saying that these people should be treated as the Iranians were. The charges should be dropped.

It is difficult to overlook the cause these Americans are fighting for. For 40 years the Soviet Union has occupied Lithuania. This has brought all the hardship one would expect. Religious and political freedom are virtually nonexistent. Yet, the people of Lithuania fight on.

We have maintained relations with the true representatives of Lithuania. I applaud this action and will work to see it continued. It provides us with hope. Hope that one day Lithuania and all other captive nations will be free of Soviet dominance.

Hope is what the demonstration on July 18 was all about. To treat these freedom fighters in an uncharacteristically harsh manner would be a travesty.●

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

● Mr. MCKINNEY. Mr. Speaker, the unfinished agenda of this Congress contains its most important goals—a balanced Federal budget and anti-inflationary tax relief. The President, and the Democratic majority in Congress, have somehow con-

vinced themselves (and now must rush home to try to convince the American people) that these vital national policies can wait another month or two, I am not convinced.

The tragic illogic of their self-deception lies in the obvious truth that the economy refuses to dance to the tune of political siren songs or pious White House pronouncements. Instead, it continues to react negatively to the administration's tight credit program, erratic fiscal signals and stagflationary monetary policies. If political considerations could be put aside, the majority of my Democratic colleagues would have to agree that this economy demands immediate relief from the crushing tax burden imposed by inflation and wasteful Government spending.

When partisanship is put aside, that is the indisputable conclusion. For example, last month, in its fourth consecutive unified report, the bipartisan Joint Economic Committee (JEC) reasserted the proposition that tax relief was already overdue. Echoing the JEC 1980 annual report's conclusion that:

America does not have to fight inflation in the 1980s by periodically pulling up the drawbridge with recessions and doom millions of Americans to unemployment.

The midyear review carefully analyzed Congress response to past recessions and found it inadequate. The JEC was forced to admit what this administration simply refuses to see—Government action in response to recession is usually too late and has its effects only on the mid- to long-term economic condition. Therefore, the committee recommends that:

Congress should design policy initiatives taken during a recession for the purpose of *enhancing the quality of the recovery* (emphasis added) and promoting sustained growth. With respect to the recovery from the current recession: (1) Any tax cut that Congress enacts during the next year should be carefully targeted to improve productivity, reduce inflationary pressures, and create jobs for the long run. Accordingly, about one-half of the next tax cut should be directed to increasing productivity, with the remainder of the tax cut directed at reducing personal rates in order to stimulate work, saving, and investment at the individual level. Any tax cut should be accompanied by systematic and vigorous efforts to reduce or eliminate unnecessary and wasteful government spending.

Despite administration claims that a nascent recovery is underway, these steps have not been taken to improve the long-range quality of the recovery. On the contrary, most economists forecast a fitful, uncertain recovery burdened by a $50 billion budget deficit in fiscal year 1981.

Toward the goal of a timely, supply-oriented tax bill in this Congress, I moved last December to discharge the Ways and Means Committee from its consideration of the Capital Cost Recovery Act (H.R. 4646). While I believe it is a disgrace that the only House tax bill must be assembled piece by piece, discharge by discharge, I am today joining my colleague, Representative MILLICENT FENWICK in her motion to discharge H.R. 3609 (petition 14) repealing the so-called marriage tax—the excess tax paid by a two-income couple on a joint return. I do so because I believe, as does the JEC, that individual tax cuts are as much a part of the supply-side enhancement of incentives as business depreciation reforms. Both President Carter and the Senate Finance Committee recognized the need for this type of tax relief in their recent proposals. Unfortunately, neither showed the leadership needed to enact those changes this year.

Much has been said lately that we cannot afford tax cuts, especially across-the-board rate reductions of any size or duration. As I see it, that logic goes something like this: Carter administration policies have failed to reduce inflation (4.8 percent in 1977 to 12 percent today), have failed to curb Federal spending (the fiscal 1980 deficit of $60 billion is the second largest ever), and have exacerbated the recession through wildly erratic monetary levels; so we just cannot afford a tax cut. But next year (right after the election), when inflation is forecast to remain above 10 percent and the budget still $30 billion in deficit, we can afford a $7 billion tax cut. That is not logic, it is cynical politics that would be laughable if the economic welfare of millions was not at stake.

In my view, substantial tax relief is needed if only to reduce the magnitude of scheduled tax increases. This year Federal taxes alone will consume almost 22 percent of the average taxpayer's income. Scheduled social security tax hikes and the unlegislated tax increases due to inflation (called "bracket creep") will add more than $25 billion to next year's tax bill even if the administration's latest "economic recovery" proposals are fully adopted. Therefore, it seems apparent that the size and timing of further tax cuts must at least lift that remaining burden.

Prevailing economic conditions—inflation, budget deficits, interest rates—determine how much, but not whether, tax relief can be digested by the economy without triggering additional inflation. While the Carter recession and erratic monetary policies have mortgaged our ability to extend the broad, immediate tax rate reductions envisioned in the Kemp-Roth proposals, I have long believed that we must ease the bloated tax burden that now strangles new savings, new investments, new jobs, and a better future. Even the President's own chief inflation fighter, Dr. Alfred Kahn, admits that such sweeping tax cuts are "inevitable." To me, that means the sooner the better.

Of course, any substantial reduction in taxes will require fiscal restraint. That cannot be denied. There is no magic formula (the Laffer curve notwithstanding) that allows us to reduce taxes, increase defense spending, and balance the budget. The only true magic lies in restoring economic growth thereby creating jobs, enhancing the tax base and reducing the demand for Government transfer payments (unemployment, welfare, food stamps, et cetera). That will never happen as long as the Federal budget consumes an ever larger share of a shrinking national economic pie. The tough spending decisions must be made now, in this budget, to accommodate tax cuts. While economists of all political stripes concede that a properly balanced tax cut in the range of $25 to $30 billion in 1981 would not be inflationary, further timidity and inaction surely condemns the economy to continued stagnation.

In this budget alone, I have voted for more than $30 billion in spending cuts and authorization reductions, including the $6.4 billion spending reductions mandated by the unprecedented reconciliation bill. None of those votes was easy, and not all were as successful as I would have liked in eliminating wasteful Government spending—especially the year-end splurges that have come to characterize the "use it or lose it" funding cycle here. But it is clear to me there is sufficient fat in the budget to allow necessary tax cuts without crippling vital programs.

In my testimony before the House Ways and Means Committee last July, I advocated a 1980 tax bill reflecting the bipartisan consensus of the JEC that any tax cut be divided evenly between business and individual tax relief, with depreciation reform as its centerpiece. Still, personal tax cuts are an equally important component in making this supply-oriented tax program work because taxpayers traditionally save and invest a larger share of marginal, additional income when the overall economic climate provides incentives to do so. The bill recently drafted by the Senate Finance Committee follows that prescription by calling for a 4 percent personal tax rate reduction as well as depreciation reforms and other business incentives. The "cost" of those proposals in terms of Federal revenue totals $18 billion in fiscal 1981, with 40 percent of that going to business and capital formation. While that bill does not go as far as the $25 or $30 billion 1981 tax cuts that most economists agree could be enacted without increasing inflation, I believe it represents a sound beginning and an important bipartisan recognition that the administration's timidity regarding tax cuts is misplaced.

Mr. Speaker, if inaction by the Democratic leadership in Congress and the Carter administration permits current law and inflation-induced tax hikes to continue, Federal receipts will reach $604 billion next year and top $1 trillion by 1985. The tax cuts advanced by the Senate committee would reduce that figure by $75.8 billion. However, I think it important to note that these "static" revenue loss projections reflect none of the revenue feedback that a revitalized economy would produce. While it can be argued that a 40-percent reflow to the Treasury is not an unreasonable expectation, even a minimal 20 percent feedback due to new payoll and business taxes would reduce that 1985 revenue loss to $60.6 billion, or 1.3 percent of projected 1985 GNP. I do not think that is too much to return to the American people as a sound investment in our economic future.●

RESTORIUM IN BOUNDARY COUNTY FINE EXAMPLE OF LIVING FACILITIES FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

● Mr. SYMMS. Mr. Speaker, last evening the Senate passed an amendment which clarifies the definition of "public institution" under the supplemental security income program by stating that in order for an institution to be classified as a "public institution," that institution must receive a substantial portion of its operating income from public funds.

Several years ago, the citizens of Boundary County, Idaho, constructed a nonmedical group care home for the senior citizens in that area who were no longer able to maintain their own homes. After the senior citizens moved into the Restorium in 1976, the Social Security Administration declared that they were inmates of a public institution and therefore were no longer eligible for SSI benefits, even though the Restorium receives no operational funds from the county which paid for its construction. Operating funds for the facility come mainly from the residents and their families.

The residents of the Restorium challenged the Social Security Administration's decision and the issue has not yet been resolved, and since that time similar cases have been brought to court throughout the United States. The measure passed by the Senate would clarify the ambiguities in the law and it is my hope that the House will want to rectify the current inequities in the law, as the Senate did last evening.

The intent of the SSI program to provide a minimum income to the most needy blind, disabled and elderly individuals is honorable and for the most part, the program is administered on a sound and equitable basis. However, there is this "gray" area in the definition between public and private institutions.

The Restorium in Boundary County, Idaho, is a fine example of a local effort to provide decent living facilities for the senior citizens in that area. The Congress hopefully will encourage other communities in taking steps to provide a high quality home for their senior citizens, disabled and blind by accepting the Senate measure which will clarify this area of the law.

ITALIAN-AMERICAN HERITAGE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, I am pleased to note that the Senate has just joined the House in unanimously passing our joint resolution designating the week of October 12–19 as "Italian-American Heritage Week," and that the President will soon be signing this proclamation.

As an initial cosponsor of House Joint Resolution 568, I am extremely gratified that this resolution rapidly passed both Houses of the Congress. It is a most fitting tribute not just to the discoverer of America, Christopher Columbus, but to all the Italians who came to our shores and to their descendents: the people who have done so much to enrich our country through their talents, their intelligence, and their unswerving commitment to the principles upon which our great Nation was founded. There is no field of human endeavor; whether the arts, sciences, business, labor, or government where Italian-Americans have not excelled.

In June, I also had the honor of cosponsoring legislation designating June 22, 1980 as "National Italian-American Day," honoring our Italian-American citizens on the 75th anniversary of the founding of the Order of the Sons of Italy in America, the oldest and by far the largest national organization of Americans of Italian descent. Chapters of this great order are found throughout our Nation from the shores of the Atlantic to Hawaii and from Canada to the Gulf of Mexico. Its charitable, civic, and cultural contributions are legion. Its philanthropic work alone testifies to its unswerving commitment to our Nation and its future.

It is particularly fitting that Congress has passed both these resolutions this year because they represent a well-deserved turning point in our Nation: An Italian discovered America and America is finally discovering its Italians.

In a search for our own modern sense of national identity, we find ourselves turning to those values which have always been the cornerstone of the Italian-American way of life: Values based upon the "three R's of reverence, respect, and responsibility."

Although we Americans come from every part of the world, we share a community of values in our country which has as its center a belief in the values of family, work, neighborhood, peace and freedom—those values which are at the heart of the Italian tradition. The Italian-Americans' pride—pride in accomplishment, pride in heritage, and pride in country—as well as their courage and faith, stand as a beacon lighting the way for all of us. Their dream—not just for themselves, but for their children and grandchildren—have become a part of the American dream. Their spirit, drive, and dedication have come to epitomize all that is good in our country.

It is fitting that we honor those to whom we are indebted, and it is with a sense of pride that I am pleased to have been able to assist in this effort through my active cosponsorship of these legislative milestones which give true recognition to our more than 20 million Americans of Italian descent and their illustrious forefathers.●

IN THE MATTER OF MICHAEL J. MYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to sum up and conclude in these remaining hours of the second session before recessing the saga that I tried to develop about the very bad crime, the assassination of Federal District Judge John W. Wood and the attempted murder of the assistant Federal district attorney for the western judicial district in Texas; but I do so in sort of a tandem discussion or observation with respect to what the House did today.

□ 1710

I say this coincidentally with some of the remarks just heard from my colleague who just completed his special order with respect to the Lithuanian and Lithuanian-American situation. Of course, I think it stresses something that the common folk are always talking about or at least observing to me and it reminds me of this English saying to the effect that the law will punish and arrest the man who steals a goose from the common but it will turn loose the man who steals the common from the goose.

This is so true. We see, for example, here in the District where a poor woman is arrested, incarcerated, and held without bond because she was eating a sandwich on the subway while murderers, not one time but several times, are out on bond recommitting the crime. So obviously we live in distempered times and the action of the House today, in my opinion, is a very shameful episode at this juncture in our historical development and in the processes of the House.

Since I used rather strong language, and I never use language haphazardly, though I may speak extemporaneously and in quite a passionate way, every word is very carefully selected and evaluated and I am one who respects words and their use and their intended use and their impact. I used strong language and I said in the matter of MICHAEL J. MYERS, and properly, we should have labeled that in the matter of the rather malodorous continuation of the erosion of the institutional integrity of not only the Committee on Standards of Official Conduct or the Ethics Committee, but the very House itself, for it is said in a house standing landmark tomb on legislative procedure by a last-century author, Mr. Lucey, that it ill behooves lawmakers to violate the law and it certainly ill behooves the House or any of its agencies to attempt to erect up rules in charting new paths in a new bramble patch that in the history of the House in 1789 has not been charted or paths that have not been charted. So when I say in these strong words the erosion of the institutional integrity of this body, and some of its communities, I am fully aware of what I am saying and I am fully prepared in subsequent discussions at other times to develop that because ever since my experience in 1977 at the very beginning of that Congress I was fortunate enough to be one of those who observed this sorry process firsthand, probably the first of any, because of the experience I had had in those beginning stages of that

Congress with the so-called Select Committee on Assassinations.

But nowadays' action I think reflects the malaise that seems to be permeating not only the criminal justice system, given these cases that I have referred to, such as this poor woman, an otherwise very respected and reputable citizen of this area, arrested and thrown in jail and held without communication or bond because she was eating a sandwich on the subway, which is prohibited by law. Now the processes today, and I did not have time during the meager time allotted to us during the procedures, which were very restricted, which I think you will admit, to develop something I started with reference to what the House did with only one dissenting vote not too long ago, and it did it to itself.

The House was acting today pursuant to recommendations from the Committee on Standards of Official Conduct which, in turn, was acting in obedience to the resolution I have reference to that was passed by this House with only one dissenting vote, and that being mine. The reason for that dissenting vote was that for the first time in the history of the House, in its attempt to enact rules to govern itself, it provided that this committee and only this committee, but it did not say whom, it did not say whether it is the chairman or certain subcommittees or members of the committee, can deprive any member of that committee, to begin with, or any Member of the House access to any evidentiary matter that the Justice Department might present to that committee.

Given the fact that this resolution was being asked because of the developments know as the Abscam cases, all of which were initiated, conducted, costs defrayed by the Justice Department, the FBI, the executive branch of the Government, and concentrated on measures of the national legislature, what does this mean? It means that we do not know, and nobody can tell me, and nobody has offered to volunteer to say, including the chairman of the Ethics Committee, whether or not a critical bit of evidence yet to be seen or evaluated by anybody, but accessible only to let us call him the defendant, Mr. MYERS, and which could have changed the entire consideration of this matter, and would have made in order a motion I would have been all too privileged to offer to recommit the recommendation or the resolution with instructions, to open the record for review and consider new evidence, which I have every good reason to know exists but which will not be available to the likes of me or anybody else, except those who made the deal with the Justice Department when they first concoted the resolution and brought it to the House for its approval.

Now, this is most disturbing to me because it comes right in line with this horrible crime, yet unsolved by this very prestigious law enforcement agency known as the Justice Department and its subsidiary agencies such as the FBI, and that is the unprecedented murder of a Federal district judge, unprecedented because in the annals of American judiciary and jurisprudence we have not had this happen and it is as unsolved today as it was the day it happened, May 28, 1979. The attempted murder before that in November 1978 of the assistant district attorney for that same judicial district, James Kerr, remains today as unsolved as it was the day it was perpetrated.

So where are we in America, both in and without the legislative branch?

□ 1700

Just as the entire issue under the pressures existing at this time of the around-the-corner elections on November, so have we had the same kind of social pressures brought through this alleging of crime in the most organized form with business, with Government and politics, which allows it to be stronger than the Government itself. So what we have is, I repeat and beg to say, the continued erosion of the institution of integrity in not only this body but our structure of democratic Government, which means our liberties and our way of life as you and I are inured to understand it.

Today, for example, under this pressure of an election Mr. MYERS in effect—and it is not too strong to say so—was mobbed. He was denied equal justice. For example, not only this question of undiscovered evidence in existence that would have a direct bearing, not on his criminal case but on our deliberations here today, but what about the violation of the very rule that this House adopted in the case of In the Matter of Mr. Diggs? In his case it was all ready to let him exhaust all his legal processes and availabilities clear through to the Supreme Court and then, of course, upon the decision of the Supreme Court and the closing of all further judicial ramifications and availabilities, he resigned. But at no time was there a compelling reason for the Ethics Committee to come in and ask us to expel or just throw out Mr. Diggs. Why did the House give Mr. Diggs that kind of treatment and deny it to Mr. MYERS?

Again I do not think I am exaggerating or I do not think I am straying too far into the realm of diatribe or unjust conclusions or threats when I say, because this is what I think, that Mr. MYERS, had he been a minority or maybe perhaps even a Republican, which is a minority, we would not have done today at this time what we did do. And I must remind you that I am supposed to come from a group known as an ethnic minority.

Therefore, when I say that, I say it in all due respect. Had Mr. MYERS been proceeding from such a group, I doubt seriously that the House would have acted this way, because then there would have been a political presence exerted especially upon those Members who have districts that have a good percentage of that particular group or that descendant group of Americans. The committee in no way has accounted—other than in the statement prepared in anticipation of the hearing by the chairman of the Ethics Committee, which I believe in itself is grounds for and should have been grounds for a suspension of consideration of the matter today, because it gave unjust advantage to the prosecution, which is really what it was—the committee in no way has accounted for the difference in treatment given Mr. MYERS under the rule and precedents set up in the Diggs case from that given Mr. Diggs, and that is a rank act of injustice.

Let us suppose Mr. MYERS is expelled and then reelected this November 4, because he is on the ballot. Will the House again expel him? What about the constitutional right of the House even to do that? It is in limbo. We do not know, but Mr. MYERS may not have the financial means in order to prosecute his legal availabilities now, because as of today he is out in the cold. His district has no voice and no vote. We are not depriving Mr. MYERS of his seat; we are depriving his district.

CHICAGO'S COLUMBUS DAY PARADE OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on Monday, October 13, the people of the city of Chicago will celebrate the discovery of America by Christopher Columbus in our traditional grand style with a gigantic parade. The extravaganza will be televised by WGN–TV.

The Vice President of the United States, the Honorable WALTER F. MONDALE, will be the guest of honor, and other honored guests will include Vincent G. Marotta, president, Mr. Coffee, North American Systems, Inc.; Edward J. DeBartolo, Sr., chairman of the board and chief executive officer of Edward J. De Bartolo Corp.; and Jeno F. Paulucci, chairman, National Italian-American Foundation, Jeno's Inc., and Attenzione magazine.

In addition to our honored guest, the parade will be led by the Honorable Jane Byrne, mayor of Chicago; the Honorable James R. Thompson, Governor of Illinois; the Honorable George W. Dunne, president of the Cook County Board of Commissioners; Dr. Teodoro Fuxa, Consul General of Italy; Congressman MARTIN RUSSO, Joseph Tolitano, president of the Joint Civic Committee of Italian-Americans; Joseph J. Spingola, general chairman of the 1980 parade; John Serpico. grand marshal of the parade; virtually every Italian-American political leader in the Midwest, the Italian-American War Veterans of Illinois, any many other political dignitaries, civic leaders, members of the judiciary, businessmen from the community, labor leaders, and others too numberous to mention.

Each year, Chicago celebrates Columbus Day with a series of specially planned events culminating in the spectacular parade. The theme for this year's parade is "Italian-American War Heroes." The parade will honor not only Christopher Columbus, but also the Italians who fought heroically in all of America's wars for freedom. Richard Tagliaferro was a colonel killed at the battle of Guilford Hall during the American Revolution, and Salvatore Catalano

was a naval hero who recaptured the *Philadelphia* from pirates. Anthony Casamento recently joined John Basilone and a number of other courageous Italian-Americans who have won our Nation's highest military award for bravery, the Congressional Medal of Honor.

This year I cosponsored a bill to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week." The bill passed in both the House of Representatives and the Senate and ranks as a tribute to the great contributions that Italo-Americans have made, not only to the discovery of America, but since the discovery of America, to the development and greatness of the United States.

Mr. Speaker, the President of the United States, the Governor of Illinois, and the Mayor of Chicago have all issued proclamations in celebration of Columbus Day 1980, and copies of those proclamations follow:

[A proclamation by the President of the United States of America]

COLUMBUS DAY, 1980

On October 12, 1492, an Italian sea captain and his crew, having sailed into the western void in three fragile craft, touched land and revealed a New World to the astonished eyes of the old.

The Genoese Christopher Columbus, sailing for his royal Spanish patrons in search of fortune, glory and the validation of his dream, found these and more.

Today, almost five centuries later, we still honor Columbus for the stout heart and tenacity of purpose that sustained his exploits. He inspired an age of exploration and a continuing era of victory over the forces of complacency and ignorance.

As we prepare to commemoraate the four hundred eighty-eighth anniversary of Columbus's historic landfall, we of the New World can pay no greater tribute to his memory than to keep alive that spark of hope and nerve that never failed him and has never failed us.

In tribute to the achievement of Columbus, the Congress of the United States of America, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate Monday, October 13, 1980, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in his honor.

I also direct that the flag of the United States of America be displaved on all public buildings on the appointed day in memory of Christopher Columbus.

In witness whereof, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER.

PROCLAMATION—STATE OF ILLINOIS

Every American knows what historic event occurred in 1492, for in that year the history of the world took a dramatic leap. The voyage of Columbus, which spurred further exploration of the New World, is celebrated annually throughout our land.

Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 13, 1980, to be Columbus Day in Illinois.

PROCLAMATION

Whereas, the annual Columbus Day Parade will be held in Chicago, starting at 1 p.m., October 13 on Dearborn Street; and

Whereas, the parade is under the auspices of the Joint Civic Committee of Italian Americans, of which Joseph Tolitano is president, Joseph J. Spingola is general chairman, Congressman Frank Annunzio is honorary chairman, and John Serpico is grand marshal; and

Whereas, held each year in tribute to Christopher Columbus, intrepid Genovese navigator-explorer, and to the contributions of Italian-Americans to the political, social, cultural, and economic history of America, the parade is invariably a highlight of the Fall season in Chicago:

Now, therefore, I, Jane M. Byrne, Mayor of the City of Chicago, do hereby proclaim Monday, October 13, 1980, to be COLUMBUS DAY IN CHICAGO and urge all citizens to take cognizance of the special events arranged for this time in appreciation of the heritage all have from the voyages of Christopher Columbus.

Mr. Speaker, Chicago's Columbus Day celebration will begin with a concelebrated Mass at Our Lady of Pompeii Church at 9 a.m. His Eminence, John Cardinal Cody, will be the presiding prelate, the principal celebrant will be Rev. Robert Simonato, C.S., and the homily will be given by Rev. Charles Fanelli.

Following the Mass, there will be a wreath-laying ceremony at 10:30 a.m. at the Columbus statute in Arrigo Park, led by the Order Sons of Italy, the Joint Civic Committee of Italian Americans, and the Italian American War Veterans.

Chicago's monumental Columbus Day parade will step off from the corner of Dearborn Street and Wacker Drive at 1 p.m. and will include some 150 floats and marching units depicting the theme of the parade. Traditional native costumes of Italy will be worn by participants in the parade representing the culture of various parts of the Italian peninsula. Theme Coordinator Theresa Petrone, authentic Italian costume chairperson Ann Sorrentino, and float personnel committee chairman Lawrence Spallitta have done an outstanding job, as usual, on their parts in making the pageantry of the parade a stunning success. The role of Christopher Columbus will be portrayed by Joseph Mollica.

The Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area, sponsors the Columbus Day parade and other related activities. Many local groups cooperate with the Joint Civic Committee in this community-wide tribute to Columbus, and Anthony Sorrentino, consultant for the Joint Civic Committee, has helped to coordinate the various activities of the parade for many years.

One of the highlights of Chicago's Columbus Day celebration is the selection of the queen of the parade. This year, Susan Spallina, was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included $500 from the Joint Civic Committee of Italian Americans, $100 from the DaPrato Travel Agency, a Revlon gift package from Susan Owens, a gift package from the Alberto Culver, Co., a crown, a trophy, and a bouquet of roses.

Members of the queen's court are Katherine J. Sbarboro, Mary Cecilia Mezzenga, Rhonda Lee Frederick, and Domenica Piragine.

Judges for the final "Columbus Day Queen Contest" were Joseph Caliendo, a fur fashion designer; Robert Clementi, an attorney; Adrienne Levatino Donoghue, an attorney; John DoCurro, an electrical contractor and former Italian opera singer; Barbara Drammis, a personnel manager; Joseph Lizzadro, chairman of the board of the Meade Electric Co.; Suzanne T. Mangione, executive producer at WMAQ-TV; Hon. Philip Romiti, judge, Illinois Appellate Court; Laura M. Spingola, director of public relations at Chicago's Economic Development Commission; and Dennis J. Stevenson, a human resource consultant.

In addition to those watching the parade personally, millions of persons are expected to enjoy the parade via television. This year the sponsors for the parade programing are Dominick Di Matteo, of Dominick's Finer Foods; Anthony Terlato, of Paterno Imports; Turano Bakery, Joseph Marchetti, of the Como Inn; the National Republic Bank, the Amalgamated Trust & Savings Bank, the Chicagoland Cadillac Dealers Association, Holiday Inn, Mazzone Enterprises, Falbo Cheese, the St. Paul Federal Savings and Loan Association, and the U.S. Shoe Repair Service. The telecast of the parade will be narrated by Vince Lloyd, of WGN, and Domenick DiFrisco, of Alitalia Airlines

Our grand Columbus Day celebration will close with a reception at the Como Inn, 546 North Milwaukee Avenue, in Chicago, in honor of our guests, all the officers, subcommittee chairmen, and members who are participating in making the 1980 Columbus Day parade a great and grand event. In addition, leaders of Italo-American organizations from Illinois will be present as well as officials from our State and city governments.

I am proud this year to serve as the honorary chairman of the parade, and I send my best wishes to the members of the Joint Civic Committee of Italian Americans who are doing such commendable work as they continue their untiring efforts to make this varied and monumental event into another great success.

Mr. Speaker, the officers and members of the 1980 Chicago Columbus Day parade committee are as follows:

COLUMBUS DAY PARADE COMMITTEE

Joseph J. Spingola, General Chairman 1980; Congressman Frank Annunzio, Honorary Parade Chairman; and John Serpico, Grand Marshal.

HONORARY CHAIRPERSONS

Hon. Jane Byrne, Mayor, City of Chicago; Hon. Jerome E. Cosentino, Treasurer, State

of Illinois; Hon. George W. Dunne, President Cook County Board of Commissioners; Dr. Teodoro Fuxa, Consul General of Italy; Congressman Martin Russo; Hon. James R. Thompson, Governor, State of Illinois.

JCCIA OFFICERS

Joseph Tolitano, President; Jerome N. Zurla, 1st Vice President; James L. Coli, 2nd Vice President; Charles C. Porcelli, 3rd Vice President; Carl DeMoon, 4th Vice President; Anthony Terlato, 5th Vice President; Anthony Morizzo, Treasurer; Charles Carosella, Secretary; Sam Cerniglia, Sgt.-at-Arms.

BOARD OF TRUSTEES

James E. Coli, Chairman; Cong. Frank Annunzio; Judge Nicholas Bua; Hon. Jerome A. Cosentino; Angelo Fosco; Joseph Lizzadro, Jr.; Rev. Armando Pierini, C.S.; Mayor John C. Porcelli; Judge Philip Romiti; Cong. Martin A. Russo.

CHAPLAIN

Rev. Armando Pierini, C.S.

TELEVISION SPONSORS

Anthony Terlato, Chairman; Dominick Di Matteo, Co-Chairman.

THEME COORDINATOR

Theresa Petrone.

RELIGIOUS PROGRAM & ORGANIZATIONS

Rev. Lawrence Cozzi, C.S.; Rev. Charles Fanelli; Rev. Robert Simionato, C.S.; Co-Chairmen; Rev. Armando Pierini, C.S., Advisor; Bernard Bellario, Nick Bianco, Candido De Biase, Michael R. Fortino, Louis Moretti, Michael Palello, Elvira Panarese, Chief Anthony Pilas, Anthony Pope, Dr. Raymond Rondinelli, and John Spatuzza.

AUTHENTIC ITALIAN COSTUME

Ann Sorrentino, Chairperson; Elena Frigoletti, Co-Chairperson; Mary Spallitta, Co-Chairperson; Pauline Jo Cusimano, Co-Chairperson; Anna Albanese, and Regina Panarese.

FINANCE AND SOUVENIR BOOK

Mayor John C. Porcelli, Chairman; Frank N. Catrambone, Sr., Co-Chairman; Sam Cerniglia, Co-Chairman; Bernard Fiorito, Ann Sorrentino, Angeline Annunzio.

BUSINESS AND PROFESSIONAL

Jack Cerone, Co-Chairman; Carl De Moon, Co-Chairman; Vincent Lucania, Co-Chairman; Mathew J. Alagna, Anthony Apa, Charles Carosella, James L. Coli, John Curielli, Dr. John Drammis, Jr., and Dr. John Drammis, Sr.

Peter Ingraffia, Marino Mazzei, Paul Paterno, Louis Ranieri, Michael R. Rosinia, Dr. Mario O. Rubinelli, George Salerno, Joseph Scilabra, Dr. Joseph J. Sirchio, Joseph P. Spingola, Joseph J. Spingola, Jr., Amedeo Yelmini, and Jerome N. Zurla.

LABOR COMMITTEE

James L. Coli, Chairman; James Caporale, Tom Crivellone, Angelo Fosco, Tony Judge, John Serpico, Chuck Spranzo, Michael J. Spingola, Comm., Chicago Park District.

BANDS, MARCHERS & TRANSPORTATION

Louis H. Rago, Chairman; Jordan Canzone, Marie Palello.

PROGRAM & ARRANGEMENTS

Domenick Di Frisco, Co-Chairman; Theresa Petrone, Co-Chairperson; James L. Coli, Louis Farina, Charles C. Porcelli.

QUEEN CONTEST

Fred Mazzei, Chairman; Josephine Bianco, Co-Chairperson; Anita Louise Bianco, Spec. Asst.; Norma Battisti, Sam Burno, Lilla Juarez, Anthony Morizzo, Marie Palello, Hugo Panarese, and Aurelia Tornabene.

FLOATS

Sam Tenuta, Chairman; Sam Cerniglia, Co-Chairman; Vincent R. Lucania, Co-Chairman.

FLOAT PERSONNEL

Lawrence Spallitta, Chairman; Nick Bianco, John De Bella, Mary Spallita.

PARADE MARSHALS

Marco De Stepano, Chairman; Alex Batinich, Larry Battisti, Rocco Bellino, Ray Colagrossi, Ettore Di Vito, Anthony Finley, Neil Francis, Mario Lombardi, Sam Messina, Mike Palello, Joseph Pantaleo, Chief Anthony Pilas, Louis Rago.

RECEPTION COMMITTEE

Josephine L. Ortale, Chairperson; Leonora Turner, Co-Chairperson; Regina Panarese, Co-Chairperson; Norma Battisti, Phyllis Schoene.

WOMEN'S DIVISION

Josephine L. Ortale, President.

WEST SUBURBAN WOMEN'S DIVISION

Leonora Li Puma Turner, President.

YOUNG ADULT DIVISION

Regina Panarese, President.●

ABOLISHING FEDERAL OPEN MARKET COMMITTEE LONG ADVOCATED BY CORPORATE BANKING LEADERS

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

● Mr. REUSS. Mr. Speaker, in a floor statement on September 18, 1980, my friend Congressman STANTON of Ohio said he believed President Carter was behind a bill to eliminate the Federal Open Market Committee and vest responsibility for monetary policy solely with the Board of Governors of the Federal Reserve, a bill reported by the Domestic Monetary Policy Subcommittee of the House Committee on Banking, Finance and Urban Affairs on September 10.

I wish I could say the President was behind it. Unfortunately that is not the case. The proposition has been advanced over the years, however, by a host of distinguished business, labor and academic leaders. It has been recommended by public commissions and individuals who wish to see responsibility for monetary policy placed where it belongs—with officials of the United States who are appointed by the President and confirmed by the Senate.

In 1961, the Commission on Money and Credit recommended:

> The determination of open market policies should be vested in the Board. In establishing its open market policy the Board should be required to consult with the twelve Federal Reserve Bank presidents.

The Commission that made that recommendation included a number of the Nation's leading corporate and banking chiefs: Frazar B. Wilde, chairman, Connecticut General Life Insurance Co.; James B. Black, chairman of the board, Pacific Gas & Electric Co.; Joseph M. Dodge, chairman of the board, the Detroit Bank and Trust Co.; Marriner S. Eccles, chairman of the board, First Security Corp.; Lamar Fleming, Jr., chairman of the board, Anderson, Clayton & Co.; Gaylord A. Freeman, Jr., president, The First National Bank of Chicago; J. Irwin Miller, chairman of the board, Cummins Engine Co.; David Rockefeller, president, the Chase Manhattan Bank; Earl B. Schwulst, president and chairman of the board, the Bowery Savings Bank; Jesse W. Tapp, chairman of the board, Bank of America, N.T. and S.A.; J. Cameron Thomson, retired chairman of the board, Northwest Bancorporation; Theodore O. Yntema, chairman, Finance Committee, Ford Motor Co.

Marriner Eccles, a member of that Commission and Chairman of the Board of Governors of the Federal Reserve from 1934 to 1948, testified before the Joint Economic Committee on August 14, 1961, vigorously endorsing the proposition that the Board of Governors alone should decide monetary policy.

He said:

> The five bank Presidents serving on the existing Committee cannot be considered governmental as they are elected by the member banks, whereas the members of the Federal Reserve Board must be appointed by the President and confirmed by the Senate and make their reports to Congress. Only this will provide a clear center of responsibility for the use of all three of the major general instruments of monetary and credit policy.

In 1948 the Hoover Commission Task Force headed by the renowned George Leland Bach, presently a professor of economic and public policy at Stanford University also recommended that:

> The present powers of the Federal Open Market Committee should be transferred to the reorganized Board of Governors.

Eliminating the Federal Open Market Committee and vesting all authority for monetary policy decisions with the Board of Governors is the only sound public policy. The decisions made by the FOMC are basic to national economic policy. It is harder to imagine a more basic governmental function than control of the money supply—control which has direct impact on interest rates, inflation, employment, production, economic growth, the value of the dollar. Clearly the men and women who wield this power over the economy of the United States should be selected by the President, not by private bankers, and undergo the scrutiny of Senate confirmation.

Such a change would also restore the intent of the Constitution. The present system of allowing five Reserve Bank Presidents to vote on open market policies is clearly a violation of article II, section 2, clause 2 of the Constitution. The celebrated case of Buckley against Valeo states in unequivocal terms that persons exercising significant governmental authority are "Officers of the United States and should be appointed in the manner prescribed by the Constitution. The Presidents of the Federal Reserve district banks do not meet the Constitution's criteria for exercising governmental authority.

Furthermore, their representation on

the Federal Open Market Committee is patently discriminatory. Membership on the Federal Open Market Committee under present law consists of one representative, at all times, of the Federal Reserve Bank of New York; one representative, every second year, of the Federal Reserve Bank of Cleveland and Chicago; and one representative, every third year, of the "lesser breeds without the law"—the Federal Reserve Banks of Boston, Philadelphia, Richmond, Atlanta, Dallas, St. Louis, Minneapolis, Kansas City, and San Francisco. A requirement that the Board of Governors consult regularly with all 12 presidents would eliminate present discrimination.

The proposal that responsibility for monetary policy be lodged with duly-appointed officials of the United States, instead of with a committee on which 5 of the 12 members are private citizens elected by bankers, is a venerable idea whose time is long overdue.●

TO BUILD A FOUNDATION FOR A STRONGER AND FREER ECONOMY

The SPEAKER pro tempore. Under a previous order of this House, the gentleman from Mississippi (Mr. WHITTEN) is recognized for 5 minutes.

Mr. WHITTEN. Mr. Speaker, our country is a rich country in real wealth and in real resources. However, many of those engaged in business, manufacturing, in retailing, and in agriculture, in view of high cost and poor crops face the forced sale of assets, and bankruptcy unless we here in Congress take action now. We find many businesses and many farmers with little or no cash due to the fact that they have had 4 short crop years. Yet in many cases, they have assets of great value, many times what they would bring at forced sale.

The newspapers regularly report such situations facing major corporations. What they do not point up is that small businesses of all kinds, as well as many farmers, face the same situation. We must move before foreclosure.

The Farmers Home Administration has authority now for providing a holding action for those engaged in agriculture, providing a means of refinancing, stretching out the repayment date, and perhaps postponing a year's payments and interest, when the facts justify such action.

This is the time we need to increase production levels to bolster our economy and not take people out of production due to the shortage of cash.

BUSINESS REVITALIZATION

Mr. Speaker, I introduced a bill to restore the Reconstruction Finance Corporation. The RFC was a source of funds to enable corporations to buy up their indebtedness and scale it down to manageable levels. This was done for banks, drainage districts and other types of organizations. In everyday terms, you might say this organization was a means to "squeeze out the water" and allow organizations to become productive again.

An updated Reconstruction Finance Corporation is obviously needed in light of our current economic situation.

EXCESSIVE REGULATIONS

Too often Government regulations have increased costs, decreased production and reduced profits. At a time when farms and businesses are failing, we cannot afford the luxury of regulating that which is merely undesirable.

I have called on the President to suspend all regulations issued by the Environmental Protection Agency which relate merely to the undesirable rather than that which is necessary to protect human health and safety.

AREA COVERAGE FOR RURAL WATER SYSTEMS

In the appropriation bill for agriculture I have again included language in the report requiring that not less than 30 percent of the funds appropriated to Farmers Home Administration for rural water and sewer systems be used for the expansion of existing systems.

I will expect the Administrator of the Farmers Home Administration to issue regulations that require that funds be available for enlargement of wells, increases in line capacity, as well as the general expansion of existing systems including repairs.

We meet with the Senate conferees on November 12 on the bill making appropriations for the Department of Agriculture.

I have called on the Secretary of Agriculture to report to our committee by that time as to what actions are necessary to provide for area coverage for water and sewer systems. We need more and bigger wells and more and more communities served, toward the objective of reaching area coverage as we did years ago with electricity.

Personally I expect to see that we make a forward step in that direction in our conference.

Mr. Speaker, during recent years, gross farm income has continued to rise, but farm product costs have increased at an even greater rate. In 1979, returns to equity from farming were 4.1 percent compared with 16.7 percent for all manufacturers. During 1979, the farmer's share of the total food dollar continued to drop. Prices paid by farmers have continued to increase at a more rapid rate than prices received for their crops. Fuel costs have led the upward spiral with an increase of 46 percent last year, followed closely by the cost of farmland. At the end of the year, farm debt was $158 billion, up 15 percent in 1 year. The farmer is also faced with the highest rate of inflation in history and the Soviet embargo.

On top of all this, farmers in my section of the country as well as in many other sections have been faced with the worst weather in years.

At planting time we had floods and the fields were too wet.

During the summer we had droughts.

Now that it is harvest time we are again having excessive rain and even floods, and we cannot get the crops out of the fields.

Farmers need help.

MORATORIUM ON LOAN REPAYMENTS

Agriculture is the largest single industry in our country. As a first step toward meeting our current problems, I have called upon the Secretary of Agriculture to develop regulations to allow the deferral of principal and interest payments on loans where necessary. Section 1981 of title VII of the United States Code sets forth the Secretary's authority in this area:

§ 1981a. Loan moratorium and policy on foreclosure

In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

I will expect the Secretary of Agriculture to have ready for our committee on November 12 a report as to what actions he has taken under this authority and what further the Congress needs to do when we go to conference on the agriculture appropriations bill for fiscal year 1981.

Mr. Speaker, I have also asked the Secretary of Agriculture and the Administrator of the Small Business Administration to report to me their recommendations for any additional laws or governmental action that is needed to revitalize agriculture, industry and labor and to build a foundation for a stronger and freer economy.

WE MUST ACT NOW

Mr. Speaker, at present rates we are on the edge of an economic crisis—we must move now if we are to give industry, labor and agriculture the opportunity to recover.

The time is late.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, I was not recorded on two procedural votes in 1979.

In order that I might have on record an announced position of all votes in the 95th Congress, I wish to note that I would have voted "yes" on rollcall 150 on May 15, 1979, a motion to approve the House Journal of Tuesday, May 15, 1979, and "yes" on rollcall 199 on June 11, 1979, a motion to approve the House Journal of Friday, June 8, 1979.●

EXTENSION OF HOME MORTGAGE DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

● Mr. ST GERMAIN. Mr. Speaker, on Wednesday night, the House adopted the conference report on the Housing and Community Development Act. One of the important features of the report was an extension of the Home Mortgage Disclosure Act which has been so vital in ending patterns of dircrimination and helping to revitalize our inner city neighborhoods.

In a last-minute change from the conferee's position, which was adopted in conference on a bipartisan vote, the House did provide for a 5-year sunset on the Home Mortgage Disclosure Act. As I stated when the conference report was adopted Wednesday night, I do regret that we did not make permanent our national policy against redlining, but we do have in place a strong mortgage disclosure law.

Mr. Speaker, the conference report as it relates to HMDA calls for two very important studies to be conducted by the Financial Institutions Examination Council which is composed of the financial supervisory agencies.

One of these reports would deal with small business loans, recognizing that community development involves not only housing but general economic activity in an area.

Mr. Speaker, the small business lending by banks is especially important not only for its job creation potential but also because of its role in neighborhood preservation and revitalization. Healthy small businesses are a critical component of the infrastructure of a healthy neighborhood. Whereas some small business loans may be especially important for job creation purposes, others may be especially important for neighborhood preservation and revitalization, Some small business loans may be important in advancing both objectives.

The compilation and disclosure of information on small business loans by banks can be efficiently accomplished and it has enormous potential in assisting regulators and the public in evaluating the small business lending performance of each bank. With respect to neighborhood preservation and revitalization, of particular interest is the performance of the bank in meeting small business credit needs of low- and moderate-income neighborhoods.

Among the items that the Examination Council should address in its study are: First, the appropriate definition of small businesses for the purposes of compiling data, including analysis of whether small businesses should be separated into different types for reporting purposes; second, the appropriate definition of a small business loan; third, whether various categories of small business loans should be defined and separately reported, for example, purpose of loan, long term versus short term, whether or not SBA guaranteed; and fourth, the appropriate level of geographic detail, for example, the census tract where the small business is or will be located.

Mr. Speaker, the other report required involves efforts to develop a unified system for enforcing the Community Reinvestment Act, the Home Mortgage Disclosure Act and fair lending laws.

The conference report makes clear that the Examination Council's evaluation and recommendations regarding a unified system need not be limited to one unified system which would apply to all agencies. Currently three agencies—the Federal Home Loan Bank Board; the Office of the Comptroller of the Currency; and the Federal Deposit Insurance Corporation—are in various stages of implementing somewhat differing systems requiring financial institutions, under certain circumstances, to submit reports to the agencies for fair lending enforcement purposes. With one option that the study should definitely explore is the feasibility and desirability of one unified system which would apply to all of the agencies to accomplish fair lending, CRA, and HMDA purposes, the Examination Council is also free to explore the possibility of each agency having its own separate unified system for the particular agency. Under this approach the unified system for one agency might differ somewhat from the unified system for another agency.

The new HMDA law also provides for compilation of aggregate data for each census tract—a very significant advance in the utilization of the HMDA data.

Varying numbers have been suggested for the cost of the compilation, and the calculations indicate that a reasonable ballpark figure for the agencies' new efforts in this area will be something over $1 million with inflation factors to be considered.

Mr. Speaker, we should also note that because the end of the sunset period provided in the original legislation will have occurred prior to the date of enactment of the Housing and Community Development Act of 1980, no new disclosures under HMDA will have been required between June 28, 1980, and the date of enactment of this legislation. Since most institutions are already reporting on a calendar year basis, disruption in the availability of new disclosures has been minimal. In addition, HMDA requires that any information required to be disclosed must be maintained and be made publicly available for a period of 5 years after the close of the first year during which such information is required to be disclosed.

Thus, during the interim period—June 28, 1980 to date of enactment—disclosures required to be made prior to June 28, 1980, have continued to be required to be publicly disclosed pursuant to this 5-year rule. It is our intent that the 5-year rule shall apply to all HMDA disclosures made since the enactment of the original legislation in 1975, and that the gap in time between June 28, 1980 and the extension of HMDA contained in this conference report will result in no disruption in the availability of HMDA data.

Mr. Speaker, the implementation of the standard format and other provisions in the conference report designed to facilitate more efficient use of the data can be smoothly implemented without undue delay. The Board of Governors has authority under section 305 of the Home Mortgage Disclosure Act to provide for adjustments or exceptions as in the judgment of the Board are necessary and proper to effectuate the purposes of the act or to facilitate compliance with the act. This authority is sufficient for the Board to address any minor transitional problems that may arise. We expect such adjustments or exceptions to be held to the minimum necessary. We should also note that under current regulations, reports for calendar year 1980 would be disclosed by the end of March 1981. Depending on the timing of promulgation of regulations to implement the amendments made by the conference report, it is possible that a short delay from this schedule may become advisable, but there should be no extended delay.

Mr. Speaker, a recent report contracted for by the Federal Home Loan Bank Board and the FDIC recommended that in deciding whether State depository institutions should be exempt under section 306(b) of the Home Mortgage Disclosure Act, the Board of Governors should only grant such exemptions after a careful review of State law, including regulations and instructions, to insure that the disclosure statements produced will be comparable in form, context and data quality with HMDA statements. This would maximally facilitate aggregation of data and comparisons among institutions.

It is the intent of the conferees that the Board of Governors follow this recommendation when implementing section 306(b), and that after the new standard format has been prescribed, exemptions previously granted should be reviewed with this recommendation in mind. In no way do we intend to limit the ability of States to provide for additional disclosures beyond what is required under HMDA. For example, data such as is required under HMDA could be disclosed in form and content comparable to HMDA, and additional disclosures could be made as a separate item.●

ON THE INVESTIGATION OF MR. BEARD OF TENNESSEE

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

Mr. CARR. Mr. Speaker, in last evening's Associated Press and this morning's Washington Post my friend and colleague, Congressman ROBIN BEARD of Tennessee is quoted as calling me a "liar."

That quote is unfortunate and untrue. The question is not my veracity, it is the conduct of Mr. BEARD.

Several weeks ago Mr. BEARD, a Member of Congress and the Armed Services Committee, and one who is accustomed to the requirements of classified information, issued a press release containing classified information that had not been previously declassified.

I believe that Mr. BEARD knew or should have known this. He is a fine, intelligent gentleman, not known to be a bumbler, a stumbler, or mistake prone.

Accordingly, I have requested the appropriate House Committees to investigate the matter. I am confident that they will competently do so.

I can appreciate that any Member of Congress who may be investigated for an alleged violation of national security may suffer extreme anxiety and as a result may inadvertently utter an intemperate remark. But it is not helpful for both of us to do so. This investigation should not be conducted in the newspapers.

Should my information be incorrect and should the conduct of Mr. BEARD in issuing that press release be vindicated, I will stand here and make a public apology to him. If on the other hand, the investigation shows him wrong, he will have to deal with that. In the meantime I believe that we should resist the temptation to name calling.

□ 1710

Mr. ROSE. Mr. Speaker, will the gentleman yield to me?

Mr. CARR. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman for a very well-written and well-spoken statement about what I consider to be a very unfortunate matter.

As a member of the House Permanent Select Committee on Intelligence, I have seen a copy of the press release about which the gentleman speaks. I share the gentleman's concern about the severity of this particular matter. I have known the gentleman for a number of years and know him to be an honorable man, one who is a man of his word. I know the gentleman has sincerely and carefully considered things said here today, also the things which brought you to make the previous statements about which our colleague from Tennessee has reacted.

I would say to the gentleman that I share his concern. I will work with the gentleman in the weeks and the months ahead to see that this serious matter is properly resolved and if, as I suspect, the gentleman's suspicions are correct, that I will work with the gentleman to see that appropriate action is taken by this House and the appropriate committees of the House.

Mr. Speaker, I can recall a friend from Tennessee when he observed several years ago with a great alarm statements by our now departed colleague from Massachusetts, Mr. Harrington. I knew then that he was greatly concerned about statements being made to the public that were unauthorized, that were classified and I know the gentleman shares that concern now and I thank the gentleman for having the courage to come forward and to speak on an area that is of vital importance to the country. Hopefully, in the weeks and months ahead, after the election is over, the smoke clears and we can calmly go back to business, we can determine in that light what sort of damages have actually taken place.

I thank the gentleman for yielding.

Mr. CARR. Mr. Speaker, I thank the gentleman for his remarks. I know the gentleman shares with me the goal not to be necessarily punitive against a Member of Congress but rather to look toward the larger goal, that the intelligence community can look to the Congress with confidence, can confide in us in confidence, that we will treat national security classified information with the utmost care and that Members of Congress and their staffs will not carelessly for political purposes make revelations which would damage the national security of the United States.

Mr. Speaker, we seek no vengeance against a particular Member, but we do seek to maintain a high standard as was maintained by the House in the Harrington example.

Mr. ROSE. Mr. Speaker, will the gentleman yield fruther?

Mr. CARR. I will be happy to yield to the gentleman from North Carolina.

Mr. ROSE. I firmly and totally agree with what the gentleman just said. I would observe the predicament we are in right now is really a determination of who should go forward with an investigation of this matter, the House Armed Services Committee, the House Permanent Select Committee on Intelligence, the House Committee on Standards of Official Conduct. It may very well be that the latter committee, the one that has dominated the actions of the House today may be, in time, the only forum that can adequately address itself to the concerns that the gentleman and I share. As I said before, I will work with the gentleman to make sure that the damage, if it has been done, is minimized.

Mr. CARR. Mr. Speaker, I thank the gentleman for his additional observation. This has been a very sad day for the House of Representatives and for our constitutional history as we have dealt with the misconduct of a Member who hurt himself and by implication hurt the House.

I will trust that the House Committee on Standards of Official Conduct will treat with the same degree of seriousness damage to our national security that they have attributed the particular conduct of the gentleman from Pennsylvania.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding. At the outset, let me say I was shocked to hear awhile ago what the gentleman reported. I wish to go on record to say we may not have agreed on some things having to do with defense matters—the gentleman sits on the Committee on Armed Services and I have large defense bases in my district—we may not agree on all of that but I would be the last one to ever impugn the integrity, reputation or voracity of the gentleman. I think if anything the gentleman stands for integrity. The record of service to our country has been great. I understand the gentleman was a marine.

I have one question: How can we reconcile the House allowing this particular thing happening with respect to the Committee on Standards of Official Conduct in having the power to withhold information. For example, suppose they go into this case involving the gentleman in the well and it is the decision that the FBI or the intelligence community says, "We will give you this information provided you do not let Mr. CARR have it."

I really want to know about this. There seems to be no concern about this. Is that of great concern to the gentleman?

Mr. CARR. Mr. Speaker, I share the concern of the gentleman from Texas. I have listened carefully to the gentleman's remarks with regard to the expulsion today and his remarks later this afternoon in a special order.

I share the gentleman's concern about some of the methods and procedures of the Committee on Standards of Official Conduct. However, I do not believe there will be a particular problem with respect to the investigation recommendation that they make.

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

Mr. CARR. Mr. Speaker, I yield back the balance of my time.

THE NINE-DIGIT ZIP CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, on February 1, 1981, the U.S. Postal Service plans to implement what it calls a ZIP code expansion program. The Postal Service proposal involves installing a substantial amount of very expensive automated equipment, as well as expanding ZIP codes from five to nine digits.

Because the Congress and the public were without answers to some very basic matters concerning this proposal, the Subcommittee on Government Information and Individual Rights, which I chair, held hearings several weeks ago to examine the Postal Service plan. However, we came away from those hearings with more uncertainties than answers.

In an effort to get some of these answered before the Postal Service is irrevocably committed to a costly and complex venture, over 100 Members of Congress have joined Congressman TOM KINDNESS and me in requesting that the Postmaster General delay implementation of the ZIP code expansion program. The text of our letter and a sense of the Congress resolution, which many of these Members have also joined as cosponsors, follow:

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE,
Washington, D.C., October 2, 1980.

Hon. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We request that you delay implementation of ZIP Code expansion until the Postal Service and the Congress have examined fully the impact of this proposal.

We sense great concern in the business community about the cost of changing mailing lists to 9 digit ZIP codes. Furthermore, judging from the many inquiries we have received, our constituents are also questioning the needless confusion that an additional four numbers may bring. These concerns seem valid.

Assistant Postmaster General Michael Coughlin told the House Subcommitte on Government Information and Individual Rights on September 17 that the ZIP Code expansion plan cannot work "without the help, confidence, and a degree of patience on the part of our customers." It is our considered opinion that you will have neither the help nor the confidence of the public if you proceed with the plan as proposed.

To date, there appears to have been little if any consideration by the Postal Service of the social impact of the plan, no real consideration of the cost to mailers, and no coordination with existing, pre-sort business mail programs. In addition, technical issues are still unresolved; there has been a failure in planning to distinguish between the need for additional ZIP digits; and there has been no study of alternatives, such as providing incentives to business mailers to imprint special bar-coding on billing and reply mail, a particularly glaring omission since the real target of the extra sorting numbers is large business mailers, not the public.

We look forward to your immediate response to our request that you halt implementation of the ZIP Code expansion.

Sincerely,

Richard Preyer, Chairman; Thomas N. Kindness, Ranking Minority Member; Jack Brooks, Texas; James Abdnor, South Dakota; Joseph P. Addabbo, New York; Ike Andrews, North Carolina; Bill Archer, Texas; Berkley Bedell, Iowa; Anthony C. Beilenson, California; William M. Brodhead, Michigan; Clarence J. Brown, Ohio; Clair W. Burgener, California; John L. Burton, California; Carroll A. Campbell, Jr., South Carolina; William Carney, New York; Tim Lee Carter, Kentucky; John J. Cavanaugh, Nebraska; Don H. Clausen, California; James C. Cleveland, New Hampshire; Tony Coelho, California; Cardiss Collins, Illinois; Barber B. Conable, Jr., New York; Daniel B. Crane, Illinois; Norman E. D'Amours, New Hampshire; Dan Daniel, Virginia; Thomas A. Daschle, South Dakota; Robert W. Davis, Michigan; John D. Dingell, Michigan; Robert K. Dornan, California; David F. Emery, Maine.

Glenn English, Oklahoma; David W. Evans, Indiana; Millicent Fenwick, New Jersey; Joseph L. Fisher, Virginia; Floyd J. Fithian, Indiana; Edwin B. Forsythe, New Jersey; L. H. Fountain, North Carolina; Bill Frenzel, Minnesota; Don Fuqua, Florida; Sam Gibbons, Florida; Dan Glickman, Kansas; Barry M. Goldwater, Jr., California; Lamar Gudger, North Carolina; Tennyson Guyer, Ohio; Tom Hagedorn, Minnesota; Sam B. Hall, Jr., Texas; George Hansen, Idaho; W. G. (Bill) Hefner, North Carolina; Cecil Heftel, Hawaii; Jon Hinson, Mississippi; Harold C. Hollenbeck, New Jersey; Carroll Hubbard, Jr., Kentucky; Richard H. Ichord, Missouri; Jim Jeffries, Kansas.

James P. Johnson, Colorado; Walter B. Jones, North Carolina; Robert W. Kastenmeier, Wisconsin; Ray Kogovsek, Colorado; Peter H. Kostmayer, Pennsylvania; Ken Kramer, Colorado; John J. LaFalce, New York; Robert J. Lagomarsino, California; Delbert L. Latta, Ohio; Manuel Lujan, Jr., New Mexico; Dan Lungren, California; Edward R. Madigan, Illinois; Andrew Maguire, New Jersey; Ron Marlenee, Montana; James G. Martin, North Carolina; Robert T. Matsui, California; Romano L. Mazzoli, Kentucky; Joseph M. McDade, Pennsylvania; Larry McDonald, Georgia; Matthew F. McHugh, New York; Stewart B. McKinney, Connecticut; Anthony Toby Moffett, Connecticut; Robert H. Mollohan, West Virginia; John T. Myers, Indiana; Stephen L. Neal, North Carolina.

Bill Nichols, Alabama; Leon E. Panetta, California; Claude Pepper, Florida; Charles Rose, North Carolina; Benjamin S. Rosenthal, New York; Toby Roth, Wisconsin; David E. Satterfield III, Virginia; Patricia Schroeder, Colorado; John F. Seiberling, Ohio; Philip R. Sharp Indiana; Norman D. Shumway, California; Paul Simon, Illinois; Gene Snyder, Kentucky; Fernand J. St Germain, Rhode Island; Arlan Stangeland, Minnesota; J. William Stanton, Ohio; Fortney H. (Pete) Stark, California; Bob Stump, Arizona; Mike Synar, Oklahoma; Thomas J. Tauke, Iowa; Harold L. Volkmer, Missouri; Doug Walgren, Pennsylvania; Robert S. Walker, Pennsylvania.

Ted Weiss, New York; Richard C. White, Texas; Charles Whitley, North Carolina; Lyle Williams, Ohio; Pat Williams, Montana; Larry Winn, Jr., Kansas; Timothy E. Wirth, Colorado; Gus Yatron, Pennsylvania; Robert A. Young, Missouri; James T. Broyhill, North Carolina; Robert W. Daniel, Jr., Virginia; Allen E. Ertel, Pennsylvania; Kent Hance, Texas; William J. Hughes, New Jersey; Olympia J. Snowe, Maine; Bob Traxler, Michigan; Jack Hightower, Texas; Frank Horton, New York; Henry A. Waxman, California; Matthew J. Rinaldo, New Jersey.

CONCURRENT RESOLUTION

Resolved by the House of Representatives (the Senate concurring),

Whereas the U.S. Postal Service has not answered fully the many questions concerning its plan to expand the ZIP Code to nine digits, nor fully resolved the technical issues involved;

Whereas the U.S. Postal Service proposes to pay approximately $1,000,000,000 for new, automated, mail-sorting equipment and for related changes required to expand the Zip Code;

Whereas the U.S. Postal Service has chosen not to examine the cost to businesses, nonprofit organizations, and institutions as well as to all levels of government to convert their mailing lists and make other changes necessary to implement the nine-digit code numbers;

Whereas the cost to these organizations to convert to the nine digits may equal the $1,000,000,000 that the U.S. Postal Service will pay;

Whereas the U.S. Postal Service could achieve significant productivity gains simply by employing new automated equipment to sort mail carrying the current five digit ZIP Codes;

Whereas the U.S. Postal Service has not studied alternatives, such as providing incentives to business mailers to imprint special bar-coding on billing and reply mail;

Whereas, according to the U.S. Postal Service, use of the expanded ZIP Codes will not speed the delivery of mail;

Whereas there is widespread public disenchantment with the plan of the U.S. Postal Service to expand the ZIP Code to nine digits: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the U.S. Postal Service should halt plans for its ZIP Code expansion until such time as the Service and the Congress have fully examined the cost to the Service, as well as to mailers, the social consequences, and the technical issues associated with that proposal, and that in no case should the U.S. Postal Service expand the ZIP Code beyond its current five digits without first fully examining other means of improving productivity in the sorting of mail.●

LEGISLATION ON ALASKA LANDS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 30 minutes.

● Mr. UDALL. Mr. Speaker, today I am introducing a bill that contains a package of proposed amendments that many of my colleagues believe provides a blueprint for a comprehensive settlement of the many and complex issues still separating the House and the Senate on the Alaska lands bill.

The bill is cosponsored by the acting chairman of the Committee on Merchant Marine and Fisheries, THOMAS ASHLEY, and by Representatives TOM EVANS of Delaware, JOHN SEIBERLING of Ohio, and PHILLIP BURTON of California. Representative JOHN DINGELL of Michigan, a senior member of the committee with jurisdiction over wildlife refuges, has made a number of recommendations that have been incorporated into the bill.

The House has a long and distinguished record on this issue and so it is important, I think, that my colleagues understand what these amendments are and what they are not, and how we have arrived at this process.

In late August, the Senate passed for the first time a version of the Alaska National Interest Lands Conservation Act (H.R. 39). The Senate bill was the product of a month of intensive private negotiations among various key Senators, conducted after supporters of positions close to those already adopted by the House showed remarkable strength on the Senate floor.

At no time did I or any other Member

of the House, or our aides, participate in these negotiations. Nothing in the Senate bill represents an agreement to which I or any other Member of the House has been a party, formally or otherwise. The Senators worked hard and diligently and came up with a bill far superior to the Senate Energy Committee proposal, but a good deal below the standard set by the House.

At that point, I would have strongly favored following regular order and going to conference with the Senate to resolve our differences. Even today, I would still like to accommodate the suggestion of the gentleman from Alaska (Mr. YOUNG) to proceed to a conference. But that is not possible.

It takes two parties for such a marriage and the Senate is the reluctant bride that will not come to the altar. Any conference report would present opportunities to the Senate's corps of filibuster artists and also would necessarily produce a bill that lies in between the House and Senate positions, a result that to this day the Senate principals have never found acceptable.

So, with no possibility of conference, we have been left with only two options. First, we could simply accept the Senate bill. From the hundreds of letters, phone calls, and conversations I have had with my colleagues, interest groups, and average American citizens, I know that such a course is just not acceptable.

The other path, the one we have chosen, is the path of the private discussion and negotiation among the principals in the Senate and the principal supporters of the House position on this side. For 6 weeks we have been walking this road. For more than 4 weeks, the Senate simply declined to walk it with us, apparently in the belief that after 4 years of hard work the House would grow tired of this business and travel the route they had determined. Finally, in the past 2 weeks, Members of the House and Senate sat down in an effort to arrive at a mutually acceptable package of amendments to H.R. 39.

I am making public these amendments today not because those negotiations have succeeded, but because they have not succeeded. Proposals and counterproposals have been exchanged repeatedly, as late as last night, and I expect us to keep exchanging proposals. So far, however, we have not bridged a large gap. So this package does not represent any secret agreement with the Senate, nor is it a ploy designed to up the ante and force anyone's hand? It certainly is not intended to terminate discussion and negotiation.

This is simply our concept, shared by many of our colleagues, of the blueprint for a fair and equitable settlement of the issues that divide the House and Senate bills. I cannot overemphasize my conclusion that the Alaska lands bill, amended as we propose, would provide major new benefits not just to the conservationists of this country, but to the State of Alaska, to native communities, sport hunters and trappers, the oil and gas industry, hardrock miners, and the timber industry. It is a blueprint that advances the interests of all parties on all fronts. And it will be apparent to anyone who examines our package with an open mind that our concessions far outweigh our demands.

Let me briefly outline what our package would do. First, we would accept the Senate bill as the basic text and change it as follows:

For sport hunters, we propose to expand the hunting preserve acreage in national parks by nearly 1 million acres over the Senate bill and 3 million acres over the House bill. Prime hunting lands in the Wrangells-St. Elias, Denali, and Lake Clark National Parks that otherwise would be closed to hunting by both bills would be opened by our amendments.

For the State of Alaska, our bill would accept the Senate conveyance of about 35 million acres of Federal land to State ownership, including about 2.5 million acres which the State currently has not legal right to select. These include lands within the House's boundaries for the Selawik, Yukon Flats, Koyukuk, Nowitna, and Arctic National Wildlife Refuges and the Denali National Park. In addition, our bill also would make available for State selection the south Steese area near Fairbanks while returning to House conservation units the Circle Benchlands and Your Creek areas.

We would confirm the new rights granted the State of Alaska by the Senate bill to make overselections, and to "top file" throughout the Federal lands in Alaska except for conservation system units, national forests, and the national petroleum reserve—Alaska. It also allows an additional 10 years for completion of the State's selection of lands under the Statehood Act.

For oil and gas development, we would accept the Senate's proposal that the coastal plain of the Arctic National Wildlife Range be subjected to seismic testing with a congressional decision 6 years from now on whether to proceed with full-scale exploration. As my colleagues well know, this issue has been one of the preeminent battles in the entire Alaska lands debate and on two occasions the House has said the area must be a wilderness closed to oil and gas development. This major concession we propose to make would be modified only by adding an additional 6 months to the baseline wildlife study.

For the timber industry in southeast Alaska, our amendments would accept the Senate's mandate that an average of 450 million board feet of timber be made available each year to the two pulp mills operating off the Tongass National Forest. And we would accept the Senate bill's requirement that $40 million be available annually for roadbuilding and other activities to assure achievement of that objective.

In exchange for these and other concessions too numerous to mention we ask only modest improvements that would recognize 4 years of hard work by this House and thousands of concerned citizens to preserve for all Americans their most precious and dwindling wilderness resource.

We ask for 3.5 million acres of wilderness more than provided by the Senate bill, still 7 million acres less than our House bill. We also would redistribute some wilderness so that key lands that need the special protection of wilderness will get it.

We ask that the Copper River Delta be designated a refuge so that one of the most bountiful waterfowl nesting and breeding areas in all of Alaska can be properly managed.

We would protect the Karta, Rocky Pass, and East West Chichagof areas in southeast Alaska, insist that the Forest Service offer the Sitka natives suitable lands off Admiralty Island for them to consider as an option to lands there, reduce the U.S. Borax wilderness exclusion in the Misty Fjords National Monument to a reasonable figure and shave the 23-million-acre Teshekpuk-Utukok wildlife refuge to two relatively small refugees totaling less than 8 million acres.

Mr. Speaker, this is a reasonable, forthright package of amendments. It will be clear to anyone who examines this proposal with an open mind that we are conceding far more than we are demanding and that we are not seeking total victory, but a settlement that protects what needs and deserves to be protected, while allowing Alaska and the Nation to benefit from the State's great economic wealth.

When we come back in November we intend to put before the House a bill similar to the amendments we propose today. After Senate passage of the amendments, House passage of the Senate's Alaska lands bill would be assured.

SECTION-BY-SECTION ANALYSIS OF ALASKA LANDS AMENDMENTS ACT

The bill is in two titles. Title I has two sections, which set forth certain findings (corresponding closely to findings contained in the Alaska National Interest Lands Conservation Act, H.R. 39, as passed by the House in 1979) and purposes, and provides for a short title—the "Alaska Lands Amendments Act".

Title II contains detailed amendments to the Senate-passed version of the Alaska National Interest Lands Conservation Act. There are 25 sections.

Section 201 provides a definition of the term "Act", which is used repeatedly throughout the title. The term is defined as referring to the Alaska National Interest Lands Conservation Act, and thus refers to the Senate version of H.R. 39 and contemplates that version being accepted by the House in conjunction with the Senate's passage of the Alaska Lands Amendments Act.

Section 202 deals with the Tongass National Forest in Southeast Alaska. It revises the Senate bill's designation of the West Chichagof-Yakobi Wilderness area so as to conform that wilderness to the boundaries in the House-passed bill. It also designates the Karta and Rocky Pass areas (recommended as wilderness by the President and designated as wilderness in the House-passed bill) as further planning areas.

Section 203 amends section 705 of the Senate bill to clarify the relationship between the provisions of that section and the Tongass Land Management Plan, and the manner in which that section is to be administered.

Section 204 amends the Senate bill's provisions regarding the conveyance of certain lands to Shee Atika, Inc., so as to require the Forest Service to offer to those Natives an option of receiving lands elsewhere than an Admiralty Island.

Section 205 amends the Senate bill so as

to bring the Russell Fjords and Misty Fjords National Monument wilderness areas closer to the House-passed version and to revise the provisions of the Senate bill dealing with activities within the Misty Fjords National Monument related to mineral development.

Section 206 amends the Senate bill so as to restore to the Yukon Flats National Wildlife Refuge certain lands which were deleted from that refuge in the Senate bill (some in interests of State selection and some for inclusion in national conservation area).

Section 207 restores to the Arctic National Wildlife Refuge the Your Creek drainage, which was deleted from refuge status by the Senate bill.

Section 208 revises the boundaries and designations of the Denali National Park and Preserve as contained in the Senate bill; it also provides that the name of Mt. McKinley can hereafter be changed only by Act of Congress.

Section 209 strikes from the Senate bill all of that bill's Section 401 (designating a national conservation area). The result is to make the southern part of the Steese Conservation Area available for State selection or for multiple-use management by the Bureau of Land Management (the northern Steese area is restored to wildlife refuge status as part of the Yukon Flats National Wildlife Refuge).

Section 210 amends the Senate bill so as to designate an additional river segment as a scenic river, namely the Ramparts section of the Yukon River, as provided for in the House-passed bill.

Section 211 amends section 906 of the Senate bill to revise that section's provisions regarding the land-selection interests of the State of Alaska under the Alaska Statehood Act.

Section 212 amends the Senate bill so as to designate additional wilderness areas within units of the National Park System and National Wildlife Refuge System.

Section 213 amends the Senate bill so as to designate the Copper River Delta area as a national wildlife refuge.

Section 214 amends the Senate bill's designation of areas within the Wrangell-St. Elias area as a National Park and Preserve, so as to provide additional acreage as a National Preserve, where sport hunting may be permitted.

Section 215 contains a number of miscellaneous amendments to the Senate bill, including corrections of terminology, revised wording of some administrative provisions, and the like.

Section 216 revises the time-frame for the baseline studies to be carried out in conjunction with the seismic study of oil and gas potential of the coastal plain of the William O. Douglas Arctic National Wildlife Range.

Section 217 revises section 1326 of the Senate bill to clarify the relationship between that section and the Alaska Native Claims Settlement Act and also between that section and other sections of the Senate-passed Alaska lands bill.

Section 218 amends the Senate bill by including therein provisions (similar to those in the House bill) for an immediate legislative conveyance to the various qualifying Native Villages of the townships in which the villages are situated, pursuant to the Alaska Native Claims Settlement Act.

Section 220 contains numerous technical, conforming, and perfecting amendments to the Senate bill.

Section 221 contains several additional amendments to the Senate bill, including provisions for designation of a Teshekpuk National Wildlife Refuge and a Utukok National Wildlife Refuge (each including some lands presently included within the National Petroleum Reserve—Alaska).

Section 222 amends the Senate bill so as to provide for a program of expedited oil and gas leasing within the Teshekpuk and Utukok National Wildlife Refuges.

Section 223 amends the Senate bill to make clear that it applies only to Alaska.

Section 224 amends the Senate bill to provide that the unit boundaries of the various wild and scenic rivers can extend as far as one mile on each side of each such river.

Section 225 amends the Senate bill to provide interim management guidance for areas which may subsequently be recommended for wilderness designation.●

HUMANITARIAN AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, and all who read this RECORD, I would like to commend to your attention a highly esteemed businessman and eminent humanitarian of our community in Dade County, Fla., Mr. Arthur H. Courshon.

Arthur Courshon, chairman of the board of the Washington Savings & Loan Association of Florida, will be honored by B'nai B'rith with its highest honor, the humanitarian award, at a testimonial dinner and ball on November 15, at the Sheraton Bal Harbour in Miami Beach.

An outstanding American, Arthur Courshon is much more than a businessman; he is an involved community leader.

Mr. Courshon is former president of the National Savings and Loan League, past cochairman of the Anti-Defamation League dinner, a member of the Board of the Florida Committee for the Weizman Institute of Science in Israel, a corporate founder of the Mount Sinai Medical Center in Miami Beach, and is now serving on the board of directors of the Miami Heart Institute.

In addition, he has well served his community. He is a member of the citizens board of the University of Miami and a member of the Pillars Club of the United Way of Dade County.

Let me commend to all this capable and responsible citizen of my community, who has effectively extended himself beyond his personal interests in the service of humanity. He is a man whose commitment to his community exemplifies the finest in both American and Jewish tradition. B'nai B'rith is proud to honor him with this award.●

SUPERFUND

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

● Mr. BRADEMAS. Mr. Speaker, among the major accomplishments of the House this year was the passage of the two so-called superfund bills, the Comprehensive Oil and Chemical Pollution Liability and Compensation Act to provide for the cleaning up of hazardous spills and the Hazardous Waste Containment Act to pay for the cleaning up of sites containing toxic waste.

It gratified me, Mr. Speaker, to read recently an editorial in the Elkhart Truth, a newspaper in my district in Indiana, congratulating the House on its action and calling upon the Senate to take similar action.

I commend the editorial to my colleagues. The text of the editorial from the Elkhart Truth of September 23, 1980, follows:

SUPERFUND NECESSITY

The horror stories of Love Canal and other chemical dumps, and spills of oil and chemicals, have Americans generally convinced that something has to be done to provide for cleanup in these situations. But this is terribly expensive. Fixing responsibility and finding the money are so difficult that actual cleanup is far behind discoveries of the extent of the problem.

Part of the answer is to make the spillers and dumpers responsible for the cost of the damage they cause. But there are many cases of old dumps where owners can't be found or spills where those responsible aren't equipped for cleanup. The best approach devised so far for these cases is a fund—called Superfund, paid largely by oil and chemical companies—that could pay for immediate cleanup, to be reimbursed later if the responsible parties can be identified.

A version of Superfund has passed the House. The Senate is studying a stronger one, and getting bogged down in complications. There is a danger that lobbying pressure from the oil and chemical industries may prevent passage in the short time left for this Congress. But this problem obviously is too much for individuals to handle, or even individual companies, however large. It is in everyone's interest to pass a concerted solution.●

LITHUANIANS ARRESTED FOR DEMONSTRATING OUTSIDE SOVIET EMBASSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MCDONALD) is recognized for 5 minutes.

● Mr. MCDONALD. Mr. Speaker, our Department of State has an unblemished record of being tough with little nations that cannot fight back. The little nation of Lithuania is no exception to this stalwart policy of our brave Department of State. While outwardly we still maintain the fiction that we do not recognize the Soviet seizure of the Baltic States of Lithuania, Latvia, and Estonia, present policy has been to play this down and make no provision for their continued diplomatic representation in Washington, D.C. Does anyone think for a moment that the Soviets would ever give us such a break? They have on tap a national liberation front for every non-Communist nation in the world which either is actively subverting the present government or waiting in the wings to go on stage.

But more to the point, Federal officials have gone to great lengths to see that every Iranian student is fully protected under our "bill of rights" no matter how nasty they become, and yet our Government insists on fully prosecuting and punishing 13 American students of Lithuanian descent who where demonstrating their suport of the Olympic boycott and protesting the Soviet invasion of Afghanistan near the Soviet Embassy

in Washington, D.C. All this in rather strange contrast to the Carter administration bombast about cutting off technology and wheat from the Soviets. It appears that the lesson to be learned here is not toy with the United States if you are weak and small, but work your will if you are in a position to strike back, because the policymakers downtown are a cowardly bunch. I strongly urge that the Justice Department come to its senses and drop this case and turn to more important items pertinent to our internal security, many of which I have called to their attention.●

ADMIRATION FOR LITHUANIAN RESISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● Mr. MOAKLEY. Mr. Speaker, I rise today to express genuine admiration for the continued Lithuanian resistance to Soviet oppression. The strong will and determination of these people are clearly manifest in the 40-year history of their struggle to retain what all freedom loving people agree are basic human rights.

The Lithuanian people have continually obstructed Soviet attempts to deny them their independence and freedoms of thought, conscience, and religion. We cannot help but respect the persistence they have exhibited in their efforts to regain these freedoms and the right to political self-determination.

The United States has always championed the Jeffersonian principle of self-government and worldwide obedience to a doctrine of human rights. Our views on such issues are clearly stated in both the Constitution and the Declaration of Independence.

The time has come for us to voice our continued support for the Lithuanian cause and to make known our recognition of the plight of enslaved people throughout the world. We must do our utmost to assist these people in their struggles to recapture the freedoms of which they have been deprived. It is with this thought that I urge support for H.R. 5407, which provides for the continued funding of the Lithuanian legation and its personnel.

It is also in this spirit that we should support the efforts of the Lithuanian Americans in their attempt to express their extreme dissatisfaction with Soviet aggression. The incident outside the Soviet Embassy in Washington several months ago was an unfortunate one, but it is the opinion of most observers that the protestors have already been sufficiently dealt with for their violation of the D.C. Code which prohibits congregating within 500 feet of an embassy. We cannot discount the strong feelings they have for their fellow countrymen any more than we can ignore the causes for which they and others like them are fighting.●

COURT DECISION ON CENSUS IS NOT ENOUGH

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

● Mr. BINGHAM. Mr. Speaker, I was heartened by the recent district court decision ordering an adjustment of the census figures for the expected undercount of blacks and Hispanics. By enjoining the Bureau of the Census from delivering the population counts to the President or the States until these adjustments are made, the court has taken a step toward ending the controversy which has surrounded the census for many months. Unfortunately, even if the inevitable appeals are upheld, this ruling will only be a partial solution to the problems New York City has with the census. Therefore, I support the further court action which New York State and New York City have determined they must take. I also support the actions of my colleagues who have introduced legislation in their efforts to solve the problem of a census undercount.

The ruling of U.S. District Court Judge Horace Gilmore in Young against Klutznick merits praise for its eloquent and thorough defense of the right to vote and the right to have one's vote count equally with all other votes. In this case between the city of Detroit and the Bureau of the Census, Judge Gilmore rightly concluded that—

> Where a known differential undercount of Black persons and Hispanic persons as compared with white persons of 4 to 1 has the effect of denying persons equal weight of vote and equal representation, by virtue of the large concentrations of Blacks and Hispanics in metropolitan areas and/or regions of the Southwest, the principle of one-man, one-vote is clearly violated.

I hope this ruling will lead to a satisfactory solution for Detroit and for all other areas of the country where an undercount is likely. However, New York City is a demographically complex area and has unique problems. While we delight in the ethnic diversity of our city, this diversity creates special problems in obtaining an accurate population count. For example, many of our residents do not speak English which makes participation in the census extremely difficult. My congressional district includes people who speak only Russian, Albanian, Jamaican, and Chinese in addition, of course, to those who speak only Spanish. In high-crime areas people are reluctant to open their doors to strangers, including census enumerators. Further, in these areas, enumerators might be fearful of doing their work as thoroughly as they might in safer areas. Deteriorated housing in parts of my district makes it difficult to tell whether many of the buildings are inhabited, let alone to enumerate their occupants. I have found over the years that when families escape their homes in devastated areas they often move in with friends or relatives nearby. These people are reluctant to be counted since they may be violating restrictions on the number of people allowed in one dwelling. Because of these characteristics of my district, I am concerned that an adjustment for blacks and Hispanics, which may be an adequate solution for Detroit, is only a partial solution for New York City.

Mrs. Evelyn Mann, a demographer with New York City for the past 30 years and director of the population division of the department of city planning in New York City, has offered some conservative estimates of the undercount in New York City in an affidavit for the joint lawsuit by New York State and New York City against the Bureau of the Census. The minimum undercount, according to her calculations, is about 800,000 people. She categorizes them this way:

Undocumented aliens (581,000), blacks of non-Hispanic origin (131,000) adult male members of public assistance households (116,000), Hispanics including blacks of Hispanic origin (116,000), persons engaged in illegal activity (100,000), whites (84,000), and selected groups within the Asian and Pacific Islander population (15,500).

Mrs. Mann's figure of 800,000 people not only uses an extremely conservative estimate of undocumented aliens in New York City, but also excludes the potential undercount for unreported children, the aged, homeless people, and people with language difficulties other than those included in the groups above.

In its case against the Bureau of the Census, New York City has raised very serious charges of mismanagement against the Bureau. The city has been frustrated by the Bureau's refusal to take advantage of expert knowledge of New York City which people such as Evelyn Mann can offer. In her affidavit of August 20, 1980, Mrs. Mann criticized the Bureau for its rigid insistence on using only those procedures which it can apply nationally:

> This attitude has serious detrimental consequences for New York City given its unique size, density, and diversity in many ways which directly relates to the ability to enumerate. Even within New York City, enumeration procedures which can be highly successful in one neighborhood can be seriously inadequate in another. The Bureau's failure to recognize this actuality and design procedures which are locality-specific results in a bias against a complete count in New York City which does not exist for those localities which more closely compare with the national norms.

I recognize that there have been dramatic changes in the demographic profile of our country in the last decade, changes such as the shift from the Frost Belt to the Sun Belt and a decline in the average number of persons per household. I can accept these changes and that the population of the Bronx has declined. However, before I can accept the 1980 census figures, and before I agree to depend on that count for the next 10 years on behalf of the people I represent, I must be satisfied that every-

thing possible has been done to make sure that the population count is as accurate as possible.

The State of New York and New York City are determined, in spite of the Detroit ruling, to pursue court action to insure an accurate count of their residents. I support their efforts as well as the efforts of my colleagues in both the House and Senate who have introduced legislation calling for an adjustment of the undercount using the best or most appropriate methodology available.

When the Bureau of the Census studies the question of the most appropriate adjustment methodologies to employ in its procedures, it must not neglect the possibility of recanvassing portions of New York City, and perhaps of other parts of the country, where statistical adjustment without further field work may be inadequate. Judge Gilmore has left the choice of methodology for adjustment up to the skilled statisticians of the Census Bureau, and this is as it should be. I only suggest that the Bureau should not narrow its range of choices by automatically excluding further field studies without giving consideration to the special problems that were encountered in enumerating areas such as New York City.

In his ruling for Detroit, Judge Gilmore cited a 1963 Supreme Court decision in which the Justices stated:

> The right to vote freely for the candidate of one's choice is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

The minorities and the poor in this country must not have their vote diluted simply because they are hard to count in the census. The Bureau of the Census must use all of the techniques at its disposal to adjust the census undercount and to prevent this injustice from occurring.●

FINANCIAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 5 minutes.

● Mr. MURTHA. Mr. Speaker, once again this year I am inserting into the CONGRESSIONAL RECORD a voluntary financial disclosure statement covering my personal transactions and use of taxpayer funds in the operation of Pennsylvania's 12th District congressional office. This statement consolidates other reports required to be filed by House rules, and in many cases goes beyond the requirements.

On May 14, 1980, in compliance with the rules of the U.S. House of Representatives, I filed the required financial disclosure statement.

I believe this additional statement is important for two reasons. First, to make clear that in the exercise of my duties I am subject to no conflicts of interest that would prevent me from representing the 12th Congressional District. Second, to make clear to constituents how tax moneys have been spent in operation of their congressional office.

Mr. Speaker, I would now like to insert into the Record my financial statement covering January 1, 1979 through December 31, 1979.

FINANCIAL STATEMENT

PART I: PERSONAL FINANCES

A. Taxes

Total taxes paid for the year 1979 amounted to $19,939.00, this included Federal income tax and Pennsylvania state and local taxes.

B. Sources of all income

My total income for 1979 amounted to $64,035, $58,027 was accounted for by my Congressional salary and the balance was comprised of: interest on a savings account I hold jointly with my wife; from the Ace Car Wash in Johnstown of which I am Secretary; interest from the Post Office Employees Credit Union; interest from the Lincoln National Life Insurance Company; honoraria for speeches from the Dravo Corporation, C&K Coal Corporation, Institute of Scrap Iron & Steel, Inc., The Boeing Company, and the Franklin Discussion Group; and dividends on stock owned in the First Tyler Bank and Trust Company of Sistersville, West Virginia, and AT&T. All outside income was in agreement with House Rules.

C. Holdings and interests

(1) Living accommodations.—My wife and I jointly own a home in Johnstown where we have lived since 1961. In Washington I rented an apartment during 1979.

(2) Stocks.—I own stock in the Ace Car Wash of Johnstown located on Roosevelt Boulevard. I have served as Secretary of the Car Wash organization since 1966. I have a few shares of A&T and First Tyler Bank of West Virginia.

(3) Bonds.—The only bonds I owned in 1979 were U.S. Savings Bonds.

(4) Loans.—As of December of 1979 I owed the Dale National Bank for loans made for routine home, auto and family expenses.

(5) Other assets.—The only other assets I have are life insurance policies with a cash value.

PART II: OFFICE REPORT

In 1979 the House of Representatives authorized an allowance for the conduct of the official and representation duties of the 12th Congressional District office. The amount allocated was $67,491. This allowance may be used for the expenses of travel, office equipment lease, district office lease, stationery, telecommunication, mass mailings, postage, computer services and other official expenses approved by House Rules. In accordance with those rules, an additional $15,000 was transferred into the account covering official duties from the Clerk-Hire allowance. Thus, the total for official expenses was $82,491. In 1979, of that total I expended $73,748.60 of this allowance, with an unused balance of $8,742.40. Here is a breakdown of the spending.

A. Office supply account

This is a general fund used for the purchase of regular office supplies such as paper, envelopes, stationery, pens, pencils, and other daily office needs. Supply needs are particularly vital in responding to the 500-750 pieces of mail the office receives each week.

An additional item purchased from this account is American flags flown over the U.S. Capitol. In general, I as persons requesting flags to pay for the flag themselves. There are cases, however, where a constituent or organization (particularly nonprofit groups) deserves to be honored for outstanding service to our area or nation. In such instances, I purchase the flags from this account. Examples during 1979 included a Portage Girl Scout Troop, a new Volunteer Fire Company building, several parks, and a Veterans Post. In 1979 I expended $17,421.79 for office supplies.

B. Postage

This fund allows the purchase of stamps for official business use not covered by the Congressional frank. This includes foreign postage, special delivery, and cases of routine office procedure not covered by the frank. The occasion where the office uses the fund most is in purchasing special delivery stamps where it is important that a report or inquiry be returned to a constituent or community official as quickly as possible. In 1979 I expended $1,080 for postage.

C. Communication

The Communication fund was established to facilitate the correspondence between members and constituents. The uses I made of this fund were in typesetting and negative preparation of newsletters and meeting notices, plus the preparation of polls and questionnaires. In 1979 I expended $543.38 for communications.

D. Computer

In 1979 I expended $149 for computer-related services, and I am working on computerizing many files to speed information to constituents.

E. Equipment lease

To operate the Congressional office, it is essential to lease a number of pieces of equipment both in Washington and the district offices. These including copying machines, typewriters, and similar items. In 1979 I expended $11,072.39 for the leasing of office equipment.

F. District office rent

In 1979 I retained district offices in Johnstown, Kittanning, Somerset, Punxsutawney and Indiana. All, with the exception of the Indiana office, are located in federal buildings. In 1979 I expended $13,670 for the total rental of all offices.

G. Official expenses

Under this category items were covered for official office actions not provided under other categories. As examples, I received $291.80 in reimbursements for official travel within the Congressional District. The costs of subscriptions to newspapers, and research items were paid from this account. Another item included was costs of taping my weekly radio report. In 1979 I expended $15,553.61 for official expenses.

H. Travel

This fund covers official trips between the Congressional District and Washington. Official business trips by staff between those locations can also be reimbursed from this fund. Most every week I drive between Washington and the Congressional District. In 1979 I expended $4,044.28 for official travel.

I. Telecommunications

The basic costs of official telephone service and long distance calls are covered by this

account. In 1979 I expended $10,214.15 for telecommunications.

J. Staff

During 1979 I was allowed a maximum of 18 staff positions and a total allowance of $293,199. Of this amount, all positions were filled. At year's end the unused balance of my clerk-hire allowance was $9,894.55. This resulted from paying salaries plus the transfer of $15,000 into other accounts. I have six people on my staff in Washington including an administrative assistant; legislative assistant; case worker (projects, grants, etc.), two secretaries and a receptionist.

The other staff members serve throughout the 12th Congressional District. All but three of the staff members presently or formerly resided in the 12th Congressional District.

K. Government travel

In 1979 I took seven trips as part of my official oversight work as a member of the House Appropriations Committee. All those trips developed from my work on the Defense Appropriations Subcommittee and were inspections of U.S. military facilities. Those trips were:

August 5 to August 11.—(Germany, Belgium) Transportation paid by government ($1,409.61). I claimed $679 per diem. I toured N.A.T.O. bases and met with N.A.T.O. Commanders to analyze allied power against the Soviets.

October 21 to October 22.—(Guantanamo Bay, Cuba) Travel by military aircraft. This trip inspected the Marine Landing at Guantanamo during the height of the Russian Troop situation.

I also took five 1-day trips (leave in morning, return in evening) here in the States. These trips were paid for from existing military budgets and were a series of checks I made on the abilities and readiness of American troops.

February 12.—Parris Island, South Carolina,

March 27.—Quantico, Virginia,

April 19.—Naval Training Center, Great Lakes Illinois.

May 18.—Aberdeen Proving Grounds, Maryland.

July 5.—Fort Benning, Georgia.

Since taking office in 1974 I have returned to the Treasury a total of $136,119.61. These savings were realized while maintaining full service to the people of the 12th Congressional District.●

JCP SEEKS COMMENTS ON REVISED PROPOSED REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HAWKINS) is recognized for 5 minutes.

● Mr. HAWKINS. Mr. Speaker, on behalf of the Joint Committee on Printing, I inserted in the RECORD on August 1, 1980, certain proposed interim changes to the Committee's Government Printing and Binding Regulations No. 24 dated April 1977. The purpose was to solicit comments on the proposed changes from as wide an audience as possible before any formal action was taken by the committee.

Written comments and suggestions were received from almost 100 Federal officials, commercial contractors, and other interested parties. These were supplemented by an equal number of telephoned comments and by individual discussions held during the Joint Committee's recent public meeting in Boston. All comments have been of great value in assisting the committee to evaluate the proposed changes.

As a result, I am inserting today a revised version of proposed changes to our regulations which incorporates most of the suggestions received. Again, our objective is to invite interested persons to submit comments or additional suggestions to the Joint Committee, S–151, U.S. Capitol, Washington, D.C. 20510, on or before November 1, 1980.

NEW PARAGRAPH

1–4. ELECTRONIC PRINTING.—As used in these regulations, electronic printing describes printing produced by or for the Federal Government through the use of any electronic printing system, any integrated printing system, and any item of equipment forming a part of such systems, which can perform composition, image reproduction, or sort/collating regardless of any other capability or function. Such systems may include two or more items of equipment, whether or not such equipment is listed in Title II of these regulations.

REVISED PARAGRAPH

2–1. COPYING.—The term "copying" as used in these regulations means material produced by or for a Federal department or agency by use of automatic copy-processing or copier-duplicating equipment employing electrostatic, thermal or other copying processes. Production limits shall be established for the use of such equipment by the Central Printing and Publications Management Organization (CPPMO) of each department or agency.

NEW PARAGRAPH

4–4. PRINTING FACILITY.—The term "printing facility" as used in these regulations means any federally owned or federally controlled facility producing printing by use of (a) one or more pieces of equipment listed in Column 2 of the equipment tables, or (b) one or more pieces of automatic copy-processing or copy-duplicating equipment employing electrostatic, thermal, or other copying processes with a rated speed of 80 copies or more per minute. A printing facility shall not be operated for any Federal Government department or agency by a commercial contractor without prior written authorization by the Joint Committee on Printing.

NEW PARAGRAPH

4–5. Printing facilities and equipment owned or operated wholly or in part by the Government or at Government expense shall not produce more than 3,000 production units of any one page or work exceeding 15,000 production units in the aggregate of multiple pages per individual document or publication, unless a waiver or specific authorization to exceed these limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) described in paragraph 30 of these regulations or (b) the Joint Committee on Printing.

NEW PARAGRAPH

9–1. Acquisition of any electronic printing system, any integrated printing system, or item of equipment forming a part of systems dedicated to printing processes, or to be used to produce printing whether or not utilizing computer technology and regardless of rated speed, requires prior written approval of the Joint Committee on Printing. This requirement shall be complied with regardless of how such equipment is classified by the General Services Administration (Federal Supply Services). Production utilization constraints and specific reporting requirements may be specified by the Joint Committee on Printing as part of such authorization.

NEW PARAGRAPH

30. Central Printing and Publications Management Organization (CPPMO). Heads of Federal departments and agencies shall maintain under their direct supervision a Central Printing and Publications Management Organization (CPPMO) responsible for:

(a) Conducting a cost effective, coordinated program controlling all materials developed, produced, procured or distributed by the department or agency through the utilization of printing, electronic printing, copying, binding, and microform techniques as defined in these regulations.

(b) Controlling the department's printing plants, printing facilities, copying, and printing and copying equipment.

(c) Assuring the use of the most efficient and cost effective method of printing and copying services.

(d) Monitoring the preparation, review and timely submission of all prescribed reports.

REVISED PARAGRAPH

35–3. A contractor shall not produce or procure more than 3,000 production units of any one page or 15,000 production units in the aggregate of multiple pages per individual document or publication for a Federal department or agency unless a waiver or specific authorization to exceed these limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing. For the purpose of this paragraph such pages may not exceed a maximum image size of 10¾ by 14¼ inches.

REVISED PARAGRAPH

35–4. A contractor shall not produce or procure more than 250 duplicates from an original microform, as defined in paragraph 7–2, for a Federal department or agency without authorization by (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing.

PAGE 7—REVISED FOOTNOTE

[1] Not authorized for use by printing facilities or in connection with copying as defined in paragraphs 2–1 and 4–4.

PAGE 8—REVISED FOOTNOTE

[1] Acquisition of tandem presses, two unit perfecting presses, or duplex copy-duplicators by all facilities shall be reported to the Joint Committee on Printing within 30 days.

REVISED PARAGRAPH

36–3. A grantee shall not produce or procure more than 3,000 production units of any one page, or 15,000 production units in the aggregate of multiple pages per individual document or publication, for a Federal department or agency unless a waiver or specific authorization to exceed those limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing. For the purpose of this paragraph, such pages may not exceed a maximum image size of 10¾ by 14¼ inches.

REVISED PARAGRAPH

36–4. A grantee shall not produce or procure more than 250 duplicates from an original microform, as defined in paragraph 7–2, for a Federal Department or agency without authorization by (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing.

REVISED PARAGRAPH

47. Printing Plants of Federal Prison Industries, Inc.—These plants may be used only for the production of unclassified printing. Printing services are available at the following three locations and may be used by sending a purchase order direct to any one of them: c/o Warden: Federal Correctional Institution, Lompoc, California 93436. c/o

Warden: U.S. Penitentiary, Marion, Illinois 63959. c/o Warden: Federal Correctional Institution, Sandstone, Minnesota 55072.

Where the purchase order contains the Convict Labor Clause, that clause should be deleted.

NEW PARAGRAPH REPLACING 2–2

48–1. (a) Consolidated semi-annual report shall be submitted to the Committee not later than 60 days after the close of the two six month periods, October–March and April–September, by the Central Printing and Publications Management Organization (CPPMO) summarizing production by all manned printing facilities, as defined in para. 4–4, listing individual jobs by title, quantity (pages and copies), date, and where done, which exceed either the 3,000 or 15,000 production unit limitation.

(b) A consolidated annual report covering all unmanned equipment performing copying, as defined in para. 2–1 of these regulations, shall be submitted to the Committee by the Central Printing and Publications Management Organization (CPPMO) not later than 60 days after the close of each fiscal year identifying the volume of reproduction and the cost thereof.

(Reporting forms will be prescribed by the Joint Committee on Printing.)●

A TRIBUTE TO BILL VEECK

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

● Mr. ROSTENKOWSKI. Mr. Speaker, I rise to pay tribute to Bill Veeck, one of the most dynamic individuals ever to be associated with the game of baseball, who at the conclusion of this season will be retiring as the president of the Chicago White Sox.

In his over 40-year involvement with baseball, Bill has been a pioneer in many aspects of the game, an aggressive promoter, a winner of championships and yet through all his experiences he has never lost a bit of enthusiasm.

Bill Veeck is a master promoter. I dare say P. T. Barnum would be challenged to the limit to match him in this capacity. In fact, in the post-World War II era many commentators have been saying that our society is moving at an ever-increasing pace and that baseball simply is too slow a game to interest our mobile society. Yet, Bill has answered this challenge through the many innovations he has authored which have brought excitement to baseball. He introduced baseball fans to the exploding scoreboard which resounds with lights, fireworks, and music, when a home team player "connects" for a home run. He also broadened the appeal of baseball by attracting not just the males in a family, but all members of a family. The "picnic grounds" in Chicago's White Sox Park where an entire family can eat a picnic-style dinner while enjoying a baseball game is an example of his efforts in this direction.

But, it would not be fair to speak of Bill Veeck only as a man whose skills were limited to box office promotion. He has a keen mind for recognizing talented players and thus molding successful teams. During his years with the Cleveland Indians, he brought them a world championship as well as a season attendance record in 1948 which, by the way, is still a major league record. In Chicago, Bill brought our city its last major league baseball pennant when his 1959 "go-go White Sox" won the American League title.

As Bill approaches retirement, I want to join all of Chicago in saying thank you for many exciting moments. I hope retirement is both restful and relaxing for a man who has done so much for our national pastime.●

AN EXCHANGE OF VIEWS WITH EUROGROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, today several staff members of the Committee on Foreign Affairs met with three representatives of the Eurogroup—an informal grouping of a member of European members of NATO. The principal topic of discussion was the European contribution to NATO.

The exchange of views was outstanding. To further our understanding of the Eurogroup and the European contribution to our alliance, I include in the RECORD the attached statement provided by the visiting group:

EUROGROUP AND EUROPEAN DEFENCE: FACTS AND FIGURES

1. The Eurogroup is an informal grouping of European countries within the framework of NATO. It is open to all European members of the Alliance. Those taking part at present are Belgium Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey and the United Kingdom.

Aims

2. The basic aim of the Eurogroup is to help strengthen the North Atlantic Alliance as a whole by ensuring that the European contribution to the common defence is as strong and cohesive as possible.

Methods

3. Eurogroup:

(a) Provides a forum for discussion at Ministerial level of political/strategic questions affecting the defence of NATO Europe.

(b) Seeks to make the best use of available resources for defence by co-ordinating efforts in fields of common interest.

Political Consultation

4. Eurogroup Defence Ministers meet twice a year for informal discussions on major topics. They review a wide range of subjects in the defence field. This assists eventual decision-making within the Alliance as a whole; it sets the tone for greater mutual understanding and cohesion at all levels of Eurogroup; and provides impetus for the practical co-operation described below. The non-Eurogroup members of the Alliance are kept in close touch with the outcome of Ministers' discussions.

Practical co-operation

5. Seven sub-groups of national experts are active in the following fields of practical co-operation: training logistics, medical services, communication, information on force structures of member countries, long term planning on the development and harmonisation of tactical concepts, and equipment collaboration.

THE EUROPEAN CONTRIBUTION TO ALLIANCE DEFENCE

6. Force Levels. Of the ready forces currently available in Europe, about 91 percent of the ground forces and 86 percent of the air forces come from European countries,[1] as do 75 percent of NATO's tanks and more than 90 percent of its armoured divisions.

7. Manpower. The size of the armed forces of European countries amounts in peacetime to some 3 million [2] rising to nearly 6 million when reserves with an assigned role in mobilisation are included. North American figures are 2.15 millions rising to 3 millions.

8. Expenditure. In 1979 Eurogroup countries contributed about $70 billions to NATO's total defence expenditure. Between 1970–78 their real spending rose on average by about 2 percent per year over and above inflation so that by 1978 NATO Europe had taken on a proportionately greater share of the common defence burden than it carried ten years earlier. Since 1978 all Alliance members have supported the aim for real increases in defence spending in the region of 3 percent per annum.

9. Capital Expenditure. Several European countries devote as high a proportion of their expenditure to improving the quality and quantity of their military equipment as do North American allies. Among the new land equipment which is being introduced in 1980 are: 190 main battle tanks, 450 other armoured vehicles, 210 artillery pieces, 500 anti-armour missile systems and 9,700 hand held rocket launchers. Over half of these are additional to existing scales of equipment. Plans to improve air and counter-air capability this year include the introduction of 170 new combat aircraft, 110 helicopters and 150 additional air defence artillery systems.

MILITARY COLLABORATION AND INTEROPERABILITY

10. Increased practical military co-operation has consistently been a major Eurogroup objective, both to ensure that the most effective use is made of the resources of the European members of the Alliance and to increase standardisation and interoperability between the forces of member countries. In the most important field—new equipment—a variety of collaborative systems are being introduced in 1980. These include the Tornado multi-role combat aircraft (jointly designed and built by Germany, Italy and the UK); the first European built examples of the NS-designed F16 aircraft (for Belgium, Denmark, Netherlands and Norway); and the German Leopard II main battle tank (the successor to the Leopard I now in service in six Eurogroup countries). Deliveries of the collaboratively designed FH70 155 mm howitzer systems are also continuing as are deliveries of the Anglo-Belgium Scorpion series of tracked reconnaissance vehicles and the German designed 'Gepard' anti-aircraft tank which is also being procured by Belgium and the Netherlands.

11. In 1976 Eurogroup provided the stimulus for the creation of the European Programme Group, involving all members of Eurogroup plus France, firstly in order to extend the equipment collaboration among the European members of NATO, and secondly to enter into a closer dialogue with North American Allies with a view, for example, to achieving a more balanced degree of armaments co-operation with the United States (at present the United States has the advantage in transatlantic trade in defense equipment by a factor of 10–1 over the European allies).

[1] 'Eurogroup' proportions (i.e., excluding France) are 80 percent and 70 percent respectively.

[2] 'Eurogroup-only' figures are 2.5 millions.

12. In addition to equipment collaboration, the Eurogroup has also promoted closer European co-operation across a range of associated support functions including training (with over 20 multinational projects currently underway), logistics support (based on co-operative principles agreed in 1975) and battle field communications systems (where parameters have been agreed which would permit full interoperability between nations).

SPECIAL DEFENSE IMPROVEMENTS PROGRAMMES

13. Eurogroup countries have always participated wholeheartedly in the special efforts which have been needed over the past decade to maintain adequate defense capabilities in the light of the scale and nature of the Warsaw Pact military build-up. In 1970 Eurogroup undertook a special 5-year European Defence improvement Programme of additional expenditure amounting to $1 billion (1970 prices) and covering improvements in the field of equipment, communications and infrastructure. Since then Eurogroup countries have played their part following the decisions taken at the NATO Summit in 1977, in undertaking Short Term Measures (early remedies for shortcomings in selective areas of defence capability) and in developing the Long Term Defence Programme involving special efforts across the whole range of defence capabilities to meet the changing defence needs of the 1980s and beyond. In May 1980 as part of an Alliance-wide effort, Eurogroup countries agreed to earlier or augmented implementation of military measures and to consider further such action in December 1980, in order to maintain and strengthen defence capabilities in NATO Europe, particularly in view of the increased defence burden falling upon the United States in relation to South West Asia. In December 1979 the decision was taken on the modernization of NATO's long range theatre nuclear forces by the deployment in Europe of United States systems.

EUROGROUP SECRETARIAT.

SEPTEMBER 1980.●

SOARING INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, today is the first day of the new fiscal year and the estimates of the 1981 deficits provide a wide variety of choices depending on which assumptions are utilized.

The first budget resolution had calculated a $30 billion deficit. The Senate budget resolution estimated an $18 billion budget deficit based on inconclusive assumptions. From what I can determine, the deficit will be in far excess of these projections.

First of all, the Congress did not support the President's request for increasing revenue in the amount of $7 billion. In addition, the Congress has increased expenditures for unemployment compensation and has yet to deal with the added cost of trade adjustment assistance. It is my understanding that the Department of Defense has incurred considerable extra expense in connection with the Middle East problem.

Without any tax cut legislation in 1981, it appears that we are looking at a deficit of $45 to $50 billion. Any tax cuts projected next year are likely to propel the deficit beyond this base.

Mr. Speaker, under these circumstances we must expect that interest rates next year must soar above the highs of recent years. When Congress considers tax cut legislation next year, it is essential that the interest rate projections be considered in the decision. It would be folly to create capital with excess public borrowing under circumstances in which capital expenditures cannot be wisely made because of soaring interest rates.●

CHILD NUTRITION

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

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3765, the walnut, olive marketing bill which passed the Senate last evening.

This measure, as passed by the Senate, includes the substantively identical provisions of the Food Security Act, which passed both the House Committee on Foreign Affairs, of which I am a member, and the Committee on Agriculture. The measure is also similar to the provisions of H.R. 7664 the Child Nutrition Act Amendments, agreed to by Senate and House conferees.

As the sponsor of H.R. 3611, the Food Security Act, considered by the aforementioned committees of the House, it is gratifying that the House finally has the opportunity to consider this critical and long overdue measure. Similar legislation in the 95th Congress, was caught up in the last minute crush of legislation and unfortunately never considered. The time for action on this key measure is now, we may not soon again find supplies and the vagaries of production as propitious as they are currently.

The Food Security Act would establish a 4 million metric ton reserve to backstop our Public Law 480 food assistance commitments during times of short supply.

Passage of this measure will allow us to improve our ability to respond to the urgent food needs of those in less developed countries during food supply crises. We experienced such a crisis in the early 1970's and short supplies of key commodities shut the door on many developing countries who were most in need of food assistance. Establishment of the proposed reserve for international emergency food assistance would help prevent recurrence of such an intolerable situation at odds with the humanitarian principles upon which our Nation was founded and certainly not in the long-term interests of our Nation or the international community in general.

Accordingly, I urge my colleagues to support this important measure—endorsed by the Presidential Commission on World Hunger of which I was a member—a measure which will underscore our Nation's commitment to ending hunger.●

WHAT IS REALLY HAPPENING IN THE PANAMA CANAL; A UNANIMOUS REPORT OF THE SUBCOMMITTEE ON THE PANAMA CANAL

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

Mr. BAUMAN. Mr. Speaker, it has been 1 year since Congress adopted legislation to implement the Panama Canal treaties which established a new administrative structure for the operation of the canal until the year 2000. It has also been 1 year since the Carter-Torrijos treaties surrendered U.S. sovereignty over the canal, a U.S. possession since 1903.

In that year, I am sad to report, many of the predictions that I and other opponents of the treaties unfortunately made have come true. In spite of some optimistic reports in the press, the giveaway of the canal has not produced the "era of good feeling" that Jimmy Carter promised between the United States and Latin America if only we handed over this waterway of such great strategic and economic value. In fact, since the transfer, Panamanian officials have repeatedly denounced the United States and Panamanians have engaged in arms traffic which is destabilizing all of Central America.

In 1979, some may recall, the U.S. taxpayers were promised by President Carter that the treaties would not cost any money. Unfortunately for the American consumer, though, canal toll rates were raised by almost a third the day the treaties went into effect in order to pay for the millions of dollars in increased payments guaranteed to Panama. Now there is a move in Panama, which demanded that the pay scales for its own citizens working in the Canal Zone be cut because they were making more than the people outside the zone, to ask that the pay scales be pushed up again. It seems that the Panamanian workers' cost of living rose so much with Panama running the zone's facilities that they are unable to make ends meet. The cost of this raise in wages may be as much as $1.2 billion.

Panama's continued unwillingness to cooperate with the United States has surfaced in a wide range of places. For instance, a U.S. contractor sold his bus company to Panama just before the treaties took effect, with payment due this March. To date, Panama has refused to pay the $160,000 it owes. On a government-to-government level, Panama for months denied that it even owed the United States some $9 million in water treatment payments, and Panama's President Royo boasted that "Panama will never pay for its own water." It was only when we got tough and refused to pay Panama its share of the canal toll revenues that the matter was resolved. To save face, however, President Royo left on a trip abroad before his ministers OK'd the payments agreement.

Even in the operation of the canal, Panama's intransigence has had its

effect. The Panmanian Government insists on its own interpretation of the treaties, and refuses to recognize legality of the implementing legislation which the U.S. Congress passed. The Carter administration, though, has preferred to let Panama have its way rather than to resolve the issue and risk having the dispute made public in the United States.

The Panama Canal Subcommittee, of which I am the ranking minority member, recently held oversight hearings on the implementing legislation and found that the violations of that law, and even the treaties themselves, had reached an appalling level simply because the U.S. Government is unwilling to insist that the law we adopted be obeyed. Our subcommittee unanimously approved a report on our findings in open meeting, on September 15, in which we listed six recommendations which would help get the Panama Canal Commission back on course legally running the canal as Congress intended.

Unfortunately, due to Carter administration pressure, the full Merchant Marine and Fisheries Committee has failed to even consider adoption of the report, although a meeting to do so was scheduled and then abruptly canceled.

I believe this to be the result of State Department pressure. That is unfortunate, because covering up the problems with Panama only guarantees that they will worsen. Fearing that this excellent subcommittee analysis of the current situation would never see the light of day, I have decided to place the entire report in the CONGRESSIONAL RECORD. It is a sad commentary on this Nation's leadership that the Carter administration should be so scared of the truth, or so weak that it cannot even acknowledge differences of opinion. I hope that the release of this report will contribute to a resolution of the problems we have uncovered, and lead to a proper relationship between the United States and Panama so that we can resolve our differences openly, not by pretending they do not exist. I urge my colleagues to study this report carefully in order to decide whether the Panama Canal Treaties were proper, or, as many of us said, a tragic mistake.

The report follows:

OVERSIGHT REPORT ON THE ADMINISTRATION OF THE PANAMA CANAL ACT OF 1979

(By the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries of the House of Representatives)

PURPOSE OF HEARINGS

On July 28, 1980, the Panama Canal Subcommittee of the Committee on Merchant Marine and Fisheries held the fourth in a continuing series of oversight hearings to review the administration and execution of the Panama Canal Act of 1979, Public Law 96-70, approved September 27, 1979 (93 Stat. 452). The act was adopted after extensive hearings and a favorable report of this Committee on April 23, 1979. (H. Rept. No. 96-98, Part I, to accompany H.R. 111, 96th Cong.). After H.R. 111 had passed the House the Subcommittee held an oversight hearing on July 16, 1979, in anticipation of the necessity for expeditious staffing and funding of the Panama Canal Commission when the 1977 treaty entered into force on October 1, 1979. (Hearings Panama Canal Commission Authorization and Oversight—1980, Serial No. 96-7). The second oversight hearing was held on November 2, 1979, approximately one month after the effective date of Public Law 96-70, and the third such hearing was held on February 19, 1980 in connection with consideration of legislation to authorize appropriations for operation of the Panama Canal Commission in fiscal year 1981. (Hearings "Panama Canal Commission" Serial No. 96-25).

Specifically the purpose of the July 28 hearing was to examine the manner in which Public Law 96-70 had been carried into effect in the organization and operation of the Panama Canal Commission, with particular reference to the over all form of the Commission, the distribution of powers and duties within the Commission, and the role of the President and Secretary of Defense in the organization and operation of the Commission. The Subcommittee was especially concerned by the adoption of regulations by the supervisory Board of the Commission at a meeting on June 3 and 4, the provisions of which, according to press reports, appeared to exceed the authority of the Board.

Because of the scope of the responsibilities assigned to the Secretary of Defense in the organization, operation and protection of the Panama Canal, that official was invited to testify on the various questions that were of primary concern to the Subcommittee in the hearing on July 28. In response to that invitation, the Honorable Michael Blumenfeld, Assistant Secretary of the Army (Civil Works) appeared for the Secretary of Defense, accompanied by the Honorable Dennis P. McAuliffe, Administrator of the Panama Canal Commission and Michael Rhode, Jr., Secretary of the Commission.

BACKGROUND

Paragraph 1 of Article III of the 1977 treaty grants to the United States "the rights to manage, operate and maintain the Panama Canal." Paragraph 3 of the Article provides that the United States will "in accordance with the terms of this Treaty and the provisions of United States law carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America."

Subparagraph (a) of Paragraph 3 of Article III of the Treaty provides that the Commission "shall be supervised" by a nine-member Board of whom five shall be nationals of the United States and four shall be Panamanian nationals "proposed by the Republic of Panama for appointment to such positions by the United States of America."

Section 1101 of Public Law 96-70 establishes the Panama Canal Commission as an agency in the executive branch of the United States Government with responsibility for maintenance and operation of the Panama Canal "under the general supervision" of a Board established by Section 1102 of the Act. Section 1101 further provides that the authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

Public Law 96-70 discloses a statutory plan for operation of the Canal as an agency in the Executive Branch of the Government, under the plenary control of the President and Congress and subject to the laws of the United States applicable to that agency. Under the Constitution the President has the obligation to see that those laws are faithfully executed.

From 1914, the date of completion of construction of the Canal, to 1951 the Canal was operated by a Government agency known as The Panama Canal, under the provisions of the Panama Canal Act of August 24, 1912. This Act provided for operation of the Canal by the President, through a Governor and such other persons as might be found to be necessary. The legislative history of Public Law 96-70 shows that the 1979 Act was closely patterned after the statutory plan established in the 1914 Act. See House Report 96-98 Part I, to accompany H.R. 111, 96th Cong., 1st Session, p. 40, *passim*.

From 1952 until the effective date of Public Law 96-70 the Panama Canal was operated by a government agency in corporate form called the Panama Canal Company. The law governing the operations of that agency specifically provided that "management" of the corporation was vested in a Board of Directors and the law granted broad and extensive powers to the Company. All these former provisions were repealed by Public Law 96-70 and an entirely different form of government agency was substituted under the direct control of the President through the Secretary of Defense.

At the time the bill which was eventually enacted as Public Law 96-70 was under consideration by the Congress, both the Government of Panama and the corporate agency then operating the Canal objected strenuously to the provisions of the law that gave direct control to the President and Secretary of Defense, substituting a supervisory board for a Board of Directors with full management powers. This controversy is reflected in the legislative history of Public Law 96-70 and in letters from President Royo to President Carter dated July 11, 1979, and January 9, 1980, respectively.[1]

EVENTS SINCE SEPTEMBER 27, 1979

Public Law 96-70 was approved by the President on September 27, 1979. On October 19, 1979 the Senate confirmed the nomination of Dennis P. McAuliffe as Administrator of the Panama Canal Commission. Mr. McAuliffe has testified that he had assumed the duties of the office on an acting basis on October 1, 1979.

On January 7, 1980 the President announced his intention to appoint the five U.S. and four Panamanian members of the Panama Canal Commission Supervisory Board.

On January 9, 1980 Panama's President Royo sent a letter to President Carter asserting that Public Law 96-70 is "illegal" and unacceptable in every way for the Republic of Panama. Among the provisions of the law to which the letter objects are the use of descriptions of the functions of the Board as "supervisory" whereas, it is asserted that the Board is a "Board of Directors". The letter also vigorously takes exception to the provisions establishing the Commission as an appropriated fund agency in the executive branch of the U.S. Government with the powers of the President exercised through the Secretary of Defense, which the letter asserts is a violation of "the special and independent status granted to the Commission by the treaty." This letter is published in full in the Congressional Record of March 11, 1980 at pp. 5207-5209 and is also reproduced in the record of the July 28, 1980 hearing.

On February 1, 1980, the President sent to the Senate the nominations of Michael Blumenfeld, John A. Bushnell, John W. Clark, Clifford B. O'Hara, and William Sidell to be Members of the Board of the Panama Canal Commission. These nominations were confirmed by the Senate on April 2, 1980 and on June 1, 1980 the appointees took the oath of office prescribed by Section 102 of P.L. 96-70. The four Panamanian members of the Board, Edwin Fabrega V., Roberto Huertematte E., Tomas Paredes, and Ricardo Rodriguez, executed appointment affidavits administered by the Deputy Administrator of the Commission on May 2, 1980. The Committee has received no other notice as to the dates or circumstances of the appointments of the members of the Board.

On May 27, 1980, the President issued Executive Order 12215 delegating to the Secretary of Defense, the Secretary of State and

Footnotes at end of article.

the Director of the Office of Personnel Management most (but not all) of his authority under Public Law 96–70. 45 F.R. 36043.

By a memorandum dated July 18, 1980 the Secretary of Defense redelegated to the Secretary of the Army functions delegated to the Secretary of Defense by Executive Order 12215.

By a memorandum dated 18 July 1980 the Secretary of the Army redelegated to the Assistant Secretary of the Army (Civil Works) all the authorities delegated to the Secretary of the Army by the Secretary of Defense on the same date.[2]

The Board of the Panama Canal Commission held its first meeting in Panama on June 2, 3, and 4, 1980. On the first day of the meeting the Board adopted "Regulations of the Board of Directors Panama Canal Commission."

On July 21–22, 1980, the Board of the Commission held its second meeting in Panama at which time the Board adopted a Code of Conduct applicable to each member of the Board and each officer and employee of the Commission as required by Section 1112(b) of Public Law 96–70.

In a series of interviews and press releases following the first two meetings of the Board the Panamanian members of the Board have repeatedly asserted that the Board is a binational body, with authority to control the operation of the Canal under the laws of Panama, and that neither the Board nor the operation of the Canal is subject to the laws of the United States.

FINDINGS

Testimony at the oversight hearings and information made available to the Committee in the course of its investigation clearly show serious problems in the construction and application of Public Law 96–70. Those problems center on the authority of the United States Government to control the operation of the Canal during the next twenty years and the degree to which the United States is able and willing to exercise that authority. In respect to these issues, the Committee has made the following findings:

1. Public Law 96–70 establishes a unified, consistent statutory plan for operation of the Canal during the period the 1977 treaty remains in effect by an agency of the United States Government with detailed provisions allocating responsibility and authority within the executive branch.

2. Public Law 96–70 has left to the President authority to establish the organization of the Panama Canal Commission and the allocation of functions within the Commission which so far have not been provided.

3. The thesis advanced by the Government of Panama and the members of the Board of the Commission that the Board is a binational entity and that the Panamanian members of the Board are not subject to the laws of the United States is inconsistent with Public Law 96–70.

4. The delegations of authority vested by Public Law 96–70 in the President and the Secretary of Defense are invalid insofar as they conflict with the basic plan of the statute to allocate such authority as between the President, the Secretary of Defense, the supervisory Board of the Commission and the Administrator of the Commission.

5. Regulations adopted by the Board at the meeting of the Board on June 2, 1980 are in conflict with Public Law 96–70 and provisions of general laws of the United States applicable to the Commission.

6. No procedures have been established for keeping the Congress informed on a current basis in regard to the issuance of regulations and directives and other important developments affecting the administration of the Canal under Public Law 96–70. In the absence of such procedures the Committees of the Congress having jurisdiction over the operation of the Canal are forced to rely on screening press reports and other information as it is made available to the public generally.

RECOMMENDATIONS

Based on the information developed at the hearings and other available information the Subcommittee recommends:

1. That the President or the officer properly exercising the authority of the President under Public Law 96–70 issue an Executive Order or other directive establishing the organization of the Panama Canal Commission and prescribing the authority and duties of the Board, the Administrator, the Deputy Administrator, the Chief Engineer and other prinicpal officers of the Commission.

2. That the President, Secretary of Defense and Secretary of the Army review and revise their respective delegations of authority under Public Law 96–70 to assure that such delegations are consistent with the statutory plan incorporated in Public Law 96–70 and other applicable provisions of law.

3. That the Panama Canal Commission provide for open meetings of the Board of the Commission in accordance with the provisions of Section 552(b) of Title 5 of the United States Code.

4. That the Board of the Commission rescind the regulations adopted at its meeting on June 2, 1980.

5. That the Congress and the Comptroller General of the United States take appropriate steps to carry into effect the provisions of Public Law 96–70 prohibiting appropriations to or for the use of the Commission or obligation or expenditure of funds by the Commisison, unless such appropriation, obligation or expenditure has been specifically authorized by law.

6. That the Assistant Secretary of the Army (Civil Works) and the Administrator of the Panama Canal Commission establish procedures to provide to the Congress on a current basis information in regard to the issuance of regulations and directives and other important developments affecting the administration of the Panama Canal under Public Law 96–70.

DISCUSSION

1. Organization of Commission

As construction of the Panama Canal approached completion, Congress passed the Panama Canal Act on August 24, 1912 authorizing the President to complete, govern and operate the Panama Canal, under the provisions of the Panama Canal Act, through a Governor "and such other persons as he may deem competent" to discharge the various duties connected with the operation. 37 Stat. 560. Thereafter, at the time the Canal was completed and opened to commerce, President Wilson issued an Executive Order establishing a permanent organization for the Panama Canal, to be administered under the Governor, subject to the supervision of the Secretary of War. Executive Order 1885 of January 27, 1914. The 1914 Act was the prototype for the Panama Canal Act of 1979 (P.L. 96–70 approved September 27, 1979, 93 Stat. 542). See House Report No. 96–98, Part I, p. 40.

The 1979 Act also establishes the agency to operate the Canal in the executive branch of the Government and authorizes the President to exercise his authority with respect to the Commission through the Secretary of Defense.

The President has delegated a major part of his authority under Public Law 96–70 to the Secretary of Defense to be exercised directly in some cases and in other instances by redelegation or otherwise, by the Panama Canal Commission. Executive Order 12215 of May 27, 1980, 45 F.R. 36003. The Secretary of Defense, in turn, has delegated most of the authority delegated to him by E.O. 12215 to the Secretary of the Army or to the Commission. Memorandum, the Deputy Secretary of Defense to Secretaries of Military Department, et al., dated 18 July 1980. The Secretary of the Army, in turn, redelegated his delegated authority to the Assistant Secretary of the Army by a memorandum also dated 18 July 1980.[3]

However, neither the President nor the Secretary of Defense has issued any order or directive comparable to Executive Order 1885 of January 27, 1914 establishing the organization of the Panama Canal Company. Such an order or directive is essential. Paragraph 3 of Article III of the 1977 treaty provides:

"3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United States law carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America."

Section 1101 of Public Law 96–70 established the Panama Canal Commission as an agency in the executive branch of the United States Government and provided that the authority of the President with respect to the Commission shall be exercised through the Secretary of Defense. Section 1101 further provides that the Commission shall be responsible for the maintenance and operation of the Panama Canal "under the general supervision of the Board" established by Section 1102 of the Act. The Act also provides for an Administrator of the Commission, appointed by the President with the advice and consent of the Senate and holding office at the pleasure of the President. (Sec. 1103). The only other provisions bearing on the organization of the Commission are those establishing the positions of Deputy Administrator and Chief Engineer, both to be appointed by the President and to "perform such duties as may be prescribed by the President," and an Ombudsman "who shall be appointed by the Commission."

(Secs. 1104, 1113). The Act specifically provides that the Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for operation, management or maintenance of the Canal although in other respects the activities of the Commission are subject to Section 16 of the Act of August 11, 1956 (22 U.S.C. 2680a) subordinating activities of U.S. Government agencies in a foreign country to the control of the U.S. Chief of Mission in that country.

Other provisions of Public Law 96–70 are replete with references to specific authorities of the Commission (e.g. Section 1202 authorizing the Commission to appoint, fix the compensation of and define the authorities and duties of officers, agents, attorneys and employees (other than the Administrator, Deputy Administrator, and Chief Engineer): the "head of each agency" subject to the Act (e.g. Sec. 1213 providing that the head of each agency shall establish written employment standards"; and provisions governing the financial management of the "Commission" (Sec. 1301 et seq.). Throughout the Act there is a careful distribution of regulatory authority as between the President, the Secretary of Defense, and the Commission. But at no place in the Act is there a definitive statement of exactly what elements constitute the Commission or the relationship between the various officers and components of the Commission for which the Act provides. The key to the Congressional intent clearly discernible from the provisions of the Act read as a whole and as explained in the House Report accompanying the bill is that the basic concern of Congress was to maintain maximum control in the hands of the President and Secretary of Defense under

Footnotes at end of article.

the ground rules laid down by the Act for operation of the Canal under the conditions established by the 1977 treaty. To that end, the Act left entirely to the President the authority to establish the organization of the Commission and prescription of the extent and limitations on the authority of the various component elements of the organization.

One important feature of such an organizational order would be the provision of a chain of authority leading up to the "head of the agency," an official in whom a vast array of laws applicable to the Commission's operations vest a wide range of powers and duties without further definition or guidance as to the identification of that official. See, for example, 5 U.S.C. 552b, the Government in the Sunshine Act, applicable to an agency headed by a "collegial body" composed of two or more members a majority of whom are appointed by the President and confirmed by the Senate; Sec. 1213 of Public Law 96–70, requiring the "head of each agency" to establish written employment standards; and Sec. 1215 of Public Law 96–70, requiring the head of each agency to establish rates of pay for employees in the agency.

Given the Congressional intent of Public Law 96–70 to leave to the President the authority to establish the form of organization of the Commission, the failure to make appropriate provision for the organizational structure has left a situation of near chaos in the administration of the Canal. The effect of this Commission is graphically illustrated by the uncertainty and conflicting theories demonstrated by the Secretary of the Army, the Assistant Secretary of Army (Civil Works), and the Board of the Commission, in reference to what official or body is the head of the agency. In hearings before this subcommittee on H.R. 111, 96th Congress, Secretary of the Army Alexander suggested that "for purposes of the Government in the Sunshine Act, the argument can be made that the Commission would not be headed by a "collegial body" because the Board of Directors (sic) ultimately would be subject to the direction of the Secretary of Defense." Hearings before the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries "Canal Operations Under 1977 Treaty—Part 2" 96th Congress, 1st Session (Serial No. 96–2) page 889.

In the oversight hearings on July Assistant Secretary of the Army (Civil Works) Blumenfeld, first suggested that the Government in the Sunshine Act did not apply to the Commission because two members of the Board served *ex officio*. Alternately, with the qualification that it would be preferable not to use it as a basis for exclusion of the Commission from the provisions of the Act requiring open meetings, Secretary Blumenfeld repeated the argument advanced by Secretary Alexander in the earlier hearings, noted above.

At its first meeting on June 2, the supervisory Board did not exhibit the same uncertainty in adopting regulations that assumed responsibility for "policy making and supervision of the affairs" of the Panama Canal Commission, provided the "Board meetings shall not be open to the Public," prescribed the duties of the Administrator and Deputy Administrator, and delegated to the Administrator part of the authority granted by the Act to the Commission to appoint, remove, and fix the compensation of officers and employees of the Commission "other than those appointed by the Board." In sum, in the absence of any authoritative action by the executive branch of the United States Government, the Board assumed authority as the head of the agency and in so doing cast into subordinate roles the Administrator, Chief Engineer and, to a certain extent the Secretary of the Army (as the delegee of the powers of the President through the Secretary of Defense.)

In spite of the flat assertion to the contrary by the witness at the July 28 hearing this action represents complete adoption of the thesis of President Royo's letter of January 9, 1980, equating the Board to the Commission with authority to act as a Board of Directors. The attempt to justify this action on the basis that the Assistant Secretary of the Army (Civil Works), to whom the Secretary of the Army had delegated his authority, joined in the action as a member of the Board does not help the situation because clearly the Act as a whole precludes the preemption by the Board of authority reserved by the Act to the President and Secretary of Defense.

In this situation the proper administration of Public Law 96–70 requires the prompt issuance of an order pursuant to the President's authority establishing the organization for operation of the Canal.

RECOMMENDATION NO. 1

That the President or the officer properly exercising the authority of the President under Public Law 96–70 issue an Executive Order or other directive establishing the organization of the Panama Canal Commission and prescribing the authority and duties of the Board, the Administrator, the Deputy Administrator, Chief Engineer and the other principal officers of the Commission.

2. Delegation of authority

Although Public Law 96–70 leaves for the President the authority to prescribe the details of the organization of the Panama Canal Commission, it is explicit in establishing the general framework determining the levels of responsibility at which various functions involved in the administration of the agency are to be performed. As shown in the House Report accompanying H.R. 111, the bill enacted as Public Law 96–70, the legislation is an exercise of the Constitutional power of the Congress to regulate commerce and the use and disposition of property of the United States. The Act, in itself, is a delegation of these regulatory powers, and shows a careful distribution of such powers among the President, the Secretary of Defense, the Commission, the Board and the Administrator established by the Act in order to effectuate the overall intent of the Act to maintain close executive and congressional control of the operation of the Canal by the United States.

A review of the provisions of the Act, not intended to be exhaustive, shows that the Act in terms vests authority in or specifies duties to be performed by the President in 26 sections, the Secretary of Defense in 4 sections, the Commission in 35 sections, the Administrator in 2 sections, and the Board in 2 sections. Authority to issue regulations is vested in the Board by Public Law 96–70 only in respect to meetings of the Board and those regulations are made subject to approval by the Secretary of Defense. (Sec. 1102(c)). The only other provisions prescribing duties for the Board are those providing that the Commission shall be "supervised" by a Board of nine members, the U.S. members of which shall cast their votes as directed by the Secretary of Defense or his designee, (Sec. 1102), and requiring the Board to adopt a Code of Conduct (Sec. 1112).

Delegation by the President

Executive Order 12215 of May 27, 1980 delegates to the Secretary of Defense some 15 of the powers vested in the President by Public Law 96–70, plus four functions continued in existing provisions of law. The authority of the President under five sections of Public Law 96–70 (Secs. 1111, 1112 (d), 1344(b), 1504(b) and 3301) was delegated to the Secretary of State, and the President's authority under one section of the Act (Sec. 1243(a)(1) was delegated to the Director of the Office of Personnel Management. Delegation of authority by the President to the Secretary of Defense was clearly and expressly contemplated by Section 1101 of the Act. ("The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense the delegations in Executive Order 12215, with three exceptions discussed below appears to be unexceptionable under currently accepted concepts of law.

Subdelegation by the Secretary of Defense

By a memorandum dated 18 July 1980 addressed to the Secretaries of the Military Departments and other officials of the Department of Defense, the Deputy Secretary of Defense referred to the issuance of Executive Order 12215 and delegated to the Secretary of the Army 8 of the functions delegated by the President to the Secretary of Defense and 4 of the functions vested directly in the Secretary of Defense by Public Law 96–70. The memorandum also subdelegated directly to the Panama Canal Commission authority and functions vested in the President by the law and delegated to the Secretary of Defense in all of the sections included in Section 1–3 of Executive Order 12215 except Sections 1–305 and 1–806. The functions vested in the President by Section 1701 of Public Law 96–70 were subdelegated to the Commander-in-Chief of the United States Southern Command.

The memorandum expressly withheld redelegation of the functions delegated by the President to the Secretary of Defense in Sections 1–101, 1–105, and 1–305 of Executive Order 12215.

Subdelegation by the Secretary of the Army

By a memorandum dated 18 July 1980, the Secretary of the Army redelegated to the Assistant Secretary of the Army (Civil Works) all of the functions redelegated to the Secretary of the Army by the 18 July memorandum of the Deputy Secretary of Defense. As previously noted the current incumbent of the position of Assistant Secretary of the Army (Civil Works) is the Honorable Michael Blumenfeld who has been appointed as a member of the Board of the Commission. The authority vested in the Secretary of Defense by Section 1102 of Public Law 96–70 to direct the votes of the U.S. members of the Board of the Commission was among the functions delegated to the Secretary of the Army and redelegated to the Assistant Secretary of the Army (Civil Works). Prior to the effective date of Public Law 96–70 which abolished the Panama Canal Company, Mr. Blumenfeld served as the Chairman of the Board of Directors of the Company.

Delegation problems

Delegation by the President

The problems with the President's delegation of authority in Executive Order 12215, previously referred to, relates to the attempted delegation to the Secretary of State of two of the President's duties in connection with transfers of property to Panama, and the terms of the delegation to the Secretary of Defense in Section 1–3 of the order that appears to circumvent the intent of the Act.

In respect to transfers of property to Panama, Section 1504 of the Act authorizes such transfers by the Secretary of State in accordance with the terms of the 1977 treaty but requires a written report to the Congress by the President at least 180 days before the transfer of any such property. Section 1344 further requires that before the transfer of property pursuant to Section 1504 "the President shall formally advise the Government of Panama" of certain specified requirements included elsewhere in the pro-

visions of Public Law 96–70. The latter two functions of reporting to Congress and advising the Government of Panama are delegated to the Secretary of State by Section 1–402 of the order.

In view of the Act's specific distribution of functions in respect to transfers of property to Panama the delegation to the Secretary of State of the President's functions is questionable, particularly in view of the opposition of the executive branch to inclusion in the Act of any conditions applicable to the transfer. The requirement of advance notice to Congress and advice to Panama by the President could conceivably exercise an inhibiting effect otherwise lacking if both the initiative for the transfer, notice to Congress and advice is left to the transferring agency. The delegation appears to go a long way toward practical achievement of the self-executing effect of the treaty provisions for transfer of property for which the Department of State and the executive branch as a whole strenuously contended during consideration of the Panama Canal Act of 1979. Whatever merit there may have been in that argument, however, was effectively neutralized as a matter of domestic law by the enactment of the 1979 Act. *The Cherokee Tobacco*, 11 Wall. 616 (1870); Head Money Cases, 112 U.S. 580, 598 (1884).

The language of the delegation to the Secretary of Defense in Section 1–3 of Executive Order 12215 possess even more difficult problems. Section 1–1301 provides that "The functions vested in the President and delegated to the Secretary of Defense in Section 1–3 of this Order shall be carried out by the Secretary of Defense, who shall, in carrying out the said functions, provide by redelegation or otherwise, for their performance, in a manner consistent with paragraph 3 of Article III of the Panama Canal Treaty of 1977, by the Panama Canal Commission."

A more convoluted and ambiguous formulation would be difficult to devise but the quoted sentence appears to say that although the functions are delegated to the Secretary of Defense they are to be performed by the Commission citing paragraph 3 of Article III of the 1977 as the authority for the arrangement. The basic intent therefore, appears to be a delegation to the Commission under the guise of a delegation to the Secretary of Defense.

The objections to this arrangement are three-fold. First, as developed more fully elsewhere in this report, there is no definitive statement anywhere identifying what constitutes the Commission. The quoted pronouncement of Sections 1–2 of the order only adds to the confusion by apparently drawing a distinction between the Commission and the Secretary of Defense in his relationship to the management of the Canal. That is, the Secretary is not part of the Commission since he is directed to provide for performance of certain functions by "the Commission." This effectively disposes of the arguments by the Secretary and Assistant Secretary of the Army referred to above, that the Secretary of Defense is, in fact, the head of the Commission within the meaning of the Government in the Sunshine Act.

Secondly, the delegation in Section 3–1 appears to acquiesce in the argument made by President Royo of Panama and the Panamanian members of the Board that paragraph 3 of Article III of the treaty is the sole determinant of the functions of the Commission, to the complete exclusions of all other provisions of U.S. law except the provision of Public Law 96–70 establishing the Commission.[4] This of course is simply not the case, either as a matter of construction of the language of the treaty of application or the relevant laws of the United States.

Thirdly, the delegation of some of the authority included in Section 3–1 of the order is inconsistent with Public Law 96–70 and to that extent invalid, as more fully discussed below.

This latter point is especially important in respect to the functions assigned to the President in three sections of the Act that are delegated by Section 1–3 of the order, namely (1) the authority of the President to fix the compensation of and to define the authorities and duties of the Deputy Administrator and Chief Engineer (Sec. 1104); (2) the authority of the President to prescribe operating regulations for the Panama Canal (Sec. 1801); and (3) the authority of the President to prescribe regulations on specified subjects applicable to the United States for operation of the Canal (Sec. 1701).

Section 1104 providing for appointment of a Deputy Administrator and a Chief Engineer of the Commission who are appointed by and perform duties prescribed by the President was intended to provide maximum flexibility for the President in setting up the organization of the Commission. In view of other provisions of the Act authorizing the Commission to appoint the Ombudsman (Sec. 1113) and to appoint, prescribe the duties of, and fix the compensation of other officers and employees (Sec. 1202) it is apparent that the provision for prescription by the President of the duties and compensation of the Deputy Administrator and Chief Engineer was deliberate and purposive. Indeed Section 1202 authorizing the Commission to appoint, fix the compensation and prescribe the duties of the officers and employees expressly excludes the Deputy Administrator and Chief Engineer. In these circumstances it could hardly be argued that the President could circumvent the plain requirement of the Act by a delegation (even disguised as a subdelegation) of his authority to the Commission.

The same considerations apply to the attempted delegation to the Commission of the President's authority to prescribe regulations on specified subjects applicable in the areas and installations made available to the United States for operation of the Canal (Sec. 1701) and operating regulations for the Canal (Sec. 1801). Chapter 7 of Title I of the Act carefully divides the regulatory authority between the President and the Commission. In the case of the operating regulations, the Act restores to the President regulatory authority he had originally exercised under the Panama Canal Act of 1914, and which had been transferred to the operating agency between 1951 and the effective date of Public Law 96–70. See House Report No. 96–98, Part I, page 77. Where the Congressional intent to allocate regulatory authority is so clearly manifested, that intent can not be circumvented by a delegation to the very entity that Congress intended to deprive of that authority.

Subdelegations to Secretary and Assistant Secretary of the Army and Panama Canal Commission

The subdelegations to the Secretary of the Army and Assistant Secretary of the Army (Civil Works) by the two memorandums of 18 July 1980 are similarly vulnerable to the criticism that they circumvent the basic plan of Public Law 96–70 to allocate regulatory authority over the Canal and provide for varying degrees of supervisory authority over the Commission in the President and Secretary of Defense. This defect is exacerbated by the absence of an authoritative order or directive defining the organization of the Commission. The net effect of the subdelegations is to go a long way toward eliminating the significance of requirements for issuance or approval of regulations by the President or Secretary of Defense since the functions of the President and Secretary are subdelegated down the line to one of the five U.S. members of the Commission's Board, albeit one of the powers of the Secretary of Defense subdelegated to that individual member is that of directing the votes of the other U.S. members. The subdelegations to the Assistant Secretary of the Army (Civil Works) can be regarded as either a concentration of U.S. authority using the Board as the effective instrument to that end, or a dilution of U.S. authority by leaving it entirely in the hands of one individual. In either case, the effectiveness and legality of the policy represented by the subdelegations can best be evaluated on the basis of the performance of the Board in the light of the intent of Congress expressed in the Act establishing the Commission and providing for operation of the Canal.

RECOMMENDATION NO. 2

That the President, Secretary of Defense and Secretary of the Army review and revise their respective delegations of authority under Public Law 96–70 to assure that such delegations are consistent with the statutory plan incorporated in Public Law 96–70 and with other applicable provisions of law.

3. The Board's regulations

The regulations adopted by the Board at the meeting of the Board on June 2 (the copy attached to the minutes of the meeting is dated June 4) must be considered in the light of the considerations discussed in the foregoing sections of this report concerning conflicting concepts in regard to the form of the agency, the role of the Board and the other officers of the Commission, the relationship of the Commission to the executive branch, and the problem with the delegation and subdelegations of functions under Public Law 96–70. As the previous parts of this report point out, the Government of Panama and the Panamanian members of the Board have taken the position and continue to assert in effect that the Board is the Commission, that neither is subject to Public Law 96–70 or other laws of the United States, and that the 1977 Treaty confers on the Board plenary control of the Commission subject only to the language of the treaty and the laws of Panama. Against that background, the provisions of the regulations adopted by the Board involving clearly identifiable problems are discussed below.

1. Authority for regulations. The only source of authority for adoption of the regulations by the Board referred to in the text or in the testimony at the hearings is Article I'I of the 1977 treaty (See Sections 1.1, 1.3). As previously noted Article III of the treaty provides that the United States will carry out its responsibilities under the treaty (including operation of the Canal) by means of a United States Government agency called the Panama Canal Commission which shall be constituted by and in conformity with the laws of the United States. The law of the United States constituting the Commission is Public Law 96–70 and any authority of the Board to issue regulations must be found in that law. Public Law 96–70 includes no provision authorizing the Board to prescribe regulations on any subject although the "Commission" is granted such authority in a number of sections including Section 1102(c) providing that the Board shall hold meetings as provided in regulations adopted by the Commission and approved by the Secretary of Defense. The authority to approve the regulations is one of those delegated successively to the Secretary of the Army and Assistant Secretary of the Army (Civil Works).[5]

The absence of accurate reference to the source of authority in the regulations might be regarded as a harmless technicality if such authority actually existed. But there is no authority in the 1977 treaty for issuance of the regulations, and as previously noted, reliance on the treaty to the exclusion of Public Law 96–70 is an essential premise in the unacceptable contention by the Government of Panama that the Board is a "Board of Directors" and in effect constitutes the Commission.

Footnotes at end of article.

2. "The Board of Directors"—Functions. The regulations are expressly entitled "Regulations of the Board of Directors Panama Canal Commission" and Section 1.1 provides that the "Board," in which certain responsibility is vest by Article III 3(a) of the 1977 treaty, "shall be called the Board of Directors, Panama Canal Commission." This terminology appears nowhere in the treaty, Public Law 96–70, the nominations of the U.S. members to serve on the Board, or the Senate's action confirming the nominations. The use of the term "Board of Directors" serves separate objectives of the executive branch and of the Government of Panama. In the case of the executive branch it appears to identify the Commission as the "successor agency of the Panama Canal Company" which by law had a Board of Directors with specifically granted management powers and freedom from restraints applicable to other Government agencies.

From the standpoint of the Government of Panama the assumption of the name "Board of Directors" is intended to establish that the Board has authority to manage the Commission, in fact that it constitutes the Commission, with the asserted consequence that by reason of the membership on the Board of the nationals of Panama the Commission is, in the last analysis, subject to the laws of Panama. As previously noted, the Congress has rejected both these theories in enacting Public Law 96–70.

One of the practical effects of treating the Board as a "Board of Directors" is spelled out in Section 1.1 of the Regulations which unequivocally, if inaccurately, states that "Responsibility for policy making and supervision of the affairs of the Panama Canal Commission is vested in a Board by Article III 3(a), Panama Canal Treaty of 1977." Section 1.1 also provides that "The Board shall review and approve for submission to the Congress the annual budget of the Commission to include the capital program for Canal improvements." This description of the budget process for the Commission is in flat conflict with the applicable provisions of U.S. law on the submission of budget estimates incorporated in Title 31 of the U.S. Code. 31 U.S.C. 22 provides that the head of each department and establishment shall prepare or cause to be prepared in each year his requests for appropriations. Such requests are submitted to the President through the Office of Management and Budget (31 U.S.C. 23) and the President transmits the Budget to the Congress. (31 U.S.C. 11). Direct submission to the Congress by any officer or employee of an agency is prohibited. 39 U.S.C. 15.

One obvious legal problem involved in the treatment of the Board as the head of the agency required by law to submit the budget estimates to the President, is the theory of the executive branch asserted in the hearings on H.R. 111 that while the Commission is a U.S. Government agency, subject to the laws of the United States, the Panamanian members of the Board represent Panama and are not subject to U.S. law. See, for example, the letters from President Royo to President Carter and the statement of H. Miles Foy, Attorney-Advisor, Office of Legal Counsel, Department of Justice in Hearings "Canal Operation Under 1977 Treaty—Part 2," 96th Congress Serial No. 96–2, pp. 1290 et seq. This analysis of the status of the Board and the exemption of its Panamanian members from U.S. law was rejected in the report on the legislation by the Committee on Merchant Marine and Fisheries. House Report 96–98, Part I, 96th Congress, pages 42–46.

A practical consequence of the same problem is graphically illustrated by the Board's treatment of the 1982 budget, which the Board considered at its second meeting held on July 22 and 23. Office of Management and Budget Circular A–10, revised November 12, 1976 stresses that agency submissions concerning the budget constitute confidential advice to the President and that the head of each agency is responsible for preventing premature disclosure of budgetary information. Notwithstanding this provision, on the day following the meeting of the Board the Panamanian members released to the press a statement that one of the actions of the Board had been the approval of the 1982 budget for the Commission including $27 million for capital improvements and that the total budget includes $430 million. On the same occasion, another Panamanian member of the Board stressed that the Panamanian members are not subject to any U.S. law. *La Estrella de Panama*, July 24, 1980, page 1.

3. Appointment of Officers and Employees. Section 1.3 (a) of the Regulations recites that the members of the Board are appointed by the President of the United States "for an indefinite term" in accordance with Article III of the 1977 treaty. In point of fact Article III says nothing about appointment of the members of the Board by the President, or their tenure. Section 1102 (b) of Public Law 96–70 does provide for appointment of the members of the Board by the President, requires Senate confirmation of U.S. nationals appointed to the Board, and provides that all members "shall hold office at the pleasure of the President." Subsection (b) is one of three subsections of Section 1102, all of which contain provisions governing some aspect of the appointment or services of the members of the Board.

Section 1.3(b) of the Regulations provides that the "Board of Directors" may elect or appoint such other officers and agents as it shall deem necessary or as business of the Commission may require, in carrying out the provisions of the Panama Canal Treaty of 1977, each of whom shall hold office for such period, have such authority and perform such duties as the Board of Directors may prescribe from time to time." Article IV of the Regulations exercises that authority by prescribing the duties of the Administrator and Deputy Administrator and by providing for appointment of a Secretary and prescribing his duties.

These provisions squarely pose the question of the identity of the Commission and the relationship of the Board, the Administrator, and the Secretary of Defense. Section 1202(a) authorized the Commission to appoint, fix the compensation of and define the authorities and duties of officers, agents, attorneys and employees (other than the Administrator, Deputy Administrator and Chief Engineer). Under Title 5 of the U.S. Code the head of an agency is generally authorized to perform such functions.

Necessarily, in adoption of the Regulations the Board either assumed that it is the "Commission" or the head of the agency, neither of which assumptions is supported by Public Law 96–70. In any event, even if the assumption were correct, the law vests in the President authority to prescribe the duties of the Administrator, Deputy Administrator and Chief Engineer and that authority is expressly withheld from the Commission. The attempted delegation and subdelegation of this authority in reference to the Deputy Administrator and Chief Engineer is discussed above along with other problems involved in the delegation of authority under Public Law 96–70.

4. Oath of Office. Section 1102(b) of Public Law 96–70 provides:

"Each member of the Board. . . . before assuming the duties of such office, shall take an oath to discharge faithfully the duties of his office."

In compliance with this section the U.S. nationals appointed to the Board executed the standard oath administered to all officers and employees of the U.S. Government. (5 U.S.C. 3331).

Each of the Panamanian nationals signed an "affirmation" that he would faithfully discharge the duties of his office, without specifying the office. The affirmation was administered by the Deputy Administrator, himself a Panamanian national. The Subcommittee was advised at the July 28 hearing that the Deputy Administrator had been authorized to administer the affirmation by the Administrator, pursuant to 5 U.S.C. 2903 which provides that an "employee of an Executive agency" designated in writing by "the head of the Executive agency" may administer the oath of office required by Section 3331 of Title 5 or "any other oath required by law in connection with employment in the executive branch."

5. Closed Meetings—Government in the Sunshine Act. Section 1.5(a) of the Regulations provides that "Board meetings shall not be open to the public." Section 552b of the Title 5 of the U.S. Code, the Government in the Sunshine Act, provides that "every portion of every meeting of an agency shall be open to public observation," subject to certain specified limited exceptions. The section further requires that in the case of each meeting, the agency shall make a public announcement and publish notice in the Federal Register at least one week before the meeting of the time, place and subject matter of the meeting and whether it is to be open or closed to the public. Provision is also made for enforcement of the section by the District Courts of the United States.

The definition of an "agency" subject to the provisions of 5 U.S.C. 552b is "any agency headed by a collegial body, composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency." The application of this definition is discussed above in this report in connection with Recommendation No. 1 for issuance of a directive establishing the organization for the Panama Canal Commission.

The dilemma apparently posed by the Board's adoption of the Regulations in general, and the provision for closed meetings in particular is that if the Board is not the head of the Commission, the Board has no authority to issue the regulations. If the Board does head the Commission it is required by the Government in the Sunshine Act to hold open meetings.

However, without regard to the technical application of the Act the Commission could resolve the dilemma by providing open meetings of the Board in accordance with the policy of the Act.

6. *Executive Committee-Quorum.* Section 3.1. of the Regulations provides for an Executive Committee consisting of four members in addition to the Chairman of the Board. Two of the members are to be U.S. nationals and two are to be Panamanian nationals. Three members constitute a quorum when they include the Chairman and one other U.S. national. Under Section 3.1(b) during intervals between meetings of the Board of the Executive Committee is authorized to exercise "all the powers of the Board of Directors."

Section 1102(c) of Public Law 96–70 provides in reference to the Board that "A quorum for the transaction of business shall consist of a majority of the Board members of which a majority of those present are nationals of the United States." This section requires the presence of 5 members of whom three members are U.S. nationals for exercising any powers the Board may have.

Section 3.1. of the Regulations is palpably inconsistent with Section 1102(c) of the Act and as such is invalid. At the hearing on July 28 the Assistant Secretary of the Army attempted to justify the provisions of the regulation on the ground of the difficulties inherent in applying the law as written.

This kind of selective enforcement of the law on the basis of notions of expediency is alien to our constitutional system of Government.

RECOMMENDATION NO. 3

That the Panama Canal Commission provide for open meetings of the Board in accordance with the provisions of Section 552b of Title 5 of the United States Code.

RECOMMENDATION NO. 4

That the Board of the Panama Canal Commission rescind the regulations adopted at its meeting on June 7, 1980.

4. Authorization of appropriations and expenditures

Section 1302 (c)(1) of Public Law 96–70 provides:

"No funds may be appropriated to or for the use of the Commission, nor may any funds be obligated or expended by the Commission for any fiscal year, unless such appropriation, obligation or expenditure has been specifically authorized by law."

Similarly, Rule XXI of the Rules of the House of Representatives provides in pertinent part as follows:

"2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for an expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. . . ."

As part of its oversight and budgetary responsibilities for legislation relating to the Panama Canal, the Panama Canal Subcommittee moved promptly to provide the authorization for appropriations to finance the operations of the Canal from the effective date of Public Law 96–70. See Hearings "Panama Canal Commission Authorization and Oversight—1980" 96th Congress, 1st Session, Serial No. 96–7; Hearings "Panama Canal Authorization and Oversight" 96th Congress, 2nd Session, Serial No. 96–25.

After the hearings in the first session of the 96th Congress, the Committee reported and the House passed H.R. 5269, authorizing appropriations for FY 1980. House Report No. 96–447, 96th Congress, 1st Session; Congressional Record October 24, 1979, H. 9658 et seq. The bill was amended by the Senate Committee (Senate Report No. 96–419, 96th Congress) and passed the Senate on December 3. (Congressional Record p. S. 16894). The House rejected the Senate amendments, asked for a Conference, and instructed the Conferees to adhere to the House language of Section 4 of the bill. Congressional Record December 4, 1979, p. H. 12256. No further action was taken on the bill in the Senate, but in the meantime the Congress passed and the President approved H.R. 4440 including appropriations for operation of the Canal in FY 1980 (Public Law 96–131, approved November 30, 1979).

After the authorization and oversight hearings early in the second session of the 96th Congress on April 5, 1980, the Committee reported H.R. 6515, authorizing appropriations for the Panama Canal Commission for FY 1981. This bill provided dollar limitations on certain objects of expenditure, and reduced the total amount requested in the budget estimates. See House Report 96–882. On May 20, 1980, the Rules Committee reported a rule for consideration of the bill on the floor. H. Res. 674, 96th Congress.

On July 31, 1980, the House passed H.R. 7831, the Department of Transportation Appropriation Act, 1980, containing appropriations for the Panama Canal Commission, after adopting an amendment incorporating the dollar limitations included in H.R. 6515. Congressional Record July 31, 1980, pp. 6891, 6892.

Under Section 1302(c)(1) the enactment of authorizing legislation is necessary as a prerequisite to expenditure of funds by the Commission notwithstanding that in some circumstances under the House rules appropriations may be enacted without such authorization. In addition to these considerations, the exercise of close control by the Congress over the appropriation and expenditure process is given a special importance by the insistence of the Government of Panama and the nationals of Panama appointed to the Commission's Board that the Commission is not subject to the provisions of Public Law 96–70 and other laws of the United States. See, for example President Royo's letter to President Carter dated January 10, 1980, Congressional Record March 11, 1980, pages S. 2399 et seq., and news accounts of views of Panamanian members of the Commission's Board, all reproduced in the report of the July 28th hearing.

Although some expenditures by the Panama Canal Commission are authorized by Public Law 96–70 and other provisions of general law, much of the budgetary program developed in the oversight and authorization hearings by the Panama Canal Subcommittee relates to activities previously authorized for the Panama Canal Company, all of which have been repealed. Many of such activities appear not to be necessary to the accomplishment of the primary responsibility of the Commission to maintain and operate the Canal. In a number of instances the precise nature of the expenditure is totally obscured by the description in the justification submitted to the Congress in support of the budget.

All these considerations suggest the necessity for vigorous and continuous examination of the fiscal activities of the Commission to assure that all expenditures are authorized by law.

RECOMMENDATION NO. 5

That the Congress and the Comptroller General of the United States take appropriate steps to carry into effect the provisions of Public Law 96–70 prohibiting appropriations to or for the use of the Panama Canal Commission or obligation or expenditure of funds by the Commission unless such appropriation, expenditure or obligation has been specifically authorized by law.

5. Information to the Congress

Since the effective date of Public Law 96–70 and the commencement of operations by the Panama Canal Commission, the Subcommittee has experienced inordinate difficulty in obtaining current information in regard to actions taken by the executive branch to execute the law. Copies of directives, regulations, delegations of authority, press releases and reports have not been furnished to the Subcommittee on a routine basis, and in fact many of such documents have been withheld even after specific request. As a result, the Subcommittee and the Congress as a whole has been forced to rely on screening of the press and other media, reports from outside sources, and occasional responses to official requests to the Commission for specific items of information, notice of the existence of which has come from outside sources.

For example, after receipt of advice from outside sources that the Commission had issued a press release concerning the meeting of the Board held on June 2, 3 and 4, the Chairman of the Subcommittee requested the Secretary of the Commission to provide a copy of the release. The copy of the press release was furnished by the Commission's Secretary on June 18. The press release announced that at the June meeting the Board had adopted regulations governing the Board's functions and had considered a draft Code of Conduct for the members of the Board and employees of the Commission.

By a letter dated June 18, the Chairman of the Subcommittee requested copies of the regulations and of the draft Code of Conduct and stated the assumption that the Subcommittee would continue to receive copies of the minutes of the Board as soon as they became available. On June 27, the Secretary of the Commission advised that the regulations had been "adopted in principle" at the June meeting but must be reviewed "in final form" at a meeting scheduled for July 21–22; that the Code of Conduct considered at the June meeting was "still very preliminary" and would also be taken up at the July meeting; and that the minutes of each meeting of the Board would be furnished after they had been approved at the succeeding meeting. No documents were enclosed. Thereafter by letter dated July 8, without reference to the previous correspondence, the Secretary transmitted a copy of the minutes of the June meeting which, incidentally, show that the Board's regulations had been adopted at the meeting on June 2. At the hearing on July 28th the Subcommittee was advised that the Code of Conduct had been adopted by the Board at the July meeting, but a copy of the Code was not furnished to the Subcommittee until September 2. On August 7, publication of Subpart A of the Code was commenced in the Star and Herald, published in Panama in a series of articles under the by-line of the Panama representative of AFSCME, an organization of Panama Canal employees.

This example is sufficient to indicate that no procedure has been established by the Commission or the Assistant Secretary of the Army (Civil Works) to keep the Congress advised of developments in the administration of the Canal under Public Law 96–70. It can hardly be argued that an undertaking to furnish the minutes of each meeting of the Board after approval at the next succeeding meeting, which may be deferred for a substantial period of time, constitutes an adequate arrangement for furnishing current information to the Congress.

The adoption of recommendation 3 that the Commission provide for open meetings of the Board in accordance with the provisions of the Government in the Sunshine Act would to some extent compensate for the lack of such procedures, but would not be an adequate substitute.

RECOMMENDATION NO. 6

That the Assistant Secretary of the Army (Civil Works) and the Administrator of the Panama Canal Commission establish adequate procedures to provide to the Congress on a current basis information in regard to the issuance of regulations and directives and other important developments affecting the operation of the Panama Canal under Public Law 96–70.

FOOTNOTES

[1] The letters from President Royo to President Carter, and related statements by the Panamanian members of the Board (who are present or former officials of the Government of Panama) are reproduced in the report of the July 28 Hearing.

The legislation to implement the treaty proposed by the Department of State and introduced in the House as H.R. 1716 and in the Senate as S. 1024, would have retained the corporate form for the Panama Canal Commission with management authority vested in the Board of Directors preserving for the Commission the structure and power of the Panama Canal Company. The House Committee Merchant Marine and Fisheries rejected the form of the agency proposed in H.R. 1716 and passed H.R. 111 which substituted for the corporation an appropriated fund agency subject to stringent fiscal and management controls. H. Rpt. No. 96–98, Parts I and II; Cong. Rec. May 21, 1979, p.

11948 et seq. The Senate amended H.R. 111 to substitute the organizational provisions of S. 1024. S. Rpt. No. 96-255; Cong. Rec. July 26, 1979, p. 20757 et seq. However, in conference the Senate receded from the amendments that would have preserved the corporate form of the agency with management vested in a Board of Directors, and the language establishing the Commission as an agency in the Executive Branch of the U.S. Government subject to the authority of the President, exercised through the Secretary of Defense was agreed to. H. Rpt. 96-473; S. Rpt. 96-330; Cong. Rec. September 25, 1979, Rpt. 96-330; Cong. Rec. September 24, 1979, pages 25958 et seq.; September 25, 1979, pages 26000 et seq.; September 26, 1979, pages 26326 et seq.

[3] The documents involved in the successive delegation and redelegations of authority are set out in the record of the July 28 hearing.

[3] All the documents are set out in full in report of the hearings. The problems involved in the successive delegation and redelegations of authority are discussed more fully in the succeeding part of this report.

[4] The concept that the Board is a binational entity not subject to the laws of the United States is probably derived from the provisions of the draft treaties negotiated by the two countries in 1967 but never signed. Article II of the Panama Canal treaty provided that Panama and the United States "hereby establish an international juridical entity to be known as the joint administration of the Panama Canal" to operate, maintain and improve the Canal and administer the Canal areas. Article IV provided that "the governing body of the administration shall be a board consisting of nine members," four of whom were to be appointed by Panama and five of whom were to be appointed by the United States.

The text of the 1967 treaty was printed in the Congressional Record for July 17, 1967 (vol. 113, page 9209) and reproduced and discussed in a report in the 91st Congress by the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries entitled "Report on the Problems Concerning the Panama Canal" (1970). The Subcommittee report is reprinted at page 1377 in "Background Documents Relating to the Panama Canal" prepared for the Committee on Foreign Relations, United States Senate by the Congressional Research Service in the 95th Congress during consideration of the 1977 treaties.

[5] The statutory plan obviously contemplates that the approval of the regulations is an action separate from the adoption of the regulations, even though, as a member of the Board, the Assistant Secretary of the Army participates in the action adopting the regulations.

[6] See Appendix to the President's Budget F.Y. 1980 page 953. The form and much of the content of the regulations adopted by the Board on June 2 are obviously based on the "Bylaws" adopted by the Board of Directors of the Panama Canal Company, q.v.

LEUKEMIA AMONG PARTICIPANTS IN MILITARY MANEUVERS AT A NUCLEAR BOMB TEST

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

Mr. CARTER. Mr. Speaker, in January, February, and July 1978, the House Health and Environment Subcommittee on which I serve as ranking Republican held extensive hearings on the health effects of radiation with special attention to the possible link between radiation exposure at the Government's nuclear testing program—1945-76—and the increased incidence of leukemia and other cancer among test participants. A major impetus for our concern about the health effects of nuclear test radiation grew out of the struggle of a veteran from Turkey Neck Bend in my home county to obtain service-connected compensation for the hairy cell leukemia which he had developed almost 20 years later as a result of his participation in the Government's testing program.

Today I am including in the RECORD an extremely important epidemiological study, published this week in the Journal of the American Medical Association, which assesses the relationship between nuclear test radiation and the increased incidence of leukemia among participants at one particular blast called SMOKY, which occurred August 31, 1957, at the Nevada nuclear test site.

This study, undertaken as a result of our panel's hearings and because of the involvement of my veteran constituent, Donald Coe, was directed by Glyn G. Caldwell, M.D., of the U.S. Center for Disease Control in Atlanta. This study found almost three times the expected number of leukemia cases among soldiers who were present at SMOKY. In my view, this research shows clearly that there is a statistically significant association between the development of leukemia and exposure to nuclear test radiation.

And although this SMOKY study looked only at the incidence of leukemia, and the authors point to the need for followup research, I believe, as one who has been actively involved in this matter for 3 years, that additional studies will ultimately prove beyond doubt the link between these servicemen's participation in the testing program and their illnesses. I only hope that the answers do not come too late for the many hundreds of our veterans who are fighting a holding action against the bureaucracy with time, for too many, on the bureaucracy's side.

I might add that two of the SMOKY leukemia victims, Paul Cooper, of Emmett, Idaho, and Donald Coe, successfully appealed the Veterans' Administration's denials of their claims. But only in Mr. Coe's case would the VA concede a causal link between the radiation exposure at SMOKY and his leukemia. Mr. Coe is the only one of the nine leukemia victims covered by this study who is alive today.

In closing, I want to commend Dr. Caldwell, his staff, and Dr. William Foege, director of the Center for Disease Control, for their tremendous contribution to our understanding of the health risks of radiation.

A copy of the October 3 J.A.M.A. article follows:

LEUKEMIA AMONG PARTICIPANTS IN MILITARY MANEUVERS AT A NUCLEAR BOMB TEST—A PRELIMINARY REPORT

(By Glyn G. Caldwell, M.D.; Delle B. Kelley; Clark W. Heath, Jr., M.D.)

(Preliminary studies indicate that nine cases of leukemia have occurred among 3,224 men who participated in military maneuvers during the 1957 nuclear test explosion "Smoky." This represents a significant increase over the expected incidence of 3.5 cases. They included four cases of acute myelocytic leukemia, three of chronic myelocytic leukemia, and one each of hairy cell and acute lymphocytic leukemia. At time of diagnosis, patient ages ranged from 21 to 60 years (mean, 41.8 years) and the interval from time of nuclear test to diagnosis from two to 19 years (mean, 14.2 years). Film-badge records, which are available for eight of the nine men, indicated gamma radiation exposure levels ranging from 0 to 2,977 mrem (mean, 1,033 mrem). Mean film-badge gamma dose for the entire Smoky cohort was 466.2 mrem.)

In late 1976, the Center for Disease Control received notice of a patient who associated his recently diagnosed acute myelocytic leukemia (AML) with his presence at an atmospheric nuclear bomb test. He had been one of about 200 paratroopers flown to Nevada from Fort Bragg, N.C., to participate in psychological and physical tests after observing the detonation of a nuclear device called "Smoky" on Aug. 31, 1957, at the Nevada nuclear test site.

To test the possibility of a causal association between nuclear test radiation and leukemia in this patient, an epidemiologic study was undertaken to measure the frequency of leukemia and other cancers in military personnel who had been present at this particular test. Two possibilities, beyond the notion that the association might be fortuitous, were considered: first, that low levels of radiation, such as nuclear test participants are presumed to have received, may cause cancer more frequently than previously thought; and second, that radiation received during nuclear tests, and particularly during the Smoky test, may have been greater than originally estimated. This report presents preliminary results of this study with respect to leukemia.

BACKGROUND

Between 1945 and June 1976, the United States detonated 588 nuclear devices, 183 of which were detonated in the atmosphere. Of this total, 475 were exploded in the continental United States, with 466 in Nevada.[1] Military troops participated in the tests in 1951, 1952, 1953, 1955, and 1957. About 250,000 troops are estimated to have been present at one or more of these nuclear tests. This number does not include nonmilitary scientific, or contractor personnel, some of whom were present at several tests.

During the 1957 test series, Operation Plumbbob, 25 nuclear devices were exploded, including Smoky, a 44-kiloton bomb that was detonated atop a 210-m steel tower adjacent to the Smoky foothills. Two separate troop operations were conducted during Plumbbob, the first by the U.S. Marine Corps early in July and the second by U.S. Army troops in late July and August. In addition to being present at the detonation of Smoky, however, many of the troops observed at least one other blast and practiced maneuvers in areas where residual contamination from previous blasts may have existed.[2] For the detonation of Smoky, some US Army units were transported by helicopters to an area approximately 2,700 m from ground zero. Rehearsals for these maneuvers included the observation of the detonation of Doppler from a distance of 2,600 m. Task Force Big Bang, the US Army unit to which the index patient was assigned, was to participate in exercises designed to determine how well military personnel, who had never seen an atomic explosion, would perform various combat tasks after such an experience. Additional tasks assigned to other units included retrieval of contaminated equipment, provision of support functions, and the piloting of helicopters and planes for troop movement or radiation monitoring. Be-

Footnotes at end of article.

cause of a wind shift, however, the Big Bang maneuvers were not carried out at the time of Smoky; instead, the troops watched the test from a point approximately 29 km from ground zero. The postponed field maneuvers were carried out three days later, in an area possibly contaminated with fallout from Smoky. In the interim, the troops had witnessed a second shot (Galileo).

SUBJECTS AND METHODS

The intent of our study was to identify all military persons present at the detonation of Smoky, to trace each such person's health status, to retrieve or reconstruct information for each person concerning radiation dose received from the detonation of Smoky, and to relate leukemia and cancer incidence in the cohort to this dose information and to expected levels of incidence in nonexposed populations.

Persons present at the detonation of Smoky were not easily identified. The index patient was unable to name more than a few of the men with him at the test; neither could any central record system be found to provide complete listings of test participants.

Our first systematic information came from the Smoky military afteraction report.[3] While this report did not identify individuals present at the detonation of Smoky, it did provide a partial listing of military units, estimated to include at least 2,235 troops. In August 1977, the Armed Forces Radiobiology Research Institute (AFRRI) provided a list giving individual information (name, serial number, rank, unit, and film-badge radiation dose) on 3,153 military personnel who had been issued radiation film badges for the period that included Aug. 31, 1957. Compiled by hand from microfilm records stored at the US Army Signal Corps Depot in Lexington, Ky., the list comprised mainly army personnel, even though the afteraction report had indicated that other military branches had been present. Supplemented with information compiled from other sources (Canada, the US Navy, the US Marine Corps, and the Air National Guard), this listing constitutes the cohort of 3,224 men in this study. No military unit or individual participant was included without confirmation of presence at Smoky by documents from the Department of Defense or the Department of Energy.

Identification of cancer or leukemia cases in this cohort required several methods. Extensive publicity surrounding the index case resulted in inquiries from more than 3,000 individuals, of whom 447 were later confirmed to have been present at the detonation of Smoky. From this group, we identified four additional leukemia victims, one of whom was a member of an Air National Guard unit not included in the AFRRI film-badge listing but confirmed by AFRRI to have been present at Smoky.

The AFRRI list was first matched against various clinical files, including the diagnostic files of the Armed Forces Institute of Pathology (AFIP), the death benefit files at the Veterans Administration, and records maintained at the National Personnel Records Center. Two additional cases of leukemia were identified from AFIP records and one from VA records. Hospital clinical records of leukemia patients were reviewed, and, when feasible, pathology specimens (mostly samples of bone marrow and peripheral blood) were obtained for microscopic review.

Subsequent efforts have involved (1) linking of the cohort listing to various federal records systems to obtain personal identifying information (date of birth, date of death, current address) and (2) contacting individuals or surviving family members to confirm presence at Smoky, to seek names and addresses of others also present, and to ascertain health status. As of March 1980, a total of 2,459 cohort members (76%) had been traced through these procedures, and date of birth had been ascertained for 3,094 persons (96%). Information concerning radiation exposure has come entirely from the film-badge records provided by AFRRI and from dosimetry files maintained by the primary contractor for the Atomic Energy Commission at the Nevada test site. Work is in progress to reconstruct exposure levels from other sources. Particular attention has been paid to potential internal exposures because the film badges recorded only external gamma and beta doses. Conceivably, radionuclides could have been inhaled or ingested and then deposited in bone or other tissue where they continued to irradiate the participant after the film badge was removed. Department of Energy and Environmental Protection Agency laboratories have performed radionuclide analyses on tissue specimens obtained at autopsy from two of the leukemia patients, but elevated levels were not found.

Assuming the observed values to be distributed as a Poisson variable, we tested for statistical significance by the use of Poisson tables. The resulting probabilities are the probabilities of observing by chance values as large as or larger than actually observed.

RESULTS—CHARACTERISTICS OF LEUKEMIA PATIENTS

Leukemia has been confirmed by bone marrow examination in nine Smoky test participants: 4 with AML, 3 with chronic myelocytic leukemia (CML), 1 with hairy cell leukemia, and 1 with acute lymphocytic leukemia (Table 1). The nine men ranged in age from 19 to 46 years (mean, 27.3 years) at the time of the Smoky test and 21 to 60 years (mean, 41.8 years) at the time of diagnosis. Intervals between the Smoky detonation and dates of diagnosis ranged from two to 19 years (mean, 14.2 years). All but one patient are now dead, and four underwent autopsies. Of the nine patients, only eight had adequate records available, and most presented with symptoms related to anemia. Examination of the peripheral blood showed anemia in these eight patients, with leukocytosis in 5, leukopenia in 2, thrombocytopenia in 5, and leukemic blast cells in 4. Blast cell crisis occurred in two cases of CML (No. 4 and 7).

In case 3, diagnosis of leukemia was preceded by a ten-year history of anemia and granulocytopenia. In case 4, a second primary tumor, possibly arising in lung or bone, may have been present.

INCIDENCE

Values of observed and expected incidence of leukemia in the cohort are compared in Table 2 for different cell type groupings. Expected incidence was calculated by applying age- and sex-specific incidence rates[4] to person-years accumulated by the Smoky cohort from 1957 through mid-1977 (20 years). Expected mortality was calculated from US rates for 1970[5] in relation to the period mid-1957 through mid-1978 (21 years). All comparisons indicate that the observed number of cases constitutes a statistically significant increase over the expected incidence of leukemia (Table 2).

Footnotes at end of article.

TABLE 1.—CLINICAL FEATURES OF THE 9 LEUKEMIA PATIENTS AMONG SMOKY PARTICIPANTS

Case	Leukemic cell type[1]	Age, year: In August 1957	Age, year: At diagnosis	Date of onset	Date of diagnosis	Date of death	Interval between August 1957 and diagnosis, years	Unusual clinical features
1	AML	23	42	January, 1976	February, 1976	February, 1978	18	
2	HCL	24	44	August, 1976	December, 1976	Alive	19	
3	AML	46	60?	1961	February 1972	May, 1972	14	Anemia and granulocytonenia since 1961.
4	CML	23	34	----------	August, 1968	September, 1968	11	Blast cell crisis in Sentember, 1968; possible second primary cancer in lung.
5	AML	34	47	June, 1969	October, 1969	April, 1970	12	
6	AML	33	50	July, 1974	August, 1974	May, 1975	17	
7	CML	23	39	March, 1973	March, 1973	March, 1976	15	Blast cell crisis in November, 1975.
8	CML	21	40	June, 1976	January, 1977	May, 1978	19	
9	ALL	19	21	----------	December 1959	1960	2	

[1] AML indicates acute myelocytic leukemia; HCL, hairy cell leukemia; CML, chronic myelocytic leukemia; and ALL, acute lymphocytic leukemia.

TABLE 2.—LEUKEMIA MORTALITY AND INCIDENCE IN SMOKY PARTICIPANTS

Leukemic cell type[1]	Number of Leukemia cases: Observed	Number of Leukemia cases: Expected[2]	Observed/expected ratio	Probability (Poisson)
Mortality (all types)	8	2.9	2.4	0.01
Incidence:				
All types	9	3.5	2.3	.01
AML only	4	1.1	3.6	.03
CLM only	3	0.7	4.3	.03
AML and CML	7	1.8	3.8	.003

[1] AML indicates acute myelocytic leukemia; CML, chronic myelocytic leukemia.
[2] See text.

TABLE 3.—RADIATION DOSE LEVELS RECORDED ON FILM BADGES OF PATIENTS WITH LEUKEMIA

Case	Total radiation recorded in 1957: Gamma, mrem	Total radiation recorded in 1957: Beta, mrem
1	1,250	0
2	755	34
3	0	0
4	2,977	0
5	133	0
6	105	0
7	2,950	47
8	(1)	(1)
9	96	0

[1] No record.

RADIATION EXPOSURE AT SMOKY

The nature of the specific tasks performed by each military unit may provide clues for dose reconstruction. Only the film-badge data contained in the AFRRI and private contractor listings, however, are currently available concerning levels of radiation received by Smoky test participants. For the entire cohort, these data indicate an average whole-body gamma dose in 1957 of 466.2 mrem of radiation (including 207 persons for whom recorded film-badge gamma doses were zero). No film-badge record exists for case 8. For the remaining eight cases, gamma doses ranged from zero in case 3 to 2,977 mrem in case 4 (Table 3). Mean gamma dose among these eight cases was 1,167 mrem.

The accuracy of these data is uncertain for two reasons. First, the film badges recorded the cumulative radiation dose received for the entire series of 1957 tests. Since many of the Smoky participants probably were present at other sites, individual film-badge readings may reflect radiation from several tests. Second, film badges record only external radiation (gamma and beta radiation) and do not measure possible internal exposure or radiation from neutrons. No monitoring was performed for internal exposures resulting from inhalation or ingestion of radioactive dust or other particles. Methods are being explored by which internal exposure levels may be estimated or reconstructed for persons present at Smoky. Measurements performed at Department of Energy and Environmental Protection Agency Laboratories of residual radionuclide levels in tissue material from two patients have detected no increase in radioactivity; liver, lung, spleen, gonad, rib, and vertebra were examined from autopsy material from patient 1 and spleen from surgical operation in patient 2. Elements screened for included plutonium 238/239, polonium 210, uranium 235/238, and strontium 90. This small number of negative findings, however, does not rule out the possibility of internal exposures, particularly from isotopes with shorter half-lives that would have dissipated over the 20 years since the Smoky test.

OTHER ETIOLOGIES

In no case did we find strong history to suggest an exogenous cause for leukemia. Several patients had a family history of cancer (No. 2, 3, 6, and 8), but there were no cases of leukemia in first-degree relatives. Only patient 6 had more than one relative with cancer (mother, intestinal cancer; father, prostatic cancer; 7-year-old son, brain tumor). Patient 2 had a history of repeated pesticide exposure from his work as a farmer. In patient 3, the anemia that preceded the development of leukemia had been questionably linked to use of chloramphenicol. Patient 8, a former commercial airline pilot, may have been exposed to increased levels of background cosmic radiation.

COMMENT

If not a chance occurrence, the apparent excess of leukemia among Smoky participants suggests that such persons may have received more radiation than previously supposed or that low doses of radiation may be more carcinogenic than past estimates predicted. The latter idea has received great attention recently because of several reports of cancer in nuclear workers subjected to relatively low levels of radiation in the workplace,[6,7] in patients receiving diagnostic roentgenograms,[8] and in persons exposed to nuclear fallout in Utah.[9] All of these studies, however, are controversial, and in no instance are findings sufficiently clear to warrant revision of current dose-response estimates for radiation-induced cancer in humans.[10,11] For low-dose levels, such estimates are based largely on extrapolation from high-exposure situations such as studies of Japanese atomic bomb survivors [12] and persons receiving radiation therapy for various medical conditions.[13] Although this process of dose-response estimation is extremely imprecise, current concepts, assuming an exposure of 1 rem to each cohort member, would predict less than one excess cancer case in the lifetime of the Smoky cohort.[14,15]

The excess of leukemia cases among Smoky participants, therefore, suggests either a greater dose than estimated or a greater effect per rem at low-dose levels. Such interpretations, however, must be made with caution, partly because of the small numbers of cases involved and partly because of difficulties inherent in the study design. Unfortunately, it was not possible to define fully the cohort under study until months after the first leukemia cases had been identified. One might argue that the initial index case, and perhaps case 8 as well, would be excluded for subsequent comparisons of observed and expected incidence. While we recognize this problem, we have chosen to include all cases as long as their military units could be officially documented to have been present at Smoky. It is unlikely that any additional sizable units participated in this event.

Seven of the nine leukemia cases were the myelocytic or myelomonocytic type and hence are clearly compatible with radiation leukemogenesis.[16] The condition of patient 2 was diagnosed as as HCL. Hairy cell leukemia may be related to chronic lymphocytic leukemia, which is not associated with radiation exposure, although the exact cell type of origin of HCL is in dispute.[17] However, whether or not this case is included, the increase of observed over expected incidence of leukemia in Smoky participants remains statistically significant (Table 2).

The latent period between exposure and diagnosis of leukemia in these cases (two to 19 years; mean, 14.4 years) is longer than in high-dose exposures involving either radiotherapy patients or Japanese atom bomb survivors, who had a minimal latency of four years with maximum effect seen at ten to 12 years.[13,12,16] While this difference may argue against the Smoky cases being related to the 1957 test, it is by no means certain that the short latency patterns observed elsewhere would be expected in what may represent a different exposure setting.

Current information is not sufficient to estimate precisely the actual total levels of radiation received by troops present at Smoky. Work is in progress to reconstruct possible internal doses from the fallout field of Smoky and other tests, as well as neutron doses from the detonation of Doppler, a nuclear test detonated before Smoky that some Smoky participants observed. The first attempt at such dose reconstruction, covering Task Force Warrior, has just been released [2] and is being reviewed. Eventually, dose reconstructions will be developed for each of the units that make up the Smoky cohort.

Since follow-up of the Smoky cohort is incomplete, final analysis of cancer incidence and mortality is not possible. To date, however, no increased mortality has been seen from any form of cancer other than leukemia. Additional follow-up studies of persons present at other nuclear tests are needed before conclusions can be formed regarding the radiation health risks involved.

FOOTNOTES

[1] *Announced United States Nuclear Test Statistics*. Washington, DC, Energy Research and Development Administration, 1976.

[2] *Analysis of Radiation Exposure for Task Force Warrior-Shot Smoky-Exercise, Desert Rock VII–VIII, Operation Plumbbob*, publication DNA, 4747F. Washington, DC., Defense Nuclear Agency, 1979.

[3] *Exercise Desert Rock VII and VIII: Final Report of Operations*. Presidio of San Francisco, Sixth US Army, 1957.

[4] Cutler SJ, Young LL (eds): *Third National Cancer Survey*. Journal of the National Cancer Institute Monograph 41, 1975, pp 106–107.

[5] *Vital Statistics of the United States*. Washington, DC, National Center for Health Statistics, 1970, vol 2, pt A, pp 1–25, 1–32.

[6] Mancuso TF, Stewart A, Kneale G: Radiation exposures of Hanford workers dying from cancer and other causes. *Health Phys* 33:369–384, 1977.

[7] Najarian T, Colton T: Mortality from leukemia and cancer in shipyard nuclear workers. *Lancet* 1:1018–1020, 1978.

[8] Bross IDJ, Ball M, Falen S: A dosage response curve for the 1 rad range: Adult risks from diagnostic radiation. *Am J Public Health* 69:130–136, 1979.

[9] Lyon JL, Klauber MR, Gardner JW, et al: Childhood leukemias associated with fallout from nuclear testing. *N. Engl J Med* 300:397–402, 1979.

[10] Boice JD, Land CE: Adult leukemia following diagnostic x-rays? *Am J Public Health* 69:137–145, 1979.

[11] Land CE: The hazards of fallout or of epidemiological research? *N Engl J Med* 300:431–432, 1979.

[12] Beebe GW, Kato H, Land CE: Studies of the mortality of A-bomb survivors: VI. Mortality and radiation dose, 1970–1974. *Radiat Res* 75:198–201, 1978.

[13] Court Brown WM, Doll R: Mortality from cancer and other causes after radiotherapy for ankylosing spondylitis. *Br Med J* 2:1327–1332, 1965.

[14] *The effects on Populations of Exposure to Low Levels of Ionizing Radiation*, National Research Council Committee on the Biological Effects of Ionizing Radiations. Washington, DC, National Academy of Sciences, 1979.

[15] *Sources and Effects of Ionizing Radiation*, United Nations Scientific Committee of the Effects of Atomic Radiation. New York, United Nations, 1977.

[16] Bizzozero OJ Jr, Johnson KG, Ciocco A, et al. Radiation-related leukemia in Hiroshima and Nagasaki, 1946–1964. *Ann Intern Med* 66:522–530, 1967.

[17] Scheinberg M, Brenner AI, Sullivan AL, et al. The heterogeneity of leukemic reticulo-endotheliosis, 'hairy cell leukemia.' *Cancer* 37:1302–1307, 1976.

A TRIBUTE TO CONGRESSIONAL MEDAL OF HONOR RECIPIENT FORREST L. VOSLER

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

● Mr. HANLEY. Mr. Speaker, tomorrow, October 3, marks the official retirement of one of this Nation's true war heroes, as Congressional Medal of Honor recipient Forrest L. Vosler ends his service as officer in charge of the Veterans' Administration regional office in Syracuse, N.Y.

Forrest Vosler entered military service at Rochester, N.Y., on October 8, 1942, and served in the Army Air Corps until October 17, 1944. He was honorably discharged with the rank of technical sergeant.

Upon leaving the military service, he attended Syracuse University and was employed by radio station WSYR in Syracuse. In June of 1947, he was hired as a contact representative with the Veterans' Administration in Syracuse. In 1952, he was promoted to chief of contact service at the VA hospital in Syracuse. In 1959, he was promoted to officer in charge of the VA office in Utica, N.Y.

On January 1, 1961, Vosler took an educational leave of absence to finish his studies at Syracuse University. In the interim, he was employed as a senior claims examiner for Commercial Travel-

ers Accident & Health Co. in Utica for 5 years. Self-employed as a stockbroker and insurance salesman from 1965 to July 1972, he accepted the position of officer in charge of the Syracuse VA office on July 17, 1972, where he has served ever since.

Those who know Forrest and his wife of 35 years, Virginia, know them to be active people, with skiing, golfing, and traveling high on the list. They also know Forrest to be a rare breed of man. As we wish him the best of everything in his well-earned retirement, I would like my colleagues to reflect for a moment on a story of incredible courage and bravery. It is the kind of story that makes me proud to be an American.

On August 31, 1944, Forrest Vosler was awarded the Congressional Medal of Honor. The following citation describes his heroic story.

MOH CITATION

Forrest L. Vosler: Back in 1946 an unofficial committee representing Veterans' organizations and former combat newsmen were asked to choose World War II heroes who epitomized Sergeant Alvin York, generally recognized as the outstanding hero of World War I.

Tennessean York, engaged in action with the Germans in the Argonne Forest, singlehandedly captured a German machine gun Battalion. He killed 25 enemy soldiers and took 132 prisoners.

Former Tech Sergeant Forrest L. (Woody) Vosler was chosen as the "Sergeant York of the Army Air Forces."

You can readily understand why hard-nosed newsmen and combat Veterans chose Vosler over the other Army Air Force Medal of Honor Recipients when you read the account of his heroic deed.

Vosler, at age 20, was a radio operator and gunner on a B–17. His flying fortress was on a bombing mission to Bremen, Germany, December 20, 1943, when it was attacked by a fighter, losing two engines. Knocked out of the 303rd Bomb Group formation, it continued to the target at low altitude, released the bombs, and turned for home.

German fighters swarmed around the crippled plane. Vosler kept up a steady barrage of fire until a 20mm. shell ripped through the fuselage and exploded near his legs. Blood oozed out of the top of his boots from the wounds in his feet and legs. Turning around from his gun position, he noticed the tail gunner was badly wounded. Realizing that the fighters were concentrating on the Fortress' tail, he staggered back to man the gun.

While firing, he was hit in the chest and face by another 20 mm. shell. Pieces of metal lodged in both eyes, impairing his vision to such an extent that he could only distinguish blurred shapes. Declining first aid treatment, he continued firing until, as he describes it, "Jerries ran out of ammunition."

Losing altitude and fuel rapidly as the Fortress approached the coast of France, the crew jettisoned every bit of extra weight. Adding to the dilemma, Vosler's radio was knocked out during the air battle. With blood running out of his eyes and unable to see, Vosler repaired the radio entirely by touch. He was able to send out distress signals despite several lapses of unconsciousness.

Headquarters directed them to a Norwegian trawler in the North Sea. The pilot miraculously flew the crippled B–17 to the trawler and ditched. The blind Vosler crawled out to the wing unaided. Hearing the moans of the wounded tail gunner, he held him until the other crew members could get them into a dinghy. He was later picked up by a PT boat and rushed to a Northampton Hospital.

Following years of recuperation, he returned to Syracuse, New York to attend college, but with one eye gone, and the other requiring extensive surgery, he decided to drop out.

After a stint as a radio station engineer, Vosler decided to once again serve his country. Today his VA extension office handles Veteran matters for the Syracuse area, covering eighteen counties. ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN (at the request of Mr. WRIGHT), after 10:40 a.m. today, on account of official business.

Mr. JOHN L. BURTON (at the request of Mr. BROWN of California), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MOORHEAD of Pennsylvania, to revise and extend his remarks following all legislative business and any special orders heretofore entered into and address the House for 30 minutes today.

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

Mr. KEMP, for 60 minutes, today.
Mr. MILLER of Ohio, for 30 minutes, today.
Mr. CORCORAN, for 5 minutes, today.
Mr. BEREUTER, for 5 minutes, today.
Mr. HANSEN, for 30 minutes, today.
Mr. FRENZEL, for 20 minutes, today.
Mr. GREEN, for 5 minutes, today.
Mr. MCKINNEY, for 5 minutes, today.
Mr. SYMMS, for 5 minutes, today.
Mrs. HECKLER, for 5 minutes, today.

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

Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. WHITTEN, for 5 minutes, today.
Mr. DRINAN, for 5 minutes, today.
Mr. NELSON, for 5 minutes, today.
Mr. DODD, for 5 minutes, today.
Mr. ST GERMAIN, for 10 minutes, today.
Mr. CARR, for 10 minutes, today.
Mr. BARNES, for 5 minutes, today.
Mr. CAVANAUGH, for 15 minutes, today.
Mr. PREYER, for 5 minutes, today.
Mr. UDALL, for 30 minutes, today.
Mr. PEPPER, for 5 minutes, today.
Mr. BRADEMAS, for 10 minutes, today.
Mr. MCDONALD, for 5 minutes, today.
Mr. ANTHONY, for 10 minutes, today.
Mr. ALEXANDER, for 5 minutes, today.
Mr. MOAKLEY, for 5 minutes, today.
Mr. BINGHAM, for 10 minutes, today.
Mr. MINISH, for 5 minutes, today.
Mr. MURTHA, for 5 minutes, today.
Mr. HAWKINS, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 10 minutes, today.
Mr. SEIBERLING, for 30 minutes, today.
Mr. ZABLOCKI, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. LATTA, to revise and extend his remarks immediately prior to the passage of H.R. 927.

Mr. GILMAN, his remarks immediately following Mr. FOLEY's remarks on H.R. 3765, during general debate.

Mr. CARTER, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,080.75.

Mr. BAUMAN, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,554.50.

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

Mr. YOUNG of Alaska.
Mr. KEMP in six instances.
Mr. GILMAN in six instances.
Mr. CARTER in two instances.
Mr. QUILLEN.
Mr. MILLER of Ohio in three instances.
Mr. MARTIN in two instances.
Mr. DANIEL B. CRANE.
Mr. ROYER.
Mr. YOUNG of Florida.
Mr. JOHNSON of Colorado.
Mr. GRADISON.
Mr. MYERS in three instances.
Mr. MADIGAN.
Mr. RUDD.
Mr. RITTER in two instances.
Mr. WAMPLER.
Mr. GRASSLEY in two instances.
Mr. HANSEN in five instances.
Mr. WYDLER in three instances.
Mr. LEWIS in two instances.
Mr. PURSELL.
Mr. BROWN of Ohio.

Mr. ROUSSELOT.
Mr. WINN.
Mr. GOODLING.
Mr. HYDE.
Mr. FRENZEL in six instances.
Mr. BROOMFIELD.
Mr. BROYHILL.
Mr. CAMPBELL.
Mr. BEARD of Tennessee in two instances.
Mr. LATTA.
Mr. RHODES.
Mr. DERWINSKI in four instances.
Mr. ASHBROOK in two instances.
Mr. SAWYER.
Mr. DORNAN in three instances.
Mr. SHUSTER in 10 instances.
Mr. LAGOMARSINO.
Mr. CORCORAN.
Mr. GINGRICH.
Mr. CHARLES H. WILSON of California in three instances.
Mrs. HECKLER.
Mr. ROTH.
Mr. GOLDWATER.
Mr. MCCLOSKEY.

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

Mr. RODINO.
Mr. ROE in six instances.
Mr. JOHN L. BURTON in two instances.
Mr. BARNARD.
Mr. HALL of Texas in two instances.
Mr. STOKES in two instances.
Mr. VANIK.
Mr. FORD of Michigan.
Mr. ATKINSON in two instances.
Mr. FISHER in four instances.
Mr. MILLER of California.
Mr. ROSENTHAL.
Mr. SIMON.
Mr. UDALL.
Mr. MCDONALD in 10 instances.
Mr. ATKINSON.
Mr. LEHMAN.
Mr. FARY in two instances.
Mr. MARKEY in three instances.
Mr. PREYER.
Mr. BONKER.
Ms. OAKAR.
Mr. RANGEL.
Ms. FERRARO in two instances.
Mr. HANCE.
Mr. CLAY in two instances.
Mr. DRINAN.
Mr. CORMAN.
Mr. HAWKINS.
Mr. MCCORMACK.
Mr. GAYDOS.
Mr. SOLARZ.
Mrs. SCHROEDER.
Mr. FOLEY.
Mr. MAZZOLI in two instances.
Mr. STUDDS in two instances.
Mr. BENJAMIN.
Mr. ROYBAL.
Mr. HANCE.
Mr. NEAL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2887. An act to protect the confidentiality of data made available to the Bureau of Labor Statistics, and for other purposes; to the Committee on Education and Labor.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 985. An act to amend the Consolidated Farm and Rural Development Act;

S. 1640. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes;

S. 1790. An act to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other persons;

S. 1946. An act to reform the economic regulation of railroads, and for other purposes;

S. 3180. An act to repeal a provision of the Refugee Education Assistance Act of 1980.

S. J. Res. 201. Joint resolution to provide for the designation of a week as "National Lupus Week."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes;

H.R. 528. An act to amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings, and for other purposes;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6554. An act to authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 7085. An act to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes;

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes;

H.R. 7592. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 8202. An act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period;

H.J. Res. 472. Joint resolution designating October 19, 1981, as a "Day of National Observance of the 200th anniversary of the surrender of Lord Cornwallis to Gen. George Washington at Yorktown, Va.; and

H.J. Res. 568. Joint resolution to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on October 1, 1980, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 6331. An act to amend the act of July 31, 1946, as amended, relating to the U.S. Capitol Grounds, and for other purposes;

H.R. 7218. An act to establish the Martin Luther King, Jr., National Historic Site in the State of Georgia, and for other purposes;

H.R. 7939. An act to amend the Securities Investor Protector Act to increase the amount of protection available under such act to customers of brokers and dealers, and to provide for the applicability of the Right to Financial Privacy Act of 1978 to the Securities and Exchange Commission; and

H.J. Res. 560. Joint resolution to proclaim March 19, 1981, as "National Agriculture Day."

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), pursuant to the provisions of Senate Concurrent Resolution 126 of the 96th Congress, the House adjourned until Wednesday, November 12, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

5430. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting technical amendments to regulation E, which implements the Electronic Fund Transfer Act, pursuant to section 904

(a)(4) of the act; to the Committee on Banking, Finance and Urban Affairs.

5431. A letter from the Administrator of General Services, transmitting a report on his latest investigations of the cost of travel and the operation of privately owned vehicles to Federal employees while engaged on official business, pursuant to 5 U.S.C. 5707(b)(1), and the determinations of the average actual cost per mile for the use of a privately owned automobile, motorcycle, and airplane, pursuant to 5 U.S.C. 5707(b)(2); to the Committee on Government Operations.

5432. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5433. A letter from the Chairman, Federal Labor Relations Authority, transmitting notice of various proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5434. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5435. A letter from the Chairman, Select Commission on Immigration and Refugee Policy, transmitting the Commission's second semiannual report, pursuant to section 4(d) of Public Law 95-412, as amended; to the Committee on the Judiciary.

5436. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notice of the proposed designation of the Channel Islands National Marine Sanctuary off the coast of California, pursuant to section 302(h) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Small Business. Report on Conglomerate Mergers—Their Effects on Small Business and Local Communities (Rept. No. 96-1447). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Small Business. Report on Inventory Accounting as a Burden on the Capital Formation Process (Rept. No. 96-1448). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Continued Need for the Veterans' Administration's Record Processing Center in St. Louis (Rept. No. 96-1449). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 6868. A bill to establish a commission to examine existing volunteer service opportunities, including opportunities under the Domestic Volunteer Service Act of 1973, to examine alternative comprehensive national service programs, and to develop a comprehensive national service program; with amendment (Rept. No. 96-1450, pt. 1). Ordered to be printed.

Mr. SMITH of Iowa: Committee on Small Business. Report on the role of Government funding and its impact on small business in the solar energy industry (Rept. No. 96-1451). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on evaluating nuclear utilities' performance: Nuclear Regulatory Commission Oversight (Rept. No. 96-1452). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5417. A bill to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; with amendments (Rept. No. 96-1453). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1828. A bill to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; with amendments (Rept. No. 96-1454). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHLEY: Committee on Merchant Marine and Fisheries. Oversight Report on the United States-Canada East Coast Fishery Agreement and Boundary Treaty (Rept. No. 96-1455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANTHONY:

H.R. 8276. A bill to authorize an improved research, development, and demonstration program for advanced technology to produce energy from gas resources; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

By Mr. BROYHILL:

H.R. 8277. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 8278. A bill to amend title 38 of the United States Code to make certain veterans entitled to wartime disability compensation for disabilities and diseases caused by or attributable to exposure to atomic or nuclear radiation during their period of active service; to the Committee on Veterans' Affairs.

By Mr. CAVANAUGH:

H.R. 8279. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to increase the minimum amount of cash remuneration which an individual performing domestic service in the private home of an employer must receive from such employer in any quarter in order to have such remuneration counted as covered wages for either benefit or tax purposes; to the Committee on Ways and Means.

By Mr. BROWN of Ohio:

H.R. 8280. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of depreciation deduction with respect to any property for a taxable year shall be an amount selected by the taxpayer; to the Committee on Ways and Means.

H.R. 8281. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers may elect a 12-month amortization period (in lieu of the 60-month period) for any certified pollution control facility; to the Committee on Ways and Means.

H.R. 8282. A bill to amend the Internal Revenue Code of 1954 to provide a simplified cost recovery system for recovery property; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 8283. A bill to amend the Internal Revenue Code of 1954 to extend and liberalize the deduction for individual retirement savings; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H.R. 8284. A bill to amend the Internal Revenue Code to repeal the "family shelter tax"; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 8285. A bill to amend titles 18 and 17 of the United States Code to strengthen the laws against record, tape, and film piracy and counterfeiting, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 8286. A bill to amend title 10 of the United States Code to allow the Secretaries of the military departments to establish programs to provide educational assistance to individuals enlisting in the Armed Forces; to the Committee on Armed Services.

By Mr. EVANS of Indiana (for himself and Mr. JACOBS):

H.R. 8287. A bill to provide that interest on certain obligations issued by certain volunteer fire departments shall be exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 8288. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance with respect to damage caused by flood-related landslides, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8289. A bill to amend title 38, United States Code, to increase from 60 to 90 percent the percentage of tuition and fees for an approved program of flight training which is paid by the Veterans' Administration under the GI bill educational assistance program; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 8290. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives to encourage the building and rehabilitation of rental housing and low-income rental housing; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. CLAY, Mr. LELAND, Mr. GARCIA, Ms. FERRARO, Mr. GILMAN, Mr. CAVANAUGH, Mr. DERWINSKI, Mrs. SCHROEDER, Mr. DANNEMEYER, and Ms OAKAR):

H.R. 8291. A bill to designate the New York Bulk and Foreign Mail Center at Jersey City, N.J., as the "Michael McDermott Bulk and Foreign Mail Center"; to the Committee on Public Works and Transportation.

By Mr. HANCE:

H.R. 8292. A bill to regulate the use of off-road vehicles on public lands, to require registration fees to be paid to the Government for the operation of such vehicles on

public lands, to provide for the amounts collected from such fees to be expended for the management of offroad vehicles on public lands and for the rehabilitation of areas damaged by such vehicles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER:

H.R. 8293. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for business gifts awarded to employees by reason of length of service or for safety achievement; to the Committee on Ways and Means.

H.R. 8294. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of tax-exempt individual housing accounts to assist individuals in the purchase of a principal residence, and to provide the Secretary of Housing and Urban Development with authority to provide additional homeownership opportunities for first-time homebuyers; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. HIGHTOWER (for himself, Mr. GRAMM, Mr. HANCE, Mr. STENHOLM, and Mr. WILLIAMS of Montana):

H.R. 8295. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax oil produced from interests held by or for residential child care agencies; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 8296. A bill to amend the Internal Revenue Code of 1954 to provide that, in the case of certain vessels documented under the laws of the United States, the deduction for depreciation may be computed using a useful life of 1 year, and for other purposes; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 8297. A bill to amend the Internal Revenue Code of 1954 to disallow certain expenses for advertising on foreign broadcast stations; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 8298. A bill to designate certain national forest system lands in the State of New Mexico for inclusion in the national wilderness preservation system, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. MARTIN (for himself and Mr. FRENZEL):

H.R. 8299. A bill to amend the Tax Reform Act of 1976 to postpone certain effective dates; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 8300. A bill to amend the Veterans' Health Programs Extension and Improvement Act of 1979 to require the issuance of guidelines for resolving claims for veterans' benefits based on exposure to the phenoxy herbicide known as Agent Orange during service in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 8301. A bill to create the Reconstruction Finance Corporation of 1980, to authorize such Corporation to issue obligations and provide loans and loan guarantees to qualifying business enterprises and local governmental units, and to provide for a temporary surtax on the income of major business corporations to provide the capital for the Corporation; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. PICKLE:

H.R. 8302. A bill to amend the Internal Revenue Code of 1954 to allow employees a deduction for savings contributions to employer retirement plans or to individual retirement plans; to the Committee on Ways and Means.

By Mr. RITTER:

H.R. 8303. A bill to establish a coordinated program under the direction of the Office of Science and Technology Policy for improving and facilitating the use of risk analysis by those Federal agencies concerned with scientific and technological decisions related to human life, health, and protection of the environment; to the Committee on Science and Technology.

By Mr. ROYBAL:

H.R. 8304. A bill to compensate certain individuals from whom title to land was taken by the Federal Government pursuant to the American-Mexican Chamizal Convention Act of 1964 without just compensation; to the Committee on the Judiciary.

By Mr. RUDD (for himself and Mr. RHODES):

H.R. 8305. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowable as a deduction for charitable contributions of certain items created by the taxpayer; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 8306. A bill to amend title 5 of the United States Code to require that performance appraisals include the extent to which cost reduction goals and management objectives are obtained, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. SMITH of Iowa:

H.R. 8307. A bill to amend the Internal Revenue Code of 1954 to promote capital investment in small business, and for other purposes; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 8308. A bill to authorize appropriations for fiscal year 1981 for the Navy for research of a shallow underwater missile (SUM) submarine system; to the Committee on Armed Services.

H.R. 8309. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1954 to provide for comprehensive health care reform, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. SYMMS:

H.R. 8310. A bill to provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise project, Idaho; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. EVANS, of Delaware, Mr. ASHLEY, Mr. PHILLIP BURTON, and Mr. SEIBERLING):

H.R. 8311. A bill to amend the Alaska National Interest Lands Conservation Act and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. WAMPLER:

H.R. 8312. A bill to enhance the production of food and fiber and to eliminate hazards to the agricultural community by providing for the regulation by the Secretary of Agriculture of the movement of biological organisms in the United States; to the Committee on Agriculture.

By Mr. CLAUSEN:

H.R. 8313. A bill to amend title IV of the Social Security Act to improve the operation of the AFDC program, to give the States a fiscal incentive to reduce error and waste in the AFDC program, to permit the States to use savings from the AFDC program to defray the costs of other welfare programs, to provide fiscal relief to the States under the AFDC program, to make it clear that States may impose work requirements as a condition of eligibility for AFDC payments, and to establish a demonstration project to provide a pilot test of the States' ability to create their own welfare programs as an alternative to the AFDC program; to the Committee on Ways and Means.

By Mr. GRASSLEY (for himself, Mr. JACOBS, Mr. ROUSSELOT, Mr. SOLOMON, and Mrs. HOLT):

H.J. Res. 624. Joint resolution proposing an amendment to the Constitution to promote fiscal responsibility; to the Committee on the Judiciary.

By Mr. GREEN:

H.J. Res. 625. Joint resolution designating the week beginning October 19, 1980 as "Slavic Culture Week"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE:

H.J. Res. 626. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. GEPHARDT, Mr. UDALL, Mr. LEVITAS, Mr. WEISS, and Mr. BAILEY):

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress respecting the televising of oral arguments before the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H. Con. Res. 445. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative opthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Interstate and Foreign Commerce.

By Mr. PREYER (for himself, Mr. BROOKS, Mr. ANDREWS of North Carolina, Mr. ARCHER, Mr. BEDELL, Mr. BEILENSON, Mr. BURGENER, Mr. CAMPBELL, Mr. CARNEY, Mr. CARTER, Mr. KINDNESS, Mr. CAVANAUGH, Mr. CLAUSEN, Mr. CLEVELAND, Mr. COELHO, Mrs. COLLINS of Illinois, Mr. DANIEL B. CRANE, Mr. D'AMOURS, Mr. DASCHLE, Mr. DORNAN, Mr. EVANS of Indiana, Mr. FISHER, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FRENZEL, Mr. GIBBONS, Mr. GOLDWATER, Mr. GUDGER, Mr. GUYER, Mr. HAGEDORN, Mr. HALL of Texas, Mr. HANSEN, Mr. HEFNER, Mr. HUBBARD, Mr. ICHORD, Mr. JEFFRIES, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LATTA, Mr. MADIGAN, Mr. MAGUIRE, Mr. MARLENEE, Mr. MARTIN, Mr. MAZZOLI, Mr. MCDADE, Mr. MCDONALD, Mr. MCKINNEY, Mr. MOFFETT, Mr. MOLLOHAN, Mr. MYERS of Indiana, Mr. NEAL, Mr. NICHOLS, Mr. PANETTA, Mr. ROSE, Mr. ROSENTHAL, Mr. ROTH, Mr. SATTERFIELD, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SHUMWAY, Mr. SIMON, Mr. SNYDER, Mr. ST GERMAIN, Mr. STANGELAND, Mr. STANTON, Mr. STARK, Mr. SYNAR, Mr. TAUKE, Mr. WALGREN, Mr. WEISS, Mr. WHITE, Mr. WHITLEY, Mr. WILLIAMS of Montana, Mr. WINN, Mr.

WIRTH, Mr. YATRON, Mr. YOUNG of Missouri, Mr. ROBERT W. DANIEL, JR., Mr. ERTEL, Mr. HANCE, Mrs. SNOWE, Mr. HUGHES, Mr. TRAXLER, Mr. WAXMAN, Mr. HIGHTOWER, and Mr. HORTON):

H. Con. Res. 446. Concurrent resolution expressing the sense of the Congress with regard to the number of digits which should be used as ZIP codes or other codes used for mail delivery; to the Committee on Post Office and Civil Service.

By Mr. NEDZI:

H. Res. 806. Resolution to provide for the printing as a House document of tributes made to the late Honorable F. Edward Hébert on the floor of the House; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BETHUNE presented a bill (H.R. 8314) for the relief of Ove Norqvist Hansen, which was referred 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. 503: Mr. EVANS of Delaware.

H.R. 1053: Mr. HARRIS.

H.R. 1542: Mr. DOUGHERTY and Mr. BEREUTER.

H.R. 1600: Mr. SHUSTER, Mrs. HECKLER, and Mr. BUTLER.

H.R. 1785: Mr. SHELBY, Mr. PHILIP M. CRANE, and Mr. PATTERSON.

H.R. 3825: Mr. LEDERER.

H.R. 4796: Mr. BEREUTER.

H.R. 5211: Mrs. HOLT.

H.R. 5339: Ms. FERRARO.

H.R. 5466: Mr. CAVANAUGH, Mr. DASCHLE, Ms. FERRARO, Mr. FINDLEY, Mr. HARKIN, Mrs. HECKLER, Mr. MINISH, Mr. ROTH, Mr. WYLIE, Mr. HUCKABY, and Mr. WALGREN.

H.R. 5947: Mr. KOGOVSEK.

H.R. 6171: Ms. FERRARO and Mrs. HECKLER.

H.R. 6194: Mrs. HECKLER.

H.R. 6400: Mr. CARTER, Mr. COLEMAN, Mr. ROBERT W. DANIEL, Jr., Mr. DAVIS of Michigan, Mr. DERWINSKI, Mr. FORSYTHE, Mr. GUYER, Mrs. HECKLER, Mrs. HOLT, Mr. KEMP, Mr. LAGOMARSINO, Mr. LUNGREN, Mr. MCDONALD, Mr. PORTER, Mr. WHITEHURST, and Mr. WYLIE.

H.R. 6637: Mr. BAFALIS.

H.R. 6709: Mr. HAMMERSCHMIDT, Mr. SAWYER, and Mrs. HOLTZMAN.

H.R. 7245. Mr. BURGENER.

H.R. 7346: Mr. FITHIAN.

H.R. 7441: Mr. MADIGAN, Mr. DAVIS of South Carolina, Mr. COURTER, Mr. ROBERT W. DANIEL, JR., Mr. MITCHELL of New York, Mr. HOPKINS, Mr. HILLIS, Mr. SYMMS, Mrs. HECKLER, Mr. MYERS of Indiana, Mr. JEFFORDS, Mr. EMERY, Mr. GRISHAM, Mr. PEPPER, Mr. EVANS of the Virgin Islands, Mr. MOLLOHAN, Mr. BRINKLEY, Mr. DAN DANIEL, Mr. CLINGER, Mr. STENHOLM, Mr. DE LA GARZA, Mr. HIGHTOWER, Mr. ROYER, Mr. OBERSTAR, Mr. SKELTON, Mrs. SPELLMAN, and Mr. HUTTO.

H.R. 7506: Mr. ANTHONY, Mr. ARCHER, Mr. JACOBS, Mr. LOTT, Mr. RAILSBACK, and Mr. WAMPLER.

H.R. 7576: Mrs. SPELLMAN, Mr. PRITCHARD, Mr. LUNDINE, Mrs. HECKLER, Mr. GREEN, Mr. JENRETTE, Mr. GUDGER, Mr. EVANS of Delaware, Mr. MARKS, and Mr. MCCORMACK.

H.R. 7885: Mr. MINETA and Mrs. HECKLER.

H.R. 7906: Mr. ROTH, Mrs. SPELLMAN, Mr. JOHNSON of California, Mr. BEDELL, Mr. WILLIAMS of Montana, and Mr. FISHER.

H.R. 7983: Mr. EDWARDS of California, Mr. TRAXLER, Mrs. HECKLER, and Mr. LAGOMARSINO.

H.R. 8026: Mr. SNYDER.

H.R. 8031: Mr. MURPHY of New York.

H.R. 8066: Mr. JEFFORDS, Mr. FORSYTHE, Mr. LEACH of Iowa, Mr. LUJAN, Mr. PORTER, Mr. SIMON, Mr. OTTINGER, Mr. HUGHES, Mr. GREEN, Mr. WEAVER, Mr. ERTEL, Mr. GOLDWATER, Mr. CHARLES WILSON of Texas, Mr. PANETTA, Mr. ADDABBO, and Mr. LEHMAN.

H.R. 8083: Mr. WOLFF.

H.R. 8092: Mr. HUGHES, Mr. COELHO, Mr. DANIEL B. CRANE, Mr. MATSUI, Mr. HARRIS, Ms. MIKULSKI, Mr. PATTERSON, Mr. DERWINSKI, and Mr. MAZZOLI.

H.R. 8099: Mr. BEDELL, Mr. CONYERS, Mr. CORRADA, Mr. DOWNEY, Mr. EDWARDS of California, Mr. FORSYTHE, Mr. GOLDWATER, Mr. HINSON, Mr. HORTON, Mr. KINDNESS, Mr. MAGUIRE, Mr. MARRIOTT, Mr. MAVROULES, Mr. MAZZOLI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOLLOHAN, Ms. OAKAR, Mr. PATTERSON, Mr. PURSELL, Mr. RICHMOND, Mr. ROE, Mr. SCHEUER, Mr. WINN, Mr. YOUNG of Missouri, and Mr. SOLARZ.

H.R. 8111: Mr. FORSYTHE, Mr. NOWAK, and Mr. HUGHES.

H.R. 8119: Mr. VAN DEERLIN and Mr. DASCHLE.

H.R. 8120: Mr. HORTON, Mr. ADDABBO, Mr. MCKINNEY, Mr. CLEVELAND, Mr. MOORHEAD of California, Mr. HALL of Texas, Mr. GUYER, Mr. PEPPER, Mr. LUNGREN, Mr. DE LA GARZA, Mr. FORSYTHE, Mr. CARTER, Mr. PORTER, Mr. SHUMWAY, Mr. WINN, Mr. MCDONALD, Mr. TAYLOR, Mr. SOLOMON, Mr. YOUNG of Missouri, Mr. ERDAHL, Mr. LOTT, Mr. KRAMER, Mr. BADHAM, and Mr. WHITEHURST.

H.R. 8148: Mr. ARCHER and Mr. ROUSSELOT.

H.R. 8164: Mr. OBERSTAR, Mr. KILDEE, Mrs. CHISHOLM, Mr. MOFFETT, Mr. PANETTA, Mr. JEFFORDS, Mr. TRAXLER, Mr. NOWAK, Ms. MIKULSKI, Mr. CONYERS, Mr. STUDDS, Mr. MOTTL, and Mr. STOKES.

H.R. 8205: Mr. FORSYTHE, Mr. WINN, and Mr. DAVIS of Michigan.

H.R. 8210: Mr. WINN, Mr. PREYER, Mr. HINSON, and Mr. ANDREWS of North Dakota.

H.R. 8219: Mr. WEISS and Mr. GOLDWATER.

H.J. Res. 596: Mr. ANTHONY, Mr. STANGELAND, Mr. LOEFFLER, Mr. YOUNG of Alaska, Mr. GINGRICH, Mr. CHENEY, Mr. GRASSLEY, Mrs. SNOWE, Mr. DASCHLE, Mr. STUMP, Mr. FASCELL, Mr. BONER of Tennessee, Mr. BREAUX, Mr. CLAUSEN, Mr. YOUNG of Missouri, Mr. GUYER, Mr. FROST, Mr. CORRADA, Mr. JENKINS, Mr. ROBINSON, Mr. ROSENTHAL, Mr. WINN, and Mrs. HOLT.

H.J. 608: Mr. MCEWEN, Mr. OTTINGER, and Mr. SIMON.

H.J. Res. 613: Mr. ADDABBO, Mr. LEDERER, Mr. PATTERSON, Mr. KEMP, Mr. KOGOVSEK, Mr. FAZIO, Mr. HORTON, Mr. HIGHTOWER, Mrs. CHISHOLM, Mr. WINN, Mr. NOLAN, Mr. STEED, Mr. WOLPE, Mr. CONYERS, Mr. EDWARDS of Alabama, Mr. WON PAT, Mr. EVANS of the Virgin Islands, Mr. DASCHLE, Mr. HINSON, Mr. HUBBARD, Mr. LAGOMARSINO, Mr. HYDE, Mr. PANETTA, Mr. PORTER, Mr. HUGHES, Mr. ANDERSON of California, Mr. ERDAHL, Mr. HAWKINS, Mr. ROE, Mr. LUNGREN, Mr. SHANNON, Mr. SCHEUER, Mr. SEBELIUS, Mr. BOWEN, Mr. YOUNG of Alaska, Mr. MINETA, Mr. SABO, Mr. EDWARDS of Oklahoma, Mr. WAXMAN, Mr. COELHO, Ms. MIKULSKI, Mr. SIMON, and Mr. PHILLIP BURTON.

H. Con. Res. 405: Mr. GOODLING.

H. Con. Res. 409: Mr. HARKIN and Mr. MITCHELL of New York.

H. Con. Res. 418: Mr. SKELTON.

H. Con. Res. 422: Mr. LOTT.

H. Con. Res. 438: Mr. BRODHEAD, Mr. MAGUIRE, Mr. MOAKLEY, Mr. OBERSTAR, Mr. GRADISON, Mr. WOLPE, Mr. AMBRO, Mr. SOLARZ, Mr. WIRTH, Mr. LAGOMARSINO, Mrs. SCHROEDER, Mr. FRENZEL, Mr. KRAMER, Mr. FAZIO, Mr. WILLIAMS of Ohio, Mr. MATSUI, Mr. BONIOR of Michigan, Mrs. CHISHOLM, Mr. STACK, Mr. FORSYTHE, Mr. BEILENSON, Mr. WAXMAN, Mr. PORTER, Mr. DOWNEY, Mr. LEHMAN, Mr. AUCOIN, Mr. GREEN, Mr. KILDEE, Mrs. FENWICK, Mr. FOWLER, Mrs. HECKLER, Mr. SABO, Mr. EVANS of the Virgin Islands, Mr. DOUGHERTY, Mr. HUGHES, Mr. HOLLENBECK, Mr. EDWARDS of California, Mr. GLICKMAN, and Mr. DICKS.

H. Con. Res. 443: Mr. ROSENTHAL.

H. Res. 729: Mr. STUMP, Mr. YOUNG of Florida, and Mr. ANDREWS of North Carolina.

H. Res. 774: Mr. PHILLIP BURTON, Mrs. SPELLMAN, Mr. BEDELL, Mr. FAUNTROY, Mr. GARCIA, and Mr. WEAVER.

H. Res. 803: Mr. BADHAM, Mr. ROYER, and Mr. ANDERSON of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

444. By the SPEAKER. Petition of the Council of Old South Church in Boston, Mass., relative to Iran and Afghanistan; to the Committee on Foreign Affairs.

445. Also, petition of the New England Association of Chiefs of Police, Dover, N.H., relative to the Drug Enforcement Administration and the Law Enforcement Assistance Administration; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6704

By Mr. KRAMER:

—Page 26, after line, 14, insert the following new section (and redesignate the subsequent sections accordingly):

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223 (a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legisla-

ture, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.