THE RHODESIAN SETTLEMENT: NO CHEERS FOR JIMMY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 1979

● Mr. ASHBROOK. Mr. Speaker, Mrs. Thatcher is now in America, and it is time to look at her record on foreign policy. The centerpiece to her first year as British Prime Minister is the settlement in Rhodesia. This gamble by her government has so far paid off with the moderate forces within the existing Muzorewa government being listened to more than the terrorists in the bush. The arrival of Lord Soames as Colonial Governor for the transition phase of the settlement received a unanimous vote of confidence from the Rhodesian Parliament as it voted 90 to 0 to dissolve in favor of the transition government. These developments in Rhodesia are a reassuring example that hardnosed diplomacy can and does work in the face of terrorist aggression.

The months of negotiation by Lord Carrington with the various factions of Rhodesia brought about a tentatively successful resolution of the growing conflict in southern Africa. If the settlement holds up it will stem the tide of disarray that has been fostered by Cuba and the Soviets. An independent and peaceful Rhodesia will serve to break the rhetorical backs of those who find only violence to be the answer in achieving solutions in Africa. England and its Conservative Government should be commended for its resolve to stay with this issue to the end and its perseverance in assuring the radical elements did not prevail.

The so far shining record of the Thatcher administration's handling of Rhodesia contrasts with the shabby and bungled efforts by the Carter administration. Throughout the Rhodesia talks Mr. Carter refused to offer any hope to the Muzorewa government in Salisbury. The U.S. sanctions on Rhodesia were kept up in spite of congressional pressure to lift the bans and the fact that the British lifted trade restrictions in early November as a good-faith effort. Only this last week did Jimmy Carter finally lift the sanctions on Rhodesia.

Mr. Carter was lucky this time. Had Rhodesia gone under because of lack of goods or had their military folded because of lack of allies Jimmy would have had one more anti-American nation to contend with. Thankfully the British saw fit to step into the situation and bolster the voices of moderation while seeking a peaceful settlement. At least in London there is no need to listen to such voices of disarray as Andy Young and Donald McHenry, who are still opposed to the sanctions being lifted.

The contrasts between the British and American moves in Rhodesia show the overall weakness in Mr. Carter's foreign policy. He has become so accustomed to capitulating at the drop of a hat he cannot understand the concept of peaceful settlements where the pro-West forces actually survive. This is a lesson that should not be lost on the American public. As we enter the 1980's this Nation must decide early what path it plans to follow in the coming decade. We can continue with the Carterite policy of appeasement that would have lost Rhodesia like it lost Nicaragua and Iran, or we can follow the lead of our mother nation and begin to once again stand up for principle and forcefully employ morality to assure a peaceful world.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, December 20, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 21

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the enforcement of fair mortgage lending laws and regulations.
5302 Dirksen Building

Joint Economic
To resume hearings on the Consumer Price Index figures and inflationary trends.
2128 Rayburn Building

JANUARY 14

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1466, to provide for the payment of Indian Claims Commission judgments in favor of the Delaware Tribe of Indians and the absentee Delaware Tribe of Western Oklahoma.
5110 Dirksen Building

JANUARY 15

10:00 a.m.
Banking, Housing, and Urban Affairs.
International Finance Subcommittee
To hold hearings to examine U.S. trade and technological competitiveness with other industrialized countries, focusing on a report by the International Trade Commission on international trade in integrated circuits relating to the electronics industry.
5302 Dirksen Building

JANUARY 21

10:00 a.m.
Select on Indian Affairs
To hold hearings on H.R. 3979, to modify and ease certain Federal laws restricting commercial transactions between Indians and Federal employees.
5110 Dirksen Building

JANUARY 29

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, California, to be held in trust for, and operated and maintained by certain boards of Mission Indians.
5110 Dirksen Building

JANUARY 30

10:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2055, to establish a reservation for the confederated tribes of Siletz Indians of Oregon.
5110 Dirksen Building

JANUARY 31

10:30 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To continue hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.
1318 Dirksen Building

FEBRUARY 5

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1998, to provide for certain public lands to be held in trust by the United States for the Tule River Indian Tribe.
5110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, December 20, 1979*

The House met at 10 a.m.

The Reverend Gabriel Duffy, St. Ambrose Catholic Church, Cheverly, Md., offered the following prayer:

Blessed heavenly Father, You are our good and wonderful God. Hear us as we call upon You at the beginning of this session of the House of Representatives of the United States of America. Fill this assembly with the presence of Your holy spirit and give this House that same mind which You have, Father, toward

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

all Your creatures. May its Members love and do good toward others as You yourself love and do good toward them.

Guide this assembly to work for that justice which brings peace. Help them to understand, in these troubled times, that vengeance and anger are Yours alone, Lord, so that all their work will reflect their conviction that only love and peace will bring an end to division, hatred, and violence. Make our Nation mighty in goodness, Father. 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.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On December 14, 1979:

H.R. 3407. An act to waive the time limitation on the award of certain military decorations to members of the Intelligence and Reconnaissance Platoon of the 394th Infantry Division, for acts of valor performed during the Battle of the Bulge; and

H.R. 4732. An act to fix the annual rates of pay for the Architect of the Capitol and the Assistant Architect of the Capitol.

On December 16, 1979:

H.J. Res. 458. Joint resolution to authorize and request the President to issue a proclamation designating December 18, 1979, "National Unity Day."

MESSAGE FROM THE SENATE

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

H.R. 5523. An act to establish an improved program for extra long staple cotton; and

H. Con. Res. 219. Concurrent resolution calling for an international conference on Cambodia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1143) entitled "An act to extend the authorization for appropriations for the Endangered Species Act of 1973, 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 a bill of the House of the following title:

H.R. 595. An act to authorize the Administrator of General Services to dispose of 35,000 long tons of tin in the national and supplemental stockpiles, to provide for the deposit of moneys received from the sale of such tin, 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 amendments of the House to a bill of the House of the following title:

H.R. 4998. An act to amend the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings shall be published on a deferred basis.

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

H.R. 5010. An act to amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such act, and for other purposes.

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

H.R. 5860. An act to authorize loan guarantees to the Chrysler Corp.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5860) entitled "An act to authorize loan guarantees to the Chrysler Corp." requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. STEVENSON, Mr. RIEGLE, Mr. TSONGAS, Mr. GARN, Mrs. KASSEBAUM, and Mr. LUGAR to be the conferees on the part of the Senate.

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

S. Con. Res. 63. Concurrent resolution to disapprove the Location of Chanceries Amendment Act of 1979, passed by the city Council of the District of Columbia.

APPOINTMENT OF CONFEREES ON H.R. 5860, LOAN GUARANTEE ACT OF 1979

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5860) to authorize loan guarantees to the Chrysler Corp., with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. BAUMAN. Reserving the right to object, may I ask the gentleman from Pennsylvania if we conclude action on the conference today, might we be able to adjourn sine die later today?

The SPEAKER. The Chair will answer the question.

It is the intent of the leadership that the House adopt a concurrent resolution returning January 22, 1980, to conduct business. The House would remain in pro forma sessions at which no business would be considered. In light of the situation in Iran it is felt the House could more easily be called back under that procedure.

It is the hope of the Chair that upon the completion of the conference report on the Chrysler matter by both Houses there would be no further business until January 22, 1980.

Mr. BAUMAN. I thank the Chair. I also assume there would be a session on January 3, 1980, for organizational purposes.

The SPEAKER. The House would meet on January 3 as required by the Constitution but not for organizational or legislative business. A quorum would not be required until January 22, 1980, or unless called back earlier by the leadership to conduct business.

Mr. BAUMAN. I thank the Chair and want to wish everyone a Merry Christmas based on that statement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. REUSS, MOORHEAD of Pennsylvania, BLANCHARD, LUNDINE, STANTON, and MCKINNEY.

DISCONTINUATION OF MAILING OF INCOME TAX FORMS NOT NEEDED BY TAXPAYERS

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

Mr. PETRI. Mr. Speaker, this week I introduced legislation modeled after a provision that has been used successfully in California.

The bill would give people the option of requesting that no tax forms be sent to them. Individuals would have the option of checking a box indicating they do not wish to have their returns sent to them in future years.

Instead of receiving the complete form packet, these taxpayers would receive a postcard with their computer label on it. They could take the card to their tax preparation service who would then prepare the form and place the label on the tax return.

Many people do not prepare their own tax returns. Figures indicate that over 40 percent of tax forms are prepared by tax services of one kind or another. In most cases, these services do not use the forms that are mailed to the individuals. As a result, many of the forms sent out by the Federal Government are wasted.

In California, about 10 percent of the people indicate that they do not want the full packet of forms sent to them. This saves the State of California about $600,000 each year in postage and paper. On a nationwide basis, this 10 percent would save the taxpayers over $1.5 million.

We talk in Congress about excessive paperwork in Government. This bill is one small step toward cutting waste and paperwork.

□ 1010

DEPARTMENT OF ENERGY PLANS BACKDOOR INCREASE IN GASOLINE TAX OF UP TO 30 CENTS PER GALLON

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

minute and to revise and extend his remarks.)

Mr. STOCKMAN. Mr. Speaker, I was disturbed to read in the morning paper that the Department of Energy is formulating plans to impose a backdoor increase in the gasoline tax of up to 30 cents per gallon.

I consider the proposed strategem, a $5 crude oil import fee and an entitlement payment scheme designed to load the entire fee onto the pump price of gasoline to be a serious abuse of Presidential authority under the trade Expansion Act.

If there is to be any change in the Federal gasoline tax, it should be considered, debated and voted upon by the Congress. And it should be posted on the pump so that consumers wil know it is the Government reaching into their pockets still deeper.

Disguising a massive increase in the gas tax in hundreds of pages of entitlement regulations is a new low in bureaucratic deceit and an insult to Congress and the American people.

Every Member remains ready to cooperate on meaningful measures to increase our domestic supply, encourage effective conservation and reduce our dependence upon imported oil. But the Congress has gone on record repeatedly against the notion that a drastic increase in gasoline or other petroleum taxes is a productive, effective, and fair way to solve our national energy problem.

During a year in which gasoline prices have already risen by 65 percent and the American people have responded with a significant reduction in gasoline use, this judgment is more valid than ever before. We will not tolerate efforts to transform the Nation's serious energy problem into an excuse for increasing still further the stiffling tax burden on the American people.

PRESIDENT SHOULD NOT PROCEED WITH JANUARY DECONTROL UNTIL CONGRESS PRESENTS HIM WITH WINDFALL TAX BILL HE CAN SIGN

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

Mr. VANIK. Mr. Speaker, I have today urged President Carter to suspend or delay the further decontrol of oil scheduled in January until the Congress determines its policy on windfall taxes.

If the President proceeds with the decontrol scheduled for January—

First. Tier I oil continues to decline but at a faster rate of 3 percent;

Second. Tier II oil begins to phase out at the rate of 4.6 percent per month; and

Third. Remaining 20 percent of marginal property is decontrolled (80 percent previously decontrolled).

The President should not proceed with January decontrol until Congress presents him with a windfall tax bill he can sign.

ETZION AND EITAM ISRAELI BASES

(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, Etzion and Eitam, these two names are not familiar to most Americans. They should be. They are the names of the two key Israeli air bases in the Sinai Desert that our Nation urged, rather I should say insisted that the Israelis give to the Egyptians. These are the two most sophisticated, hardened and modern air bases in the entire world. If we look at the total situation now in this current Middle Eastern crisis, we must realize trouble is here to stay for decades. Fifty Americans are bound like animals in an American Embassy, three more foreign service officers under house arrest at the Iranian foreign ministry and several hundred more Americans spread out across Iran, some of them too inexperienced to have gotten out, some of them too frightened to get out then or now, hiding in their apartments. If we look at the amount of domestic oil we depend on from foreign sources, 43 percent, I repeat 43 percent, that is an astounding 8½ million barrels of oil each and every day, then the United States of America should consider our lack of strategic weakness in the Middle East. We should ask our friends, the Egyptians, to let us lease these two critical air bases, Etzion and Eitam, to give the United States a credible basing for a dependable air bridge over to the Middle East, a credible "air cap" over all of our allied naval refueling sources, a precious few, a credible air cap over our sea lift capability, those sea lanes that are so vital to the very survival of our American free enterprise system.

I said yesterday that we should give extensive reflection to our entire strategic posture in this most historic and sensitive of all the world's geographic pressure points. As far as our loyal ally, Israel, is concerned, we need them as much as they need us. The beginning of that realistic appraisal of our healthy long-standing and mutually beneficial friendship should begin anew with a hard look at these two magnificient air bases, Etzion and Eitam in the Sinai Desert. Here is the ideal place to locate our Middle Eastern "homeplate", from which American eagles can be sent forth to protect our life-sustaining sealanes and keep the peace.

NOAA CORPS STATUS EQUALIZATION LEGISLATION

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1454) to amend the act of August 10, 1956, as amended; section 716 of title 10, United States Code; section 1006 of title 37, United States Code; and sections 8501(1)(B) and 8521(a)(1) of title 5, United States Code.

The Clerk read the title of the Senate bill.

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

Mr. SNYDER. Mr. Speaker, reserving the right to object, I do so to yield to the chairman so the gentleman can explain what is going on here.

Mr. MURPHY of New York. Mr. Speaker, I thank my distinguished colleague from Kentucky.

Mr. Speaker, we are all familiar with the scientific endeavors of the National Oceanic and Atmospheric Administration, more commonly known as NOAA. Behind this program are the NOAA Commissioned Officers Corps who "man" the 24 vessels of the NOAA fleet. NOAA Corps is an essential part of every oceanographic study completed by NOAA.

Therefore, this legislation would permit the permanent voluntary transfer of commissioned officers of the Armed Forces and NOAA when authorized by the Secretaries concerned.

As you know, such interservice transfers are presently authorized between the military services and between the Coast Guard. This legislation would expand the existing authority to include the Commissioned Officers Corps of NOAA.

In conjunction with U.S. efforts in marine and atmospheric sciences and engineering, there is a continuing need for expertise in the NOAA Commissioned Officer Corps. This legislation will serve to accommodate the varying needs of the services as well as afford individual officers an opportunity to continue a uniformed service career when their original organization can no longer effectively utilize their skills.

This legislation would also amend existing laws to bring the Commissioned Officer Corps of NOAA into closer parity with the officers of the Armed Forces for purposes of unemployment compensation and advance payment of pay and allowances.

S. 1454 was jointly referred to the Committees on Armed Services, Merchant Marine and Fisheries, and Ways and Means.

The Ways and Means Committee reported S. 1454 with a technical amendment on October 19, 1979. The Merchant Marine and Fisheries Committee has jurisdiction over the Commissioned Officers Corps of NOAA and reported S. 1454 without amendment.

The Armed Services Committee reported the bill on December 11 with a technical amendment and a provision to amend the title. The committees are in agreement with the amendments offered.

In conclusion, Mr. Speaker, in light of the benefits afforded the NOAA Corps, enactment of this legislation would require no additional appropriations and would benefit both the Government and the individual by making available the option of transferring between NOAA and the Armed Services.

Mr. SNYDER. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Act of August 10, 1956, as amended (70A Stat. 619) (33 U.S.C. 857a(a)), is amended by adding at the end thereof the following new paragraph:

"(13) Section 716, Commissioned officers: transfers between armed forces.".

SEC. 2. Section 716 of title 10, United States Code, is amended—

(1) by inserting the words "or the Commissioned Corps of the National Oceanic and Atmospheric Administration" after the term "armed force" wherever it appears in the first sentence;

(2) in the second sentence, by striking out the word "and" after the word "Defense" and inserting in place thereof a comma, and by inserting after the word "operating" the words ", and the Secretary of Commerce"; and

(3) inserting the following sentence at the end thereof: "An officer transferred under this section shall be credited for retirement and pay purposes with the same years of service with which he had been credited on the day before his transfer.".

SEC. 3. Section 1006 of title 37, United States Code, is amended by inserting the following sentence at the end of subsection (a): "For the purpose of this section the term 'armed force' includes the Commissioned Corps of the National Oceanic and Atmospheric Administration."

SEC. 4. Title 5, United States Code, is amended as follows:

(1) Clause (1)(B) of section 8501 is amended to read "(B) as a member of the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;" and

(2) Clause (a)(1) of section 8521 is amended by inserting the phrase "or the Commissioned Corps of the National Oceanic and Atmospheric Administration" after the phrase "armed forces".

WAYS AND MEANS COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the Ways and Means Committee amendment.

The Clerk read as follows:

Page 5, strike out line 19 and all that follows down through line 4 on page 6, and insert the following:

SEC. 4. (a) Subparagraph (B) of section 8501(1). of title 5, United States Code, is amended to read as follows:

"(B) as a member of the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;".

(b) Paragraph (1) of section 8521(a) of title 5, United States Code, is amended by inserting "or the Commissioned Corps of the National Oceanic and Atmospheric Administration" after "armed forces".

(c) The amendments made by this section shall apply with respect to assignments of services and wages pursuant to any first claim (for a benefit year) which is filed after the date of the enactment of this Act.

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that all the committee amendments be considered as read and printed in the RECORD.

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

There was no objection.

ARMED SERVICES COMMITTEE AMENDMENT

The Armed Services Committee amendment is as follows:

Page 2, strike out line 3 and all that follows down through line 5 on page 3 and insert in lieu thereof the following:

That section 3(a) of the Act of August 10, 1956 (70A Stat. 619; 33 U.S.C. 857a(a)), is amended by adding at the end thereof the following new clause:

(13) Section 716, Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration.

SEC. 2. (a) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration

"(a) Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from his armed force or from the National Oceanic and Atmospheric Administration to, and appoint him in, any other armed force or the National Oceanic and Atmospheric Administration. The Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Commerce shall jointly establish, by regulations approved by the President, policies, and procedures for such transfers and appointments.

"(b) An officer transferred under this section—

"(1) may not be assigned precedence or relative rank higher than that which he held on the day before his transfer; and

"(2) shall be credited for retirement and pay purposes with the same years of service with which he had been credited on the day before his transfer."

(b) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

716. Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration.

SEC. 3. Section 1006 of title 37, United States Code, is amended—

(1) by striking out "an armed force or of the Public Health Service" in subsections (a), (b), and (c) and inserting in lieu thereof "a uniformed service";

(2) by striking out "members of the armed forces or of the Public Health Service" in subsection (c) and inserting in lieu thereof "members of the uniformed services";

(3) by striking out "from his armed force or from the Public Health Service" in subsection (d) and inserting in lieu thereof "a uniformed service".

(4) by striking out "armed forces and the Public Health Service" in subsection (e) and inserting in lieu thereof "uniformed services"; and

(5) by striking out "an armed force or of the Public Health Service" in subsection (h) and inserting in lieu thereof "a uniformed service".

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

● Mr. STUDDS. Mr. Speaker, I rise in support of S. 1454, one of the least controversial bills this body has had an opportunity to vote on this Congress. Essentially, S. 1454 as amended would enable officers of the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration (NOAA) to transfer laterally and voluntarily to a branch of the Armed Forces. Officers in the Armed Forces would likewise be able to transfer to the NOAA Corps. In addition, advance payments and unemployment benefits currently available to officers in the armed services would also be extended to NOAA Corps officers through enactment of this legislation.

The primary mission of the NOAA Corps is the operation of NOAA's research ships and aircraft, and NOAA Corps officers can be transferred from the Department of Commerce to the Department of Defense in time of war. However, NOAA Corps officers do not enjoy all of the benefits available to officers in the Armed Services. Currently, if an officer of the Armed Forces desires to transfer to the NOAA Corps he or she must first resign that commission and then seek a new one in NOAA. Since NOAA's statutory authority limits appointments to the lowest three officer grades, anyone above the rank of lieutenant would probably be dissuaded from such a transfer. Statutory authority for appointments to the Armed Forces poses similar barriers to NOAA Corps officers. In any case, high ranking officers from either service are discouraged under law from staying within the service of the Government—which loses highly trained personnel.

In summary, S. 1454 would simply amend several laws pertaining to the NOAA Corps in order to bring these officers into closer parity with officers in the Armed Forces. I urge that S. 1454 be passed with the technical amendments and returned to the other body.●

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

The title was amended so as to read: "An act to authorize the voluntary interservice transfer of officers between the commissioned corps of the National Oceanic and Atmospheric Administration and the Armed Forces, to authorize advance payments of pay and allowances to officers of such corps under the same conditions that apply to advance payments to members of the Armed Forces, and to provide officers of such corps the same unemployment compensation benefits that apply to members of the Armed Forces."

A motion to reconsider was laid on the table.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1979

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5010) to amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Fed-

eral Election Campaign Act Amendments of 1979".

TITLE I—AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

DEFINITIONS

SEC. 101. Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), hereinafter in this Act referred to as the "Act", is amended to read as follows:

"DEFINITIONS

"SEC. 301. When used in this Act:

"(1) The term 'election' means—

"(A) a general, special, primary, or runoff election;

"(B) a convention or caucus of a political party which has authority to nominate a candidate;

"(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

"(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

"(2) The term 'candidate' means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

"(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

"(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

"(3) The term 'Federal office' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(4) The term 'political committee' means—

"(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

"(B) any separate segregated fund established under the provisions of section 316(b); or

"(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

"(5) The term 'principal campaign committee' means a political committee designated and authorized by a candidate under section 302(e)(1).

"(6) The term 'authorized committee' means the principal campaign committee or any other political committee authorized by a candidate under section 302(e)(1) to receive contributions or make expenditures on behalf of such candidate.

"(7) The term 'connected organization' means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

"(8)(A) The term 'contribution' includes—

"(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

"(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

"(B) The term 'contribution' does not include—

"(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

"(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

"(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

"(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

"(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

"(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

"(III) shall bear the usual and customary interest rate of the lending institution;

"(viii) any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;

"(ix) any legal or accounting services rendered to or on behalf of—

"(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

"(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

"(x) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

"(xi) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided*, That such payments are made from contributions subject to the limitations and prohibitions of this Act;

"(xii) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

"(xiii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access; and

"(xiv) any honorarium (within the meaning of section 323 of this Act).

"(9)(A) The term 'expenditure' includes—

"(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

"(ii) a written contract, promise, or agreement to make an expenditure.

"(B) The term 'expenditure' does not include—

"(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

"(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

"(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 304(a)(4)(A)(i), and in accordance with section 304(a)(4)(A)(ii) with respect to any general election;

"(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

"(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

"(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b), but all such costs shall be reported in accordance with section 304(b);

"(vii) the payment of compensation for legal or accounting services—

"(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

"(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

"(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

"(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

"(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

"(10) The term 'Commission' means the Federal Election Commission.

"(11) The term 'person' includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

"(12) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(13) The term 'identification' means—

"(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

"(B) in the case of any other person, the full name and address of such person.

"(14) The term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

"(15) The term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

"(16) The term 'political party' means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

"(17) The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(18) The term 'clearly identified' means that—

"(A) the name of the candidate involved appears;

"(B) a photograph or drawing of the candidate appears; or

"(C) the identity of the candidate is apparent by unambiguous reference.

"(19) The term 'Act' means the Federal Election Campaign Act of 1971 as amended.".

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 102. Section 302 of the Act (2 U.S.C. 432) is amended to read as follows:

"ORGANIZATION OF POLITICAL COMMITTEES

"SEC. 302. (a) Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

"(b)(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

"(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

"(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

"(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

"(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

"(c) The treasurer of a political committee shall keep an account of—

"(1) all contributions received by or on behalf of such political committee;

"(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

"(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

"(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

"(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disburse-

ment, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

"(d) The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this title for 3 years after the report is filed.

"(e)(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1).

"(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

"(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

"(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

"(B) As used in this section, the term 'support' does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.

"(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

"(5) The name of any separate segregated fund established pursuant to section 316(b) shall include the name of its connected organization.

"(f)(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

"(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

"(g)(1) Designations, statements, and reports required to be filled under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.

"(2) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, and by the principal campaign committee of such candidate, shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

"(3) The Clerk of the House of Representatives and the Secretary of the Senate shall forward a copy of any designation, statement, or report filed with them under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

"(4) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraphs (1) and (2), shall be filed with the Commission.

"(5) The Clerk of the House of Representatives and the Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such designations, statements, and reports in the same manner as the Commission under section 311(a)(5).

"(h)(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

"(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5).

"(i) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.".

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 103. Section 303 of the Act (2 U.S.C. 433) is amended to read as follows:

"REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

"SEC. 303. (a) Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 302(e)(1). Each separate segregated fund established under the provisions of section 316(b) shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 301(4).

"(b) The statement of organization of a political committee shall include—

"(1) the name, address, and type of committee;

"(2) the name, address, relationship, and type of any connected organization or affiliated committee;

"(3) the name, address, and position of the custodian of books and accounts of the committee;

"(4) the name and address of the treasurer of the committee;

"(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

"(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

"(c) Any change in information previously submitted in a statement of organization shall be reported in accordance with section 302(g) no later than 10 days after the date of the change.

"(d)(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 302(g), that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

"(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

"(A) the determination of insolvency with respect to any political committee;

"(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

"(C) the termination of an insolvent political committee after such liquidation and application of assets.".

REPORTS

SEC. 104. Section 304 of the Act (2 U.S.C. 434) is amended to read as follows:

"REPORTS

"SEC. 304. (a)(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

"(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

"(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

"(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

"(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

"(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter; except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

"(B) in any other calendar year the following reports shall be filed:

"(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

"(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

"(3) If the committee is the principal cam-

paign committee of a candidate for the office of President—

"(A) in any calendar year during which a general election is held to fill such office—

"(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

"(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

"(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

"(B) in any other calendar year, the treasurer shall file either—

"(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

"(ii) quarterly reports, which shall be filed no later than the 20th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

"(4) All political committees other than authorized committees of a candidate shall file either—

"(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

"(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

"(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

"(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

"(3) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

"(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

"(6)(A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

"(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

"(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

"(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

"(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

"(b) Each report under this section shall disclose—

"(1) the amount of cash on hand at the beginning of the reporting period;

"(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

"(A) contributions from persons other than political committees;

"(B) for an authorized committee, contributions from the candidate;

"(C) contributions from political party committees;

"(D) contributions from other political committees;

"(E) for an authorized committee, transfers from other authorized committees of the same candidate;

"(F) transfers from affiliated committees, and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

"(G) for an authorized committee, loans made by or guaranteed by the candidate;

"(H) all other loans;

"(I) rebates, refunds, and other offsets to operating expenditures;

"(J) dividends, interest, and other forms of receipts; and

"(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of the Internal Revenue Code of 1954;

"(3) the identification of each—

"(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

"(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(C) authorized committee which makes a transfer to the reporting committee;

"(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

"(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

"(F) person who provides a rebate, refund or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt; and

"(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt;

"(4) for the reporting period and the calendar year, the total amount of all disbursements, and all disbursements in the following categories:

"(A) expenditures made to meet candidate or committee operating expenses;

"(B) for authorized committees, transfers to other committees authorized by the same candidate;

"(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

"(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

"(E) repayment of all other loans;

"(F) contribution refunds and other offsets to contributions;

"(G) for an authorized committee, any other disbursements;

"(H) for any political committee other than an authorized committee—

"(i) contributions made to other political committees;

"(ii) loans made by the reporting committees;

"(iii) independent expenditures;

"(iv) expenditures made under section 315(d) of this Act; and

"(v) any other disbursements; and

"(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 315(b);

"(5) the name and address of each—

"(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

"(B) authorized committee to which a transfer is made by the reporting committee;

"(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

"(D) person who receives a loan repayment from the reporting committee during the reporting period together with the date and amount of such loan repayment; and

"(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

"(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such disbursement;

"(B) for any other political committee, the name and address of each—

"(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

"(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

"(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 315(d) in the Act, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

"(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

"(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditure less offsets to operating expenditures, for both the reporting period and the calendar year; and

"(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

"(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

"(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

"(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

"(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

"(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Any independent expenditure (including those described in subsection (b)(6)(B)(iii)) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk, the Secretary, or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved.

"(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.".

FEDERAL ELECTION COMMISSION

SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.) is amended—

(1) by striking out sections 305, 306, 308, 311, 318, and 329;

(2) by redesignating section 307 as section 305;

(3) by redesignating sections 309 and 310 as sections 306 and 307, respectively;

(4) by redesignating sections 312 through 317 as sections 308 through 313, respectively;

(5) by redesignating sections 319 through 328 as sections 314 through 323, respectively; and

(6) by amending section 306, as so redesignated by section 105(a)(3), to read as follows:

"FEDERAL ELECTION COMMISSION

"SEC. 306. (a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

"(2)(A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

"(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

"(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

"(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

"(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

"(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

"(3) Members shall be chosen on the basis of their experience, integrity, impartiality and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time or his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

"(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

"(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

"(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

"(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

"(c) All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 307(a) of this Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(d) The Commission shall meet at least once each month and also at the call of any member.

"(e) The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

"(f)(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

"(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.".

POWERS OF THE COMMISSION

SEC. 106. Section 307, as so redesignated in section 105(a)(3), is amended to read as follows:

"POWERS OF THE COMMISSION

"SEC. 307. (a) The Commission has the power—

"(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

"(2) to administer oaths or affirmations;

"(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;

"(7) to render advisory opinions under section 308 of this Act;

"(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954; and

"(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

"(b) Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a), issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(e) Except as provided in section 309(a)(8) of this Act, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.".

ADVISORY OPINIONS

SEC. 107. (a) Section 308 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

"ADVISORY OPINIONS

"SEC. 308. (a)(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

"(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

"(b) Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 311(d). No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

"(c)(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by—

"(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

"(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(d) The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public."

ENFORCEMENT

SEC. 108. Section 309 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

"ENFORCEMENT

"SEC. 309. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

"(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

"(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on prob-

able cause pursuant to paragraph (4)(A)(1). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

"(4)(A)(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

"(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

"(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

"(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make public such determination.

"(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

"(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

"(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d), or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

"(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

"(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, by the methods specified in paragraph (4)(A), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

"(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(c) In any civil action for relief instituted by the commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

"(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

"(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

"(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

"(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(10) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection or under section 310 of this Act).

"(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

"(12(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

"(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

"(b) Before taking any action under subsection (a) against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 311(a)(7), publish before the election the name of the person and the report or reports such person has failed to file.

"(c) Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

"(d)(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.

"(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 316(b)(3) may incorporate a violation of section 317(b), 320, or 321.

"(C) In the case of a knowing and willful violation of section 322, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

"(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

"(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Rev-

enue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

"(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

"(B) the conciliation agreement is in effect; and

"(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.".

ADMINISTRATIVE PROVISIONS

SEC. 109. Section 311 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

"ADMINISTRATIVE PROVISIONS

"SEC. 311. (a) The Commission shall—

"(1) prescribe forms necessary to implement this Act;

"(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

"(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

"(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record;

"(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

"(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

"(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

"(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

"(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

"(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d);

"(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate; and

"(10) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.

"(b) The Commission may conduct audits and filed investigations of any political committee required to file a report under section 304 of this Act. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of four of its members, conduct an audit and field investigation of any committee which does not meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except than any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

"(c) Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

"(d)(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

"(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

"(3) For purposes of this subsection, the term 'legislative day' means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

"(4) For purposes of this subsection, the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

"(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

"(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

"(e) Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(f) In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.".

STATEMENTS FILED WITH STATE OFFICERS

SEC. 110. Section 312 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

"STATEMENTS FILED WITH STATE OFFICERS

"SEC. 312. (a)(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

"(2) For purposes of this subsection, the term 'appropriate State' means—

"(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

"(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

"(b) The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1), shall—

"(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

"(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

"(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

"(4) compile and maintain a current list of all reports and statements pertaining to each candidate.".

PUBLICATION AND DISTRIBUTION OF STATEMENTS AND SOLICITATIONS

SEC. 111. Section 318 of the Act, as so redesignated in section 105(a)(5), is amended to read as follows:

"PUBLICATION AND DISTRIBUTION OF STATEMENTS AND SOLICITATIONS

"SEC. 318. (a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public advertising, such communication—

"(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

"(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized political committee;

"(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

"(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.".

TECHNICAL AMENDMENTS

SEC. 112. (a) Section 305 of the Act, as so redesignated in section 105(a)(2), is amended—

(1) by striking out "sixty" and inserting in lieu thereof "60";

(2) by striking out "twenty" and inserting in lieu thereof "20"; and

(3) by striking out "Federal Election".

(b) Section 306(c) of the Act, as so redesignated in section 105(a)(3), is amended by striking out "section 310(a)" and inserting in lieu thereof "section 307(a)".

(c) Section 310(a) of the Act, as so redesignated in section 105(a)(4), is amended by striking out "of the United States" the first place it appears therein.

(d) The first sentence of section 316(b)(4)(B) of the Act, as so redesignated in section 105(a)(5), is amended by striking out "it" and inserting in lieu thereof "It".

(e)(1) Section 403(a) of the Domestic Volunteer Service Act of 1973 is amended—

(A) by striking out "section 301(a)" and inserting in lieu thereof "section 301(1)"; and

(B) by striking out "section 301(c)" and inserting in lieu thereof "section 301(3)".

(2) Section 6 of the Department of State Appropriations Authorization Act of 1973 is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301(8)".

USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

SEC. 113. Section 313 of the Act (as redesignated by section 105(4)) is amended to read as follows:

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

"SEC. 313. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of the Internal Revenue Code of 1954, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on the date of the enactment of the Federal Election Campaign Act Amendments of 1979, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.".

TITLE II—AMENDMENTS TO OTHER LAWS

MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 201. (a)(1) Chapter 29 of title 18, United States Code, is amended by striking out section 591.

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 591.

(3) Section 602 of such title is amended to read as follows:

"SOLICITATION OF POLITICAL CONTRIBUTIONS

"SEC. 602. It shall be unlawful for—

"(1) a candidate for the Congress;

"(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(3) an officer or employee of the United States or any department or agency thereof; or

"(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States.

to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(4) Section 603 of such title is amended to read as follows:

"MAKING POLITICAL CONTRIBUTIONS

"SEC. 603. (a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.".

(5) Section 607 of such title is amended to read as follows:

"PLACE OF SOLICITATION

"SEC. 607. (a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.".

MISCELLANEOUS AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 202. Section 9008(b) of the Internal Revenue Code of 1954 is amended by striking out at the end thereof the figure "$2,000,000" and inserting in lieu thereof "$3,000,000".

MISCELLANEOUS AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 203. Section 3132(a)(1) of title 5, United States Code, is amended—

(1) by adding "or" after the semicolon at the end of subparagraph (B); and

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

"(C) the Federal Election Commission;".

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATES

SEC. 301. (a) Except as provided in subsection (b), the amendments made by this Act are effective upon enactment.

(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 shall be effective for elections occurring after January 1, 1981.

VOTING SYSTEM STUDY

SEC. 302. The Federal Election Commission, with the cooperation and assistance of the National Bureau of Standards, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission.

TRANSITION PROVISIONS

SEC. 303. (a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act, prior to February 29, 1980.

(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.

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

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

Mr. FRENZEL. Mr. Speaker, reserving the right to object. I do not intend to object. I reserve the right to object only so that I may ask some questions of the

chairman, and give the gentleman a chance to explain the consensus election bill which the House passed without objection.

Further reserving the right to object, Mr. Speaker, I would like to ask the distinguished gentleman from New Jersey several questions. First, there is the question of the FEC's clearinghouse operaticn. It is my understanding that the language of the House and the Senate bill has the result of restricting the clearinghouse's activity to Federal elections only, and that it also requires that all of its reports be available to the public only upon the payment of their costs.

□ 1020

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

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

Mr. THOMPSON. Mr. Speaker, the gentleman is precisely correct. Only the Federal Government is exempt from paying the cost of the reports.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I will say to the committee chairman that there is the question of the effect of the bill on the registration and reporting requirements of State and local separate segregated funds.

In making the change in the law, was it the intent of the committee that a State or local separate segregated fund which does not make contributions or expenditures under the act would be required to register and report under the act?

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

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

Mr. THOMPSON. Mr. Speaker, it was not the committees' intent that a separate segregated fund established for the purpose of financing political activity in connection with State or local elections should have to register under the act.

Mr. FRENZEL. Mr. Speaker, I thank the committee chairman.

Further reserving the right to object, Mr. Speaker, I assume that the committee recognized that under existing law these State and local separate segregated funds could transfer up to $1,000 to an affiliate without incurring a registration or reporting requirement.

Was it the intent of the committee to change that situation?

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

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

Mr. THOMPSON. Mr. Speaker, I will say to my distinguished friend, the gentleman from Minnesota (Mr. FRENZEL), that the committee did not intend to change that situation, except that now, of course, the minimum figure on contributions or expenditures by a separate segregated fund is basically $1; but a transfer from such a fund to a registered separate segregated fund that is affiliated is not considered a contribution or expenditure, and as such would not require a separate account, and as I read the remarks of the senior Senator from Rhode Island, Senator PELL, on the passage of H.R. 5010, neither did the Senate, as reflected in the CONGRESSIONAL RECORD of December 18, 1979, at page 36754.

The act's purposes would not be served by requiring the local union or corporate subsidiary to register or to report.

Further, I would like to point out that the committee recognizes that there is a reporting obligation on the part of a Federal separate segregated fund which receives transfers from or engages in joint fund-raising activities with a State or local affiliate. These committees must report all transfers from a State or local committee regardless of the amount.

Mr. FRENZEL. Mr. Speaker, I thank the distinguished committee chairman.

Further reserving the right to object, Mr. Speaker, I would like now to yield to the committee chairman so that he can explain the Senate amendment, which, I believe, does no harm to the House bill and in fact substantially enhances it. I yield to the gentleman from New Jersey.

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

I would be delighted to explain the Senate amendment, but first let me say that this essential legislation would not be before the House today if it were not for the unstinting efforts of my friend and colleague, the gentleman from Minnesota (Mr. FRENZEL). His efforts, and those of his staff, have been heroic.

Mr. Speaker, the Senate amendment consists of a small number of substantive amendments to H.R. 5010, which passed the House unanimously on September 10, 1979.

Mr. Speaker, I will briefly summarize the Senate amendments.

First, in the spirit of continuing to simplify reporting requirements, one of the Senate amendments would raise the reporting threshold for contributions from $100 to $200.

Second, the Senate added an amendment to extend from 10 to 30 days the time in which a person receiving a contribution of $50 or less must forward the contribution to the treasurer of his or her political committee. This recognizes existing difficulty in the handling and transmittal of smaller contributions.

Third, the Senate adopted an amendment which makes clear that the Federal Election Commission should have a personnel policy free of involvement by the executive branch. This amendment specifically exempts the Federal Election Commission from the senior executive service program.

Fourth, the Senate amends the bill to comport with existing House rules on the conversion excess campaign funds. Presently, under House rules Members may not convert such excess campaign funds to their personal use. The Senate amendment would apply that policy to all the Federal candidates, except that current Members of Congress would be subject only to the rules of the House or Senate. With regard to the prohibition on personal use of campaign funds, it is our intent to allow the full repayment of campaign loans made by a candidate to his or her authorized committees and not to classify these repayments as a personal use.

A final major change is a provision to expedite the promulgation of regulations by the Federal Election Commission necessary to implement H.R. 5010. The legislative veto provisions have been shortened in this case only, from 30 days to 15 days.

Mr. Speaker, there are other substantive and technical changes, but this highlights the provisions of the Senate amendment.

Finally, several general comments:

We have abolished random audits and substituted clear procedures for the commission to follow before instituting any audit. The Commission will be only able to audit a candidate's committee when its reports fail to satisfy specific threshold requirements for substantial compliance, and then only after the Commission has voted by an affirmative vote of four members to proceed. Additionally, any audit must begin within 30 days of a vote to audit and the audit of a candidate's committee must begin within 6 months following the election.

It is the hope of the House that the Commission in setting the threshold requirements for auditing noncandidate political action committees will set those requirements sufficiently low as to enable the Commission to continue its vigorous, thorough, and needed review of these committees.

Although the legislation requires a disclaimer for political advertising and solicitation, it is not our intention to require that this disclaimer appear on the front face or page of such material. However, the disclaimer must be presented in a manner to give the reader or observer adequate notice.

The Commission should interpret the new disclaimer requirements in a reasonable manner. There should be a period of transition whereby the disclaimer required under current law would suffice.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for that explanation, and I do concur in his description and in the answers he gave to my questions.

Mr. Speaker, further reserving the right to object, on behalf of the minority, particularly the ranking minority member of the committee, the gentleman from Alabama (Mr. DICKINSON), and on behalf of all our Members, I would like to congratulate the distinguished gentleman from New Jersey (Mr. THOMPSON) and both Senators PELL and HATFIELD for the work they have done on this bill. It was a consensus bill. The committees of both the House and Senate decided to lay aside the difficult issues on which we enjoy going to war, and instead to pass the items in this bill which will simplify and make life easier for candidates, for the parties, for volunteers, and for everybody. We all knew that these changes had to be made, and now they are being made.

I would particularly, Mr. Speaker, pay tribute to the distinguished committee chairman, the gentleman from New Jersey (Mr. THOMPSON).

In an environment which had previously been filled with rancor, the gentle-

man has now brought us an era of cooperation and respect, and sometimes, affection. I congratulate the gentleman for his work.

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

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I certainly do appreciate, more than I can say, the gentleman's kindness. I am rather overwhelmed today because the gentleman from Maryland (Mr. BAUMAN) did not exclude me from his "Merry Christmas greetings, everyone." I would like to reciprocate to him and reciprocate to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, this is a bill changing Federal election law; is that correct?

Mr. THOMPSON. Mr. Speaker, if the gentleman will yield, let me say that the gentleman is correct.

Mr. BAUMAN. Mr. Speaker, let me ask, has the gentleman from New Jersey cleared this with Common Cause?

Mr. THOMPSON. The gentleman from New Jersey has not.

Mr. BAUMAN. That certainly recommends the legislation to me.

Are there any increases in equipment allowances or in staff for Members included in this bill?

Mr. THOMPSON. No. We will do that as soon as we can in January, especially 1 day on which the gentleman is not present.

Mr. BAUMAN. Mr. Speaker, that makes this a very unusual bill, if those items are not in it.

Mr. Speaker, I did want specifically to include the gentleman from New Jersey in my Christmas greetings. In fact, I hardly recognized the gentleman from the description that we just received a moment ago. I say, "Merry Christmas" to the gentleman.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman.

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

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

APPOINTMENT AS MEMBERS OF THE CONGRESSIONAL AWARD BOARD ON BEHALF OF THE MAJORITY

The SPEAKER. Pursuant to section 4(a) of Public Law 96–114 the Chair appoints as members of the Congressional Award Board:

Mr. Patrick L. O'Malley, of Chicago, Ill.;

Ms. Dinah Shore, of Beverly Hills, Calif.;

Mr. Christopher R. O'Neill, of Washington, D.C.; and

Mr. Frank Arlinghaus, Jr., of Rumson, N.J.

APPOINTMENT AS MEMBERS OF THE CONGRESSIONAL AWARD BOARD ON BEHALF OF THE MINORITY

Mr. RHODES. Mr. Speaker, pursuant to section 4(a) of Public Law 96–114, I have today appointed as members of the Congressional Award Board:

Mr. W. Clement Stone, of Chicago, Ill.;

Mr. William Bricker, of New York, N.Y.; and

Ms. Roberta Vander Vort, of Kansas City, Mo.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

The SPEAKER. Pursuant to the provisions of House Resolution 53, 96th Congress, the Chair appoints the gentleman from Michigan, Mr. ALBOSTA, to the Select Committee on the Outer Continental Shelf to fill the existing vacancy thereon.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS, FISCAL YEAR 1977—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor.

To the Congress of the United States:

It is with great pleasure that I transmit to you the Annual Report of the National Endowment for the Arts and the National Council on the Arts for the Fiscal Year ended September 30, 1977.

JIMMY CARTER.

The WHITE HOUSE, *December 20, 1979.*

NINETEENTH QUARTERLY REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

In accordance with Section 5 of the Council on Wage and Price Stability Act, as amended, I hereby transmit to the Congress the nineteenth quarterly report of the Council on Wage and Price Stability. The report contains a description of the Council's activities during the second quarter of 1979 in monitoring both prices and wages in the private sector and various Federal Government activities that may lead to higher costs and prices without creating commensurate benefits. It discusses Council reports, analyses, and filings before Federal regulatory agencies. It also describes the Council's activities of monitoring wages and prices as part of the anti-inflation program.

The Council on Wage and Price Stability will continue to play an important role in supplementing fiscal and monetary policies by calling public attention to wage and price developments or actions by the Government that could be of concern to American consumers.

JIMMY CARTER.

THE WHITE HOUSE, *December 20, 1979.*

REFUGEE ACT OF 1979

Ms. HOLTZMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2816) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentlewoman from New York (Ms. HOLTZMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2816, with Mr. MOAKLEY, Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Thursday, December 13, 1979, all time for general debate on the bill had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate title I.

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Title I reads as follows:

That this Act may be cited as the "Refugee Act of 1979".

TITLE I—PURPOSE

SEC. 101. The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution on account of race, reli-

gion, nationality, membership in a particular social group, or political opinion. The purposes of this Act are to provide a permanent and systematic procedure for the admission of refugees to the United States and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

The CHAIRMAN pro tempore. Are there any amendments to title I? If there are no amendments to title I, the Clerk will designate title II.

Title II reads as follows:

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)) is amended by adding after paragraph (41) the following new paragraph:

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding at the end thereof the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

"SEC. 207. (a) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year may not exceed fifty thousand, unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of fifty thousand is justified by humanitarian concerns. Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(2) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under such paragraph, be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admission among refugees.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to an increase in the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission and allocation of refugees, discussions in persons by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in persons by designated representatives of the President with such members.

"ASYLUM PROCEDURE

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

"(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) shall, if not otherwise eligible for asylum under such subsection, be entitled to the same status as the alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least two years, and

"(C) who has not acquired permanent resident status,

shall, at the end of such two years, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence

the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least two years after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date two years before the date of the approval of the application.".

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.

"Sec. 208. Asylum procedure.

"Sec. 209. Adjustment of status of refugees.".

SEC. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

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

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

SEC. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1153) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States."

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A)" after "(5)";

(2) by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

(g) Section 5 of Public Law 95-412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1979".

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on the effective date of the amendment made by section 203(c)(3) to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date and to sections 207 and 208 of the Immigration and Nationality Act.

SEC. 204. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect on October 1, 1979, and shall apply to fiscal years beginning on or after such date.

(b)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before the effective date of such repeal, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before the effective date of this title who is eligible for the benefits of section 5 of Public Law 95-412.

(2) An alien who, before October 1, 1979, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to a refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by him. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

(c)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than sixty days after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 17, line 19, insert the following immediately after "(B)":

"in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify,"

Mr. FASCELL. Mr. Chairman, this amendment merely refines the proposed definition of "refugee" in section 201 as offered on behalf of the Committee on Foreign Affairs.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I thank the gentleman for yielding.

Mr. Chairman, I have reviewed the amendment, and I have no objection to it. We accept the amendment.

Mr. FASCELL. I thank the gentlewoman.

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

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

Mr. FISH. Mr. Chairman, I think this is sufficiently important, and I would like to have the gentleman explain the

amendment. I know there has been concern over part (B) of the definition of "refugee" and I think it would be in order to explain it.

Mr. FASCELL. Mr. Chairman, this amendment merely refines the proposed definition of "refugee" in section 201 of H.R. 2816. While I applaud the inclusion of the internationally accepted definition of "refugee" in section 201(a), the provision goes farther than the definition accepted by the international community and threatens to create serious time and resource problems at our embassies and posts abroad.

The core of the internationally accepted definition, which is expressed in the 1951 U.N. Convention Relating to the Status of Refugees, to which the United States is party, requires that an individual have crossed an international boundary before he or she can be considered for refugee status. It was felt by the international community that an individual who was in such fear of persecution as to be willing to leave his country of nationality, had gone a long way toward proving his case for refugee status, for people do not generally flee their home countries, often without documentation, absent strong reasons.

However, part (B) of the Judiciary Committee definition dispenses with that requirement and creates the potential for long lines of refugee applicants at U.S. posts abroad who are not really refugees. Examples are people who have been accused of crimes in their own country or who are potential defectors. While the applications of such people for refugee status would eventually be found to lack merit by our consular people abroad, it is the desire of the Foreign Affairs Committee to preclude such a burden being placed on already-strained State Department resources. In certain countries, the possibility exists that we might have long "refugee" lines similar to the long visa lines we have currently.

Therefore, my amendment would leave to the discretion of the President the decision whether circumstances warrant the determination that certain individuals are refugees, notwithstanding the fact that they have not left their country of residence. It is my understanding that the intent of this section was to permit the inclusion in the recognized refugee population of individuals such as the Vietnamese, who often have not left Vietnam and therefore do not technically come within the criteria of the internationally accepted definition. My amendment allows such a determination to be made by the President, but does not go further toward opening the doors to groundless applications for refugee status.

I understand that the gentlewoman from New York approves this amendment. I urge my colleagues to join us in support.

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

Mr. Chairman, I just want to thank the gentleman for his explanation, and the minority is happy to accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. BUTLER

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 18 line 11, strike out "in any fiscal year may not exceed fifty thousand" and insert in lieu thereof "in fiscal years 1980, 1981, or 1982, may not exceed 50,000 or in any fiscal year thereafter may not exceed 17,400".

Page 18, line 15, strike out "fifty thousand" and insert in lieu thereof "such number".

Mr. BUTLER. Mr. Chairman, I rise in support of the amendment. This amendment would sunset the President's authority to admit 50,000 refugees after fiscal year 1982, and return at that time to the present level of refugees authorized to be admitted—that is, 17,400 normal flow refugees, annually, without consultation with the Congress.

Mr. Chairman, the refugee population of the world today is staggering—some estimate that there are 13 million potential refugees in the world today—that is, persons fleeing from their home country based on a well-founded fear of persecution because of race, religion, or political opinion.

The United States continues to pay the price for our involvement in Indochina during the 1960's and 1970's by accepting 168,000 refugees from that area during fiscal year 1980, in addition to the 200,000-plus we have accepted since the end of the war in May 1975. We have dealt with that refugee crisis on a somewhat ad hoc basis. We will be able to deal with refugee admissions on a more orderly basis after enactment of this legislation.

However, as to the question of the numbers of refugees to be admitted, we should not be panicked into significant and permanent increases in the number of refugees which we agree to admit. During the last Congress, we enacted Public Law 95-412, establishing a Select Commission on Immigration and Refugee Policy to make legislative recommendations dealing with our overall immigration policy. One of the basic elements of this policy is one of numbers: How many immigrants, including refugees, can our country absorb?

It would be folly to legislate a permanent change in the number of refugees to be admitted at a time when the Select Commission is just beginning its task.

This amendment would acknowledge the present situation by authorizing a higher number of normal flow refugees—50,000 annually which represents an almost 300-percent increase over the present number authorized—17,400 annually. This large increase would be in effect only until the end of fiscal year 1982. At that time, the number would revert back to the present 17,400.

Two critical facts need to be considered. First, even after October 1982, the bill would allow for increases in the normal flow of refugees authorized, if the President so determines and the Congress is consulted. Second, by that time, the report of the Select Commission will have been filed for over 1 year and its legislative recommendations will have been submitted to the Congress. The Commission's report should be comprehensive—dealing with all aspects of immigration policy. It will include specific recommendations regarding the numbers of immigrants which our country can successfully admit, including the number of refugees that we may wish to admit. After the Commission's report is the proper time to enact permanent changes in our immigration laws.

This amendment, while allowing higher numbers of refugees to be admitted during the short run, would allow the Congress to reevaluate this decision as part of our overall immigration reform. Now is not the proper time to enact permanent changes in such a significant area of immigration law. My amendment would allow the Congress to reexamine the question of the number of refugees as part of the overall immigration reforms.

I urge the adoption of this amendment.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I want to indicate that I am prepared to accept the amendment. I have no objection to it.

Mr. BUTLER. I thank the gentlewoman for her cooperation.

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

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

Mr. FISH. Mr. Chairman, I am happy to accept the gentleman's amendment.

Mr. BUTLER. I thank the gentleman.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I would like to thank the gentleman from Virginia for yielding, and I associate myself with his remarks.

The primary criticism of this bill, in my opinion, has been twofold. First, the refugee policy set forth in this bill was not coordinated with our legal immigration policy of nonrefugee immigrants, and also that it is not coordinated with the illegal alien problem which all of us recognize exists in the United States.

The amendment offered by the gentleman from Virginia is a start at making this kind of coordination and, thus, is a step in the right direction.

The second major criticism against this legislation, as I see it, is the fact that the legislation is being passed prior to the report of the Commission on Immigration and Refugee Policy, which is due to come in in 1981.

□ 1040

By sunsetting the increased flow of refugees at the end of fiscal year 1982, it will give the Congress an opportunity to review the report of that commission and its recommendations and hopefully enact a permanent policy relating to

both refugees and non refugee immigrants.

I am glad the gentleman has offered the amendment. I hope it is adopted.

Mr. BUTLER. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 18, at the end of line 19, add the following: "A determination of the President under this subsection shall not take effect unless the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate each have approved a resolution approving such determination.".

Mr. HYDE. Mr. Chairman, I rise in support of this amendment which I am offering for my colleague from Illinois (Mr. MCCLORY). This amendment recognizes the need for further participation by other Members of Congress in the procedure of admission of refugees above the number specifically authorized by statute.

As one of the four Members presently involved in the so-called consultation process, Mr. MCCLORY senses a heavy responsibility for the decisions he is asked to make. In the past, he and Mr. RODINO have met, sometimes on relatively short notice, to hear from the Attorney General and the Immigration Service and sometimes from the State Department regarding a decision that has often already been made by the executive branch. In fact, I know of no situation when they have not concurred in the request made by the executive branch to parole the number of refugees suggested.

This amendment would require a favorable vote by a majority of each Judiciary Committee in both the House and the Senate regarding the number of refugees to be admitted beyond the statutorily authorized normal flow.

It is argued that Congress has control over the numbers of refugees admitted through its appropriation process. I reject that argument, and suggest that it is virtually impossible for the Congress to reduce the number of refugees admitted by failing to fund programs for persons often already in this country or whom the President has promised to adjust as he did in the summer of 1979 regarding 168,000 Indochinese refugees which he stated would come to the United States during fiscal year 1980. We must regain some congressional input in the initial decision to admit refugees.

I urge my colleagues to retain this authority and not abandon congressional responsibility regarding such a significant question of the immigration policy.

Ms. HOLTZMAN. Mr. Chairman, I rise in strong opposition to this amendment, although I understand the concern of the gentleman from Illinois (Mr. HYDE) who proposed the amendment and the concern of the gentleman from Illinois (Mr. MCCLORY) who authorized the amendment.

The Subcommittee on Immigration, Refugees, and International Law was deeply concerned to have the maximum amount of consultation with the executive branch on the issue of refugees to be admitted to this country.

The present procedures with regard to parole and the role of Congress in those decisions, I think, are not adequate to permit full scrutiny and full congressional input.

This bill strengthens the role of Congress in the consultative process with regard to the admission of refugees. The bill sets out explicit procedures which the executive branch must follow. There are procedures with regard to the timing of the consultation. There are procedures with regard to the kind of information that has to be provided. There are explicit procedures with regard to the ability of Members of Congress to request additional information.

In addition, I understand the gentleman from Illinois (Mr. HYDE), is going to be offering another amendment which will require a specific hearing by the Committees on the Judiciary of both this body and the other body, and that will further strengthen the role of the Congress. I want to assure the gentleman from Illinois that I intend to accept that amendment. I think that is a very constructive addition to the bill.

This amendment. on the other hand, is not a constructive addition to the bill and it is unnecessary.

I think, in addition, that it is inappropriate to give to a committee of the Congress, a committee of the House or committee of the other body, the power in terms of approval of a resolution that it does not have at this time. This is not a procedure that has been adopted in the past with regard to other legislation. I do not think it is necessary. I hope the amendment is defeated.

Mr. FISH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I will be very brief.

I hope that my colleague from Illinois (Mr. HYDE) will not press this amendment. There is a further amendment that will be accepted, as the chairwoman has just recently expressed, concerning the enlarged process of consultation; and I think that amendment, when coupled with the sunset on the 50,000 normal flow, the amendment of the gentleman from Virginia, which is accepted, and the amendment that will be offered by the gentleman from California on the one-House veto, together, give the House the protection that I think is important in this legislation.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe that the amendment is unwise, in that it would defeat the very purpose of this legislation, which is to move quickly. The legislation has been designed to establish a policy so that we would not have to react each and every time we are confronted with a serious refugee situation.

I think that in order that we move expeditiously, we have framed a formula that will address all situations.

I would urge that this amendment be defeated. As the gentleman from New York, the ranking minority member on the subcommittee, has so aptly stated, a compromise amendment, which will be offered by the gentleman from Illinois (Mr. HYDE) will serve the purpose of providing the necessary consultation with the committees that have the expertise in this area.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 21, insert after line 15 the following new paragraph:

"(3)(A) After the President initiates appropriate consultation prior to making a determination, under subsection (a), that the number of refugee admissions under such subsection in a fiscal year should exceed fifty thousand, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosures of the details of the proposal would jeopardize the lives or safety of individuals.

Mr. HYDE. Mr. Chairman, this amendment simply says that after the President initiates appropriate consultation prior to making his determination, under subsection (A), that the number of refugee admissions in a given fiscal year should exceed 50,000, there should be a hearing, and this hearing should be held by the appropriate subcommittee of the Committees on the Judiciary in the House and in the other body. The hearings are to review the President's proposal to increase refugee admissions and that this hearing should be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

Next the amendment also provides that after the President has initiated consultation prior to making a determination to admit additional refugees under subsection (B) of this proposed legislation, then to the extent that the time and the nature of the emergency refugee situation permits, this hearing should be held by the appropriate subcommittee of the Committees of the Judiciary of the House and the Senate; and this should occur unless, as I say, the public disclosures of the details of the proposal would jeopardize the lives or safety of individuals.

□ 1050

The purpose of the amendment is to involve the Judiciary Committees of the House and Senate in the decisionmaking process insofar as circumstances will permit so there would be some congressional input.

Also I would hope that while I am not a member of the Subcommittee on Im-

migration, Refugees, and International Law of the House Judiciary Committee, that when these meetings are held notice would be given to all Members who would be invited to attend and, again, with the courtesy of the chairwoman, permitted to participate.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman.

Ms. HOLTZMAN. Mr. Chairman, I appreciate the gentleman's yielding. I want to compliment him on this amendment. I think it is an extremely constructive addition to the bill.

I think there is no substitute for public scrutiny, public disclosure, public debate on an issue of such importance, as the admission of refugees to the United States. It will protect us in terms of insuring that the administration thinks through its proposal more carefully. It also will help to engender public support by making it clear what it is the Congress intends to do.

With regard to the issue of notice, I want to assure the gentleman that it is my understanding that under this amendment notice of such hearings would be given to all members of the Judiciary Committee and, if it is a subcommittee that holds the hearings, then, in accordance with the generally-established practice, members of the committee would be entitled to sit with the subcommittee.

Mr. HYDE. I thank the gentlewoman. I wish to commend her for her understanding and cooperation in this very important area of this very important legislation.

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

Mr. HYDE. I am pleased to yield to you.

Mr. FISH. Mr. Chairman, just very briefly I am happy that this issue was worked out. I think the enlarged consultative process will be of great benefit.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

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

Mr. Chairman, at this point I had earlier concluded that I would offer two amendments dealing with the question of Iranian students and related factors which have developed in recent times, quite recently. I am informally advised by the Parliamentarian's office that they would not be in order.

But I would like to take a moment for the record to clarify what these amendments would cover and why I consider them relevant. Then I would ask the gentlewoman from New York (Ms. HOLTZMAN), Chairman of the Subcommittee on Immigration, Refugees, and International Law, if she would have hearings on the question.

The first amendment which I would have offered would state "The Attorney General may deport an alien who is a citizen or national of a particular country and who is admitted to the United States as a nonimmigrant (or within a classification of nonimmigrants), if the President determines that a national emergency exists with respect to the relations between the United States and that country and the alien fails to comply with the conditions of the alien's admittance or such additional conditions as the Attorney General considers necessary to impose on such an alien on account of the emergency.".

As we all know, on November 13, 1979, the Attorney General issued regulations requiring all Iranian students in the United States to register with the Immigration and Naturalization Service and to prove that they were entitled to continuation of their student nonimmigrant status. A suit was filed in the U.S. District Court for the District of Columbia challenging the validity of that action, and on December 11, 1979, Judge Joyce Green issued an order enjoining further implementation of this regulation and further enjoining the Immigration Service from deporting any Iranian students found to be out of status based on information they obtained pursuant to such regulations. That case is on appeal, and arguments are scheduled in the Circuit Court of Appeals for today. The court found no statutory basis for the discriminatory classification established by such regulation. Since the regulations were designed to deal with only one nationality of students, such national origin classification without a finding of specific congressional action allowing such action was found to be beyond the scope of the Executive's authority.

The purpose of this amendment is to grant such specific authority to the executive branch in limited circumstances. My amendment would require the President in his conduct of foreign policy to declare that a national emergency exists with respect to our relationship with a specific country before any action could be taken dealing with citizens or nationals of that country who are in the United States. If the President makes such a finding, he could then direct the Attorney General to verify the status of individuals here from that particular country. Such action would not be illegal because of its nature as a classification based on national origin.

We should remember that it is clear that the Congress has sole authority under the Constitution to regulate immigration. If we have not granted the President the authority to take action similar to that which was taken last month directed toward Iranians in this country, we now have an opportunity to do so.

This country can be proud of its tradition of freedom of speech and freedom of political opinion. However, at a time of national emergency when some are suggesting military response to an international situation, the executive branch should be given maximum flexibility to take appropriate actions to deal with citizens and nationals of such a country who are present in the United States at our suffrance. I urge the House to adopt this amendment.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I am happy to yield.

Ms. HOLTZMAN. The gentleman does have the assurance from the chair of the subcommittee. Let me add that as the gentleman well knows we have been deeply concerned about the situation of foreign students in general and deeply concerned about the situation of the Iranian students in particular. We have held closed briefing sessions on this subject. The gentleman has my assurance that we will continue to follow this matter with great care and with great concern.

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

Mr. BUTLER. I will be glad to yield to my chairman.

Mr. RODINO. Mr. Chairman, while the gentleman raises a question that deals with a subject matter that gives many of us concern, I hope that all of us in the House recognize the sensitivity of this issue and recognize, also, that at this time when all of us are concerned with the safety of the American hostages, we do not want to complicate the issues and the negotiations that are going on. At this point, Mr. Chairman, I would like to submit a letter I received from the Acting Secretary of State:

DEPARTMENT OF STATE,
Washington, D.C. December 11, 1979.

PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: H.R. 2816, the Refugee Act of 1979, is an important piece of legislation which we have supported throughout its careful and serious consideration by your Committee. I am writing to express my concern, however, at certain proposed amendments to this legislation, which could complicate the President's efforts to secure the release of our hostages in Tehran.

While frustration and anger at the continued holding of the hostages is certainly understandable—and is obviously shared by us—this legislation should not become a vehicle for the expression of those emotions. In order not to make more difficult the President's task of securing the hostages' release, I would respectfully urge that Iran-related amendments not be added to the Refugee Bill during its consideration on the House floor.

Expressing in advance my deep appreciation for your cooperation.

Sincerely,

WARREN CHRISTOPHER,
Acting Secretary.

I assure the gentleman that, as chairman of the Judiciary Committee, and as the gentlewoman from New York has stated, at the appropriate time we will hold hearings. The question of students who overstay their admissions and who violate the terms of their admissions will be examined. I assure the gentleman that these matters will be dealt with at the appropriate time.

Mr. BUTLER. I thank the gentleman. I appreciate the assurance the gentleman gives.

I hope the gentleman will recognize that we are not going to satisfy the membership or the American people if we do not have an opportunity to consider these matters in a hearing before the committee, and that the closed hearings and the assurances we are looking into are not going to resolve the problems. I think there are very simple, intelligent, legislative responses to these questions and I hope that we will have

committee hearings on that question as soon as we can get them in order.

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

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

Mr. KAZEN. Mr. Chairman, let me tell the gentleman from Virginia (Mr. BUTLER) that I wish to associate myself with his remarks.

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

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

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

Mr. BUTLER. I yield to the gentleman.

Mr. KAZEN. Also, in accordance with the statement which was just made by the gentleman from New Jersey, chairman of the full committee, I would agree that this would probably not be the time to be discussing specific nationalities of students because of the hostage situation. But I do want to emphasize the fact that every Member of this House is very vitally interested in this question, and it probably took something like this to bring it to a head. But certainly we ought not to let it lie there.

As soon as this emergency is over we should pursue this matter and I want to commend the gentlewoman from New York (Ms. HOLTZMAN) for her statement about holding hearings, and then make sure that anyone who enters this country under a visa for a specific purpose retains that status only so long as that purpose is being fulfilled. But when they, students, who come in here legally under a visa, when they vacate the classroom and occupy the streets of this country, then there should be no impediment to the Attorney General to remove their status and expel them from the United States. I think that this country is blessed with the fact that the entire world knows of its hospitality, but certainly we should not allow anybody to overstep the bounds of that hospitality, and that the means to expel those specific individuals who do not live up to the conditions of their entrance into this country, should be given the Attorney General.

Mr. BUTLER. I thank the gentleman very much for his contribution and I yield back the balance of my time.

□ 1100

AMENDMENT OFFERED BY MR. MOORHEAD OF CALIFORNIA

Mr. MOORHEAD of California. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD of California: Page 18, line 12, insert "(1)" after "President".

Page 18, line 16, insert before the period the following: ", (2) transmits such determination to both Houses of Congress, and (3) a resolution not favoring the determination has not been approved by either House of Congress under subsection (f)".

Page 22, insert after line 18 the following new subsection:

"(f)(1) If both Houses of Congress are not in session on the day a determination under subsection (a) (hereinafter in this subsection referred to as the 'determination') is received by the appropriate officers of each House, for purposes of this subsection, the determination shall be deemed to have been transmitted on the first succeeding day on which both Houses are in session.

"(2) If a determination is transmitted to the Houses of Congress, the determination shall take effect unless, between the date of such transmittal and the end of the first period of 15 calendar days of continuous session of Congress after such date, either House passes a resolution stating in substance that such House does not favor such determination.

"(3) For purposes of paragraph (2)—

"(A) continuity of session is broken only by an adjournment of Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-calendar-day period.

"(4)(A) This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subparagraph (B), and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

"(B) For purposes of this paragraph, the term 'resolution' means only a resolution of either House of Congress the matter after the resolving clause of which is as follows: 'That the does not favor the determination of the President transmitted to the Congress, under section 207(a) of the Immigration and Nationality Act, on , 19 .', the first bank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled.

"(C) A resolution once introduced with respect to a determination shall immediately be referred to the Committee on Judiciary by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(D)(i) If the Committee on the Judiciary has not reported a resolution referred to it at the end of 5 calendar days after its referral, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may be made after the committee has reported a resolution with respect to the same determination), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same determination.

"(E)(i) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(ii) Debate on the resolution referred to in clause (i) shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

"(F)(i) Motions to postpone, made with respect to the discharge from a committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

"(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate."

Mr. MOORHEAD of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and that it be printed in the RECORD.

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

There was no objection.

Mr. MOORHEAD of California. Mr. Chairman this amendment insures that the Congress has a proper and substantive role in the determination of the immigration policy of the Nation. Under the bill, we place a 50,000 per fiscal year limit on refugees entering this country unless the President decides to bring in additional refugees. The bill does provide for consultation on the additional refuges but should a majority in the Congress feel that the President is taking an unwise or unreasonable step, the Congress, under the bill as presently written, has no opportunity to make a correction. The consultation language is really illusory. The bill, as reported, lets a few members of one committee determine policies that will have a profound effect on all of our districts.

My amendment permits either House of Congress the opportunity to disapprove a Presidential determination to bring in more refugees than 50,000 per fiscal year. The veto would not apply to an emergency determination set forth in section 207(b).

This amendment applies only to a foreseeable influx of refugees. In this case, I believe it is entirely proper for the Congress to ultimately approve or disapprove an influx of refugees in excess of 50,000 per fiscal year because of serious foreign and domestic policy implications.

The issue here is whether the Congress will have a substantive role in immigration policy or whether we will delegate this responsibility to the executive branch. We in the Congress will have to deal with the socioeconomic impacts of this bill. We will have to deal with overloaded school systems and medical clinics, scarce housing facilities, and rising

welfare expenditures in our local communities. Consequently, I believe the Congress should have a major role in determining how many people will enter this country under the provisions of this bill.

Make no mistake about it. I support a humane refugee policy and I think the American people, as generous as they are, will strongly support a policy giving aid and comfort to oppressed and displaced people. However, I do think that we in the Congress, have every right to have a major role in determining U.S. immigration policy. We really have nothing to fear from congressional oversight. I ask an aye vote.

Mr. PEYSER. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORHEAD of California. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I want to be sure I understand the thrust of the gentleman's amendment. He stated that this would not affect the President's emergency powers to bring in refugees.

Mr. MOORHEAD of California. Where their lives are in danger, under 207(b) or there is an immediate emergency.

Mr. PEYSER. Would the gentleman give me an example of what type of thing this would affect? In other words, the boat people, would that be considered an emergency or would that come under what the gentleman is speaking of?

Mr. MOORHEAD of California. The President makes the determination that their lives are in immediate danger or there is a present emergency. The refugees could then be admitted under section 207(b).

Mr. PEYSER. Can the gentleman give me a situation currently existing where he would think his amendment would apply? What type of situation would that be?

Mr. MOORHEAD of California. Basically, what my amendment applies to is the initial determination by the President that during a fiscal year, instead of bringing in 50,000 refugees, he is going to bring in 150,000 or 200,000 or whatever figure he might select.

Mr. PEYSER. If the gentleman would yield further, is this the type of thing that has been happening, as the gentleman sees the practical matter? I am trying to find out where the situation would exist that this legislation would be applicable to.

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

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

Mr. MOORHEAD of California. It would not apply in any immediate disaster that happens anyplace in the world where lives are in danger, where we get a new hot spot where people are going to lose their lives or suffer serious bodily harm unless the President makes that determination.

☐ 1110

He will be able to make the determination. What this applies to is the year long policy that the administration will have on accepting immigrants into the country under this refugee bill, and, if he makes the determination that during the year he is going to raise that 50,000 limit to 200,000, it gives the Congress a 15-day period to reject this number.

Mr. PEYSER. I guess my question is in recent years have there been examples of what we are trying to protect against? Has there been anything the gentleman can think of where this would have been applicable?

Mr. MOORHEAD of California. We have been actually taking in more refugees each year than the limits that have been set. I would suppose that perhaps the total number of Vietnam refugees that we take in from staging camps—that decision of how many might be something that would be affected as it is made the first of the year, but if you get any hot spot that arises where refugees lives are actually in danger at the moment, it would not apply.

Mr. PEYSER. I thank the gentleman.

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

Mr. MOORHEAD of California. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding. Will the gentleman tell me whether it is contemplated with his amendment that either House of Congress would have authority to approve or disapprove?

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. RODINO. If the gentleman will yield further, would either House have the authority or the power to increase the number of refugees if it considered that it was in the national interest to increase the number?

Mr. MOORHEAD of California. It is the President who has the power to increase. Say, the President would set the limit at 300,000 and the Congress would say that is too many. I am sure our committee would discuss the matter and come up with some recommended figure, and it would be communicated to the White House. They can come back with another figure that would be below 300,000, and the same rule applies.

Mr. RODINO. Will the gentleman yield again?

Mr. MOORHEAD of California. Yes; I will be happy to.

Mr. RODINO. If the House were given this power and authority to make a determination within a 15-day period that the number of refugees to be admitted was too high and that the United States could not absorb that number, for one reason or another, then why should the House not have the same opportunity within that same period to make a determination whether or not it could increase the number?

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

Mr. MOORHEAD of California. I will be happy to yield to the gentleman from Virginia.

Mr. BUTLER. I thank the gentleman for yielding. If I understand the gentleman's question correctly, it seems to me that the failure to respond in the veto as contemplated by this amendment would be an affirmative statement that the President has made an appropriate determination of the necessity.

Mr. MOORHEAD of California. Or the failure to respond. It would be fixed. I imagine in 90 percent of the cases the figure that is set by the President will be accepted by the Congress. There will be no action within the 15-day period and it will be effective. All that is retained is the power in the Congress if they make the determination that it is excessive to say no, and the President can come back with another figure that is below that level.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, although I understand the intention of this amendment which is to get congressional involvement, I think it is an ill-conceived amendment. I think it could disrupt the orderly influx of refugees. I think it could totally disrupt the process by which we are absorbing boat people right now.

The President has made a determination to take in 14,000 Indochinese refugees a month. That is a total of 168,000 a year. What this amendment would do would be to subject all numbers of boat people over 50,000 a year to a congressional veto, despite the fact that the President has made an international commitment and a commitment to those people on behalf of the United States. I do not think that it would be the intention of Congress to see a wholesale disruption of the program under which we are admitting refugees from Southeast Asia, especially at this time. I would say that this is extremely ill advised.

The test of which situations the congressional veto will cover, by the way, is not what the gentleman from California (Mr. MOORHEAD) suggested, those where refugees lives are in danger. The veto would cover situations where the President could foresee prior to the beginning of the fiscal year that humanitarian concerns justified the admission of over 50,000 refugees. This amendment could preclude the President's action through a congressional veto in cases where anyone could foresee the need to admit more refugees, including situations where refugee lives are in danger. In other words, if we know that, and we do know that, hundreds of thousands of people would continue to flee to save their lives in Southeast Asia, the fact that we could foresee it means that we would have to impose this very disruptive process on our efforts to save those people. Lives could be lost. I think this amendment is ill conceived for that reason.

Let me just make two other points. The gentleman in his comments said that without this amendment we will have totally given up congressional authority over the process of the admission of refugees. That statement is not accurate in terms of what the bill does. Let me explain what the bill does. First, there is an explicit requirement for consultation with the Congress. The President has to come up with this proposal.

He has to submit certain information to the committees of both the House and the Senate as to the number of refugees to be admitted, how they are to be resettled, what the conditions were that gave rise to these refugees, and so forth. Second, as a result of the amendment offered by the gentleman from Illinois, there must be a public hearing on this proposal. Third, the members of the committees can ask for substantial additional information, documentation, and support from the administration. Fourth, a person consulting with the committees of Congress has to be a Cabinet-level person, not some low-level person who does not speak for the administration. So we do have important and, I think, significant and enhanced congressional input into the decisionmaking process on the admission of refugees.

Finally, the admissions process is not one that is going to impede rational resettlement practices. The whole point of title III of this bill is to develop a rational program, a systematic program, for the resettlement of refugees, one that would improve the present system and I think prevent some of the concerns that the gentleman from California (Mr. MOORHEAD) has about how refugees are going to be absorbed.

I think it would be unfortunate at this time to adopt this amendment. I think it would send a bad signal to Southeast Asia and the people there who are now fleeing for their lives. It would imply that Congress is going to impede the orderly acceptance of these people, the orderly absorption of these people, and is going to start putting bureaucratic obstacles in their way. I hope the amendment is defeated.

Mr. RODINO. Mr. Chairman, I move to strike the requisite numbers of words, and I rise in opposition to the amendment.

Mr. Chairman, I shall not take the 5 minutes. I merely want to point out that while I consider that the gentleman from California (Mr. MOORHEAD) offered this amendment with all good intentions, I am afraid that we would tie the President's hand at a time when he would have to deal with emergency situations. We have tried to establish in this legislation a national refugee policy. This is why we have attempted to establish a cap and attempted to set up conditions under which the President may exceed the cap to accommodate foreseeable refugee situations and emergency situations. I think to do otherwise, to tie the hands of the President with a one-House veto or with a congressional veto, would be inappropriate and would not be taking into account the nature of refugee situations.

I know that those of us who have dealt with crisis situations in the Hungarian situation, where we had to deal with emergency situations, would find that our hands would have been tied if we had had to deal with a one-House veto. I would hope that this amendment, while it may have some appeal, is voted down.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

□ 1120

Mr. Chairman, I think it would be well to point out just exactly how narrow the scope of this amendment is. The bill sets up a new mechanism whereby prior to the beginning of the fiscal year, which could mean several months before the beginning of the fiscal year, the President would make a determination if he wishes to ask for the admission of refugees in addition to the 50,000 normal flow. That is where the one-House veto comes into play. It affects no other part of the admissions process or, I might add, of the allocation process, which is also subject to consultation with the Committee on the Judiciary.

What will happen now, if this amendment prevails, is that in addition to the consultation with the committee, the expanded consultation amendment that we have accepted, that there will be an opportunity for the House itself to review the argument reached by the committee and by the President's Cabinet-level designee.

Mr. Chairman, I think when we read this amendment together with the sunset amendment that has been accepted today and the enlarged consultation amendment, that we are restoring control over admission of aliens to the Congress, the branch of Government that is given sole control over immigration by the Constitution. The one-House veto has been the method of assuring congressional concurrence with executive branch action and I believe it is appropriate with respect to their request for admission of refugees beyond those specifically authorized by this statute.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MOORHEAD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 26, strike out lines 21 through 23 and insert in lieu thereof the following:
dence—

"(1) shall not in any of the first three quarters of any fiscal year exceed a total of 26½ percent of the number determined under paragraph (2), and

"(2) shall not in any fiscal year—

"(A) before fiscal year 1982, exceed 270,000, and

"(B) after fiscal year 1981, exceed 270,000, less one-half of the number (if any) by which the number of refugee admissions under section 207 in the previous fiscal year exceeded 50,000.".

Page 28, after line 9, insert the following new paragraph:

(7) by striking out "section 201(a)" in subsection (a) and inserting in lieu thereof "section 201(a)(2)" each place it appears.

Page 28, line 10, strike out "(7)" and insert in lieu thereof "(8)".

Page 28, line 12, strike out "(8)" and insert in lieu thereof "(9)".

Page 30, line 21, strike out "203(c)(8)" and insert in lieu thereof "203(c)(9)".

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

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

Mr. FISH. Mr. Chairman, since I was not prepared for this amendment, I would like to hear it read.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

Ms. HOLTZMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DODD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2816) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces the House will proceed with consideration of House Joint Resolution 467, following which the House will consider the Aviation Safety rule and conference report. The House will then return to the consideration of the Refugee Act of 1979 and the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

CHRYSLER CORP. LOAN GUARANTEE PROGRAM APPROPRIATION, 1980

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of yesterday I call up the joint resolution (H.J. Res. 467) making an urgent appropriation for administrative expenses of the Chrysler Corp. loan guarantee program, and to provide financial assistance to the Chrysler Corp. for fiscal year ending September 30, 1980, and ask that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. RES. 467

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980:

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

For necessary administrative expenses as authorized by the Chrysler Corporation Loan Guarantee Act of 1979, $1,518,000. During fiscal year 1980, total commitments to guarantee loans may be extended in the amount

of $1,500,000,000 of contingent liability for loan principal.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 6, strike the sentence beginning on line 6, and insert: Total loan commitments and loan guarantees may be extended in the amount of $1,500,000,000 of contingent liability for loan principal and for such additional sums as may be necessary for interest payments, and commitment is hereby made to make such appropriations as may become necessary to carry out such loan guarantees.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. WHITTEN. Mr. Speaker, the funding resolution we are recommending is a holding action. It consists, aside from a relatively small amount for administrative expenses, of loan guarantees while the company gets its house in order.

I realize that Chrysler problems we are facing today is a symbol of what I believe is happening throughout our economy. While a loan guarantee will obviously help Chrysler and hopefully stave off its bankruptcy, it will also give us time to strike down some of the underlying problems which Chrysler and other segments of American industry face as a result of the action of our own country.

I raised a number of matters in this regard when I addressed my colleagues Tuesday, during consideration of the authorizing legislation. These remarks appear on page 36778 of the RECORD of December 18.

I am pleased the Appropriations Committee was able to move promptly to consider this matter. These loan guarantees are essential to bridge the gap and see the company through its period of cash shortage. It would be irresponsible to assume that Chrysler, without this help, could survive its period of difficulty. These loan guarantees will be secured by collateral, upon which the Federal Government will have first call. Without this legislation, the public confidence in Chrysler's major consumer products would be lost, and the corporation would have little chance to regain its financial well-being.

Mr. Speaker, I have become convinced that Chrysler's problems are symptomatic of a much broader and more serious national economic problem. Congress must address this matter now and take such other actions, perhaps the creation of a special finance corporation, as may be necessary to keep the Congress from having to deal with each of these matters on an individual basis.

This urgent appropriation bill provides the necessary authority for the Secretary of the Treasury to enter into guaranteed loan agreements in an amount not to exceed $1.5 billion for the loan principal. This amount, as well as the administrative expenses discussed below, have been requested by the administration as proposed in House Document 96-235.

Since the authorization for these loan guarantees requires full collateral, the liability of the Government appears to be totally protected. The authorization language is as follows:

SEC. 9. (b)(2) Each loan guaranteed under this Act shall be secured by sufficient property of the borrower to fully collaterize the loan involved. In determining the amount of property which is needed to fully collateralize any such loan, the Board shall determine the value of such property based upon such property's value in the event that such property is sold in connection with the liquidation of the assets of such borrower.

In addition, $1,518,000 is provided for the operating expenses that will be incurred in administering the Chrysler loan guarantee program. These expenses will be fully recovered by a fee which will be charged on each loan guarantee. It is possible that these fees will exceed the actual expenses involved in administering the program.

The committee realizes that to some extent the wide spread publicity concerning the Chrysler situation has aggravated its problems, resulting in lower car and truck sales than might otherwise have occurred. By approving the full amount of the loan guarantee, the committee is hopeful that confidence in Chrysler will be restored and that continuity of production will be assured.

The committee notes that an improved Chrysler operation should result from the loan guarantee inasmuch as the authorizing legislation requires that Chrysler submit to the Government a satisfactory operating plan for the 1980 fiscal year. The language is as follows:

SEC. 4. (a)(3)(A) the Corporation has submitted to the Board a satisfactory operating plan (including budget and cash flow projections) for the 1980 fiscal year and the next succeeding three fiscal years demonstrating the ability of the Corporation to continue operations as a going concern in the automobile business and, after December 31, 1983, to continue such operations as a going concern without additional loan guarantees or other Federal financing; and

The Appropriations Committee, in making these recommendations, is concurring with the actions taken by the House on Tuesday, December 18, when it passed H.R. 5860 authorizing loan guarantees to the Chrysler Corp.

□ 1130

Mr. CONTE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I support House Joint Resolution 467, which provides an appropriation of $1.5 million for administrative expenses as authorized by the Chrysler Loan Guarantee Act of 1979, and contains language, as required by the authorization, which would limit loan guarantees to $1.5 billion.

An authorization bill has passed both the House and the Senate.

Failure of the Chrysler Corp. would have a devastating impact on our national economy, the Federal budget and hundreds of thousands of American citizens. In the long run, providing loan guarantees to Chrysler will be far less expensive to the taxpayer than allowing Chrysler to fall into bankruptcy. The Treasury Department has estimated that the direct impact of a Chrysler failure on the Federal budget would be an increase in the deficit of $2.75 billion in calendar years 1980 and 1981. This would result from both higher outlays and reduced revenues.

Also, the Pension Benefit Guaranty Corporation would be liable for $1.1 billion of Chrysler's unfunded pension liabilities.

The loss in revenue to State and local governments has been estimated at $266 million. Thus, both the Federal Government and the American taxpayer stand to lose a great deal if Chrysler goes bankrupt.

The collapse of the country's 10th largest corporation would be felt throughout the economy. There would be substantial increase in the national unemployment rate, and an appreciable reduction in the gross national product. The Nation's balance of payments would suffer by at least $3 billion a year. Experts estimate that foreign automakers would take at least 25 percent of the market now filled by Chrysler products. Chrysler's failure would also seriously undermine the competitive structure of the Nation's automobile industry—leaving only two major domestic producers.

The bankruptcy alternative is not a viable one. The American consumer who purchases a car wants to be assured that parts will be available in the future when needed, and that there will be a trade-in market for the car when time comes to get a new one. Bankruptcy would erode public confidence, and would send a negative signal to private investors who must be and will be involved in the solution to Chrysler's financial problems once we pass this joint resolution.

I urge you to vote in favor of House Joint Resolution 467. It is far better to guarantee that thousands of Americans have jobs, and that thousands of children can grow up in working families, than to sentence thousands to unemployment and to welfare, then pay out these billions in welfare.

Mr. SLACK. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the appropriation measure (H.J. Res. 467) pending before the House today provides the funds and authority to carry out the Chrysler Corp. loan guarantee program in accordance with H.R. 5860 which passed the House on Tuesday of this week.

Earlier today the Committee on Appropriations reported House Joint Resolution 467 with a committee amendment which makes certain technical changes in the resolution as introduced. These changes are necessary in order to carry out the program as the House authorizing bill contemplates.

As reported from the committee, the resolution would appropriate $1,518,000 for administrative expenses of carrying out the program and would provide authority for commitments and loan guarantees up to $1.5 billion in loan principal

and for such sums as may be necessary for interest payments.

In addition, the bill provides a commitment to make such appropriations as may be necessary to carry out such loan guarantees, including both principal and interest. Such appropriations would be used to pay creditors in case of default on the part of the Chrysler Corp. While this provision may not be entirely necessary, it may well result in a lower interest charged for the loans and this further protects the position of the Government.

Mr. Speaker, the House has overwhelmingly approved authorizing legislation for this program. I would now ask that the House approve the appropriation legislation necessary to implement the program.

Mr. MICHEL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I voted against the authorizing legislation for Chrysler assistance. Normally, regardless of my position, I have to take into consideration the will of the House when the measure comes before the Appropriations Committee for funding.

I think it is normally accepted that we should be conscious of the margin of votes that this measure passed by in both the House and the Senate. We are normally obliged in our Appropriations Committee to report out the necessary funds consistent with that which we have authorized.

With any other piece of legislation, often in our Appropriations Committee we agree on a figure less than that which is authorized. I made the statement in the committee this morning that I do not think that it would be possible in this case where the private sector is expected to contribute a considerable sum to make this whole package go and their decision obviously would be predicated fully upon the Government acting responsibly and anteing up whatever we authorize.

□ 1140

I do have a reservation and a problem, however, because during the course of the discussion in our committee this morning it was disclosed that the Government may be obligated beyond the billion-and-a-half dollars this House voted for. I think 95 percent of the membership of this House thought that was a cap on the Government's obligation, but what we have here is really not a cap at a billion-and-a-half dollars level if we take into account the fact that there will be interest paid which would be over and above the billion-and-a-half dollars

Our good friend, the gentleman from Ohio (Mr. REGULA), a member of the Committee on the Budget and of the Committee on Appropriations, in a 1-minute presentation told us that countercyclical assistance bill of $1,200 million with compound interest over 30 years would amount to over $16 billion over the life of that program. That is a program that had been authorized at a level of $1,200 million.

I think that we have got to take that interest factor into account when we make a judgment on any piece of legislation, because the question has to be asked: "How much will it ultimately cost?"

Who knows? How high will the rates be? We do not know the answer. Who negotiates the interest charged? We do not have all the answers.

There are an awful lot of unanswered questions that may come back someday to haunt us. This deals with only one automobile company and I think we have a legitimate right in asking this question. It is a very serious question, when interest rates are now at 13, 14, and 15 percent.

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

Mr. MICHEL. I am happy to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I did not see the committee amendment until just a few moments ago. I was told the bill was coming up yesterday before permission was granted.

As I read the language in the bill before us, it clearly places a maximum cap on not only loan commitments and guarantees but as well on such additional sums as may be necessary for interest payments on the $1.5 billion. The language to me is very, very clear that the Federal Government cannot spend or cannot guarantee more than the $1.5 billion for both loan principal and interest payments.

I was concerned when I first read this, as the gentleman was, that there might be a great deal more money being obligated here than was authorized in the legislation passed yesterday. But it seems to me that this is a definite cap.

Mr. Speaker, would the gentleman respond to that?

Mr. MICHEL. Mr. Speaker, as I understand it, we adopted a committee amendment that will adjust the language to account for what the gentleman is talking about, because our committee felt the original language of the resolution would have put a cap on both principal and interest. What the committee amendment was intended to do was to give the flexibility to provide for interest over and above the billion-and-a-half-dollar cap.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield, I suggest that the gentleman from Illinois might want to reread the committee amendment which has already been adopted, because as I read it, it says:

> Total loan commitments and loan guarantees may be extended in the amount of $1,500,000,000 of contingent liability for loan principal and for such additional sums as may be necessary for interest payments.

Mr. Speaker, I take that to be a cap on both principal and interest, and I think that is a good idea.

Mr. MICHEL. Mr. Speaker, let me just say that there was a considerable discussion of semantics and the language. There were several proposals being offered by different Members during the consideration of this resolution in our full committee, and I think it would probably be best for us to have some legislative history on this question. I would hope that either the chairman of the subcommittee or the chairman of the committee would clearly define and elucidate here for the Members what this language specifically does and whether there is really this billion-and-a-half-dollar cap.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield, if I were a New York bond counsel, I would certainly read this as a cap.

The SPEAKER. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. BAUMAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, could we have an answer from the committee chairman or the subcommittee chairman as to their interpretation of the language in the committee amendment?

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

Mr. BAUMAN. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Speaker, I can only cite to the gentleman section 8(a) of the authorizing legislation, which reads as follows:

> The authority of the Board to extend loan guarantees under this act shall not at any time exceed $1,500,000,000 in the aggregate principal amount outstanding.

That means that the interest is on top of it, in accordance with the authorizing legislation.

Mr. BAUMAN. I disagree Mr. Speaker. The authorizing bill does not control this appropriation before us. The correct interpretation of the committee amendment already adopted by the House is clearly that this bill, places a cap on principal and such additional sums as may be necessary for interest payments for a total of $1.5 billion. In view of the deveolping situation at Chrysler, I think that limit is a very prudent step.

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

Mr. BAUMAN. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Speaker, the intent of the amendment was to place a cap of $1.5 billion on the loan principal.

Mr. BAUMAN. That may have been the intent, but that is not what it says.

Mr. SLACK. Mr. Speaker, I do not interpret it the way the gentleman does.

Mr. BAUMAN. Mr. Speaker, I would also just like to ask a question about the last line of the committee amendment, which reads:

> * * * and commitment is hereby made to make such appropriations as may become necessary to carry out such loan guarantees.

Are we here appropriating an open-ended amount of money to pay whatever obligations may ensue from the Chrysler situation?

Mr. SLACK. Mr. Speaker, if the gentleman will yield, no, I do not interpret it that way. It is not open-ended.

Mr. BAUMAN. Mr. Speaker, it says, such sums "as may become necessary to carry out such loan guarantee."

That is a very unusual phrase in an appropriation bill.

Mr. SLACK. Mr. Speaker, it is simply a commitment to make an appropriation, if necessary, in case of default.

Mr. BAUMAN. So the gentleman is saying that future action will be required of Congress in order to carry out this wish if additional sums are necessary?

Mr. SLACK. If there is a default, but only if there is a default.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for his response.

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

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

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for yielding.

Dc I understand now that the interpretation of the chairman of the subcommittee is that in the present bill before us it is in fact open-ended as it relates to interest charges? Is that correct?

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

Mr. BAUMAN. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Speaker, that is a fair statement, I would say. There is no way for us to determine what the interet rates are going to be.

Mr. ROUSSELOT. Mr. Speaker, I appreciate that, but if the interest rates continue going up as they have been going up, we would in effect by this legislation be guaranteeing potentially very substantial amounts of money.

Did the committee consider any ways of putting some kind of constraint on the interest charges?

Mr. WHITTEN. Mr. Speaker, will the gentleman yield to me at this point?

Mr. BAUMAN. Mr. Speaker, I will yield to the gentleman, but first let me say this:

I emphatically disagree with the interpretation of the gentleman from West Virginia (Mr. SLACK) of this language Plain English makes it clear that if we pass this bill we have set a limit of $1.5 billion on the amount of the Federal liability for loan principal and for such additional sums as may be necessary for interest. Those are the gentleman's words. All the exhortations of lawyers to the contrary notwithstanding, I think any court is going to have to decide it that way. I think that is what the limit is.

Mr. SLACK. Mr. Speaker, if the gentleman will yield, I believe he left out the words, "additional sums." The gentleman does see the word, "additional," in the committee amendment, does he not?

Mr. BAUMAN. I did see that. It is penciled in rather artfully.

Mr. SLACK. Mr. Speaker, it says, "for such additional sums as may be necessary for interest payments."

Mr. BAUMAN. Yes, but the limit placed in the sentence is for a "total" amount here of loan commitments and loan guarantees. This problem is no worse than the rest of the Chrysler muddle, so the courts will just have to figure it out as best they can.

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

Mr. BAUMAN. I yield to the chairman of the committee.

Mr. WHITTEN. Mr. Speaker, in answer to the question asked by the gentleman from California (Mr. ROUSSELOT), may I say that involved in this is an effort in the national interest to try to help this corporation get its financial affairs straightened out, because we are concerned about the effect this would have not only on the employees of the corporation but on stockholders and on the people in the Nation as a whole.

In doing that, the corporation would be seeking loans from financial institutions, using as security the guarantee of the Federal Government.

Mr. ROUSSELOT. That is right. We understand that.

Mr. WHITTEN. The interest would have to be agreed on. The corporation would have to put up its security, as the gentleman can see from reading the legislation, so they would have an interest in keeping the interest rate low.

But for us to go this far and then cause it to fail by putting a ceiling on the amount of interest would not be in the Nation's best interest in my opinion.

I am telling the Members why we did this. I say to my colleague, the gentleman from Maryland (Mr. BAUMAN), that the language that the gentleman read about a commitment to make the appropriation is surplussage in my book, because we do feel that the full faith and credit of the United States should be sufficient.

□ 1150

But in case some private lending institutions raise the point that a guarantee had to follow through certain steps, this language was added to give reassurance.

The SPEAKER. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

(By unanimous consent, Mr. BAUMAN was allowed to proceed for 1 additional minute.)

Mr. BAUMAN. Mr. Speaker, I appreciate the assurance of the gentleman from Mississippi regarding the additional language which, as he interprets it now, is really only surplussage and an attempt to give some expression of faith.

Mr. WHITTEN. It could mean a reassurance to lenders.

Mr. BAUMAN. I understand. But so far as the interpretation of this sentence, which is drafted in the conjunctive, I am afraid that somebody in drafting has created a limit, as I have described it, and if that is not the case, I think someone should tell the House what the additional sums of interest might approach, given a 14- to 15-percent prime rate. I am told interest alone could cost in excess of $4 billion.

Mr. WHITTEN. That is not the interpretation placed on it by the committee, and I say that for the RECORD.

Mr. CONTE. If the gentleman will yield, so that we have some legislative history, I agree with the gentleman from Maryland. My interpretation is that this language is in the conjunctive. The $1.5 billion is a cap. It limits the interest payments and the principal. So it is definitely a cap of $1.5 billion. No doubt about it. JACK EDWARDS of Alabama had an amendment in full committee to strike out the word "for," and it was defeated. So I definitely feel and my interpretation, strong interpretation, is that it is a $1.5 billion cap for principal and for interest that cannot be exceeded.

Mr. BAUMAN. Once again I find myself in agreement with the gentleman from Massachusetts.

Mr. CONTE. Just about 100 percent.

Mr. ROUSSELOT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to redirect a question to my colleague, the gentleman from Mississippi, to make sure I understand. This language that my colleague, the gentleman from Maryland, has read, I am still not convinced, on the basis of what our subcommittee chairman said, that the language is clear as it relates to interest.

Does the gentleman agree with the subcommittee chairman?

Mr. WHITTEN. I do. He reflected the conclusions of the full committee and the basis on which the full committee has acted.

Mr. ROUSSELOT. And that is that the interest charges are an open-ended thing; they are not capped under the cap that is set?

Mr. WHITTEN. The interest rates are not fixed because we all know that they fluctuate and it would be difficult if not impossible to set outside limits on interests costs. We are trying to enable Chrsyler to get private loans with this Government guarantee, and for us to put a ceiling on interest costs might result in the rejections of the loan package because the interest rates were not equal to the prevailing rate.

Of course, it is in the interest of Chrysler to see that the rates are as low as possible but it is impossible to predict what these interest rates will be at this stage.

Mr. ROUSSELOT. So that, still, in the gentleman's interpretation, means that this bill does not put a limit on interest under the $1.5 billion cap?

Mr. WHITTEN. It does not, and I think if we were to do so, we would jeopardize the ability of Chrysler to obtain the necessary loans. We do not want to provide the necessary commitment authority and then jeopardize it by putting an unrealistic ceiling on the interest rates which vary from day to day, month to month, and institution to institution.

Mr. ROUSSELOT. The problem that I have with that is, when you say "unrealistic," would the gentleman say that 15 percent would be unrealistic?

Mr. WHITTEN. It would be if you could get the loan for 12 percent. It would be if you could get the loan for 10 percent.

Mr. ROUSSELOT. But I am talking about a ceiling. Why could not the committee have something written?

Mr. WHITTEN. Because the ceiling that the gentleman might place on the interest rates would be the reason why you could not secure the loan due to the need for flexibility because of the constant fluctuation of interest rates. Such a ceiling would serve a destructive purpose.

Mr. ROUSSELOT. But a ceiling would protect the Treasury. I do not see what is so damaging about having some kind of a ceiling.

Mr. WHITTEN. I do not know whether the gentleman appeared before the legislative committee or not to express these concerns, but the matter was not addressed in the legislation and, while the committee could have recommended a ceiling, to me it would have been highly dangerous for them to have done so. We followed the authorizing legislation verbatim because we want this legislation to work.

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

Mr. ROUSSELOT. I yield to my colleague, the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I think we are arguing what the language means and we are arguing what we wish it would mean. I would suggest to the chairman of the committee that if we added the letter "(a)" after "may be extended (a) in the amount of $1,500,000,000 in contingent liability for loan principal," and add the letter "(b) for such additional sums as may be necessary for interest payments," it would be eminently clear. We are talking about two items here. We are talking about principal, which is fixed; and we are talking about interest, which is not fixed. And at least we would know what we are voting on. I would like to make that suggestion.

Mr. WHITTEN. May I say to my friend that I would like for him to be satisfied, but to us, the language as drafted meets the situation and I feel it is not necessary to further amend it at this time.

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

Mr. ROUSSELOT. I yield to my colleague, the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I look at this from two vantage points. No. 1, if we take into account the consideration of just the Members of the House or the Congress that I think, frankly, got the distinct impression that they were capping this Government obligation at $1.5 billion, that is one thing to say that. But I wonder if the private sector out there, putting myself now in the shoes of the lender in the private sector, if they got the impression that there was going to be a $1.5 billion guarantee for principal, limited to principal, it is an awful lot different if I am making the judgment on that loan, not knowing whether it is going to be 3 years, 5 years or 10 years, and at today's interest rates the interest could more than eat up the amount of $1.5 billion, and you are secured with no guarantee on the principal at all.

So we have to, it seems to me, make a judgment. We can make a judgment as to what we would like to see happen as a cap, but I am not sure, in those negotiations with Treasury and all of the other people involved in this thing, that they thought enough down the road to get the kind of commitment from the privae sector that would satisfy them that this language is compatible with what they are going to have to come up to to match the Federal contribution.

Mr. ROUSSELOT. I thank the gentleman for his comment, and I appreciate as a member of the committee the gentleman making that statement.

Mr. HUGHES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to ask the distinguished chairman a question, just to follow up on this, because it gives me some concern.

I understood we were placing a cap on the guarantee of $1.5 billion. Now, I recognize that we cannot at this point foretell what the interest rate is going to be, when the prime rate is moving around like it is; but it seems that we ought to make it very clear, as I think our colleague, the gentleman from Illinois, just indicated, just what is our intent.

Those of us who supported the authorizing legislation were of the impression that we were placing a cap on the guarantee of $1.5 billion. If we are not placing a cap on our guarantee with regard to interest rates, I think we ought to make it clear.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, may I say that the gentleman raises a point that certainly was considered by the legislative committee. Our Committee on Appropriations, of course, is restricted to the authorizing legislation that was passed. The legislation which was passed puts a cap of $1.5 billion on the principal. Our interpretation is that, of course, if that is the principal of the debt, that interest would be additional, and we have explained our interpretation before. The gentleman might have the legislative committee to clarify that point further, but the authorizing language was read and it is our interpretation that that was on the principal and that interest is on top of that.

I would think the gentleman would follow me in saying that for us to go as far as we have, then have it to fail because we put an unrealistic interest rate limit here would be very shortsighted, because quite clearly it would be in the interest of Chrysler as a borrower, where they would be putting up their own assets to pay the debt and where the Government would be a preferred creditor.

Mr. HUGHES. I understand.

Mr. WHITTEN. And it would be in their interest to get it as low as possible. But at this stage I could not even tell you what interest rates would be for private loans any more than you could tell me. And there again, we followed the legislative committee, and we have followed it verbatim. So much of the discussion here really should have been directed to the authorizing committee. I do not know if any change would have been necessary, but that is where this should have been considered.

Mr. HUGHES. If I could just say, in response, I quite agree that perhaps we should have directed more colloquy to that issue. But we are not talking about fixing the interest rate, because it is understandable that we cannot determine what interest rate will be negotiated. It will vary, I am sure, from time to time, and I am not suggesting that we should or could do that. But what I am trying to find out is, with regard to the Government obligation, or commitment, are we placing a cap on our responsibility in the event of a default, for instance, under the priority, under the collateral, and under the waiver sections of the authorizing legislation? In essence are we placing a cap of $1.5 billion on the Government's exposure in the event of a default?

Mr. WHITTEN. Let me say to the gentleman that as chairman of the Appropriations Committee—and I can speak as the chairman only—I know lawyers differ and judges differ as to the meaning of the language. But when I read that the limit on the outstanding principal is $1.5 billion, I would presume that they understood that the interest would be in addition thereto. Now, the gentleman could have a different understanding, but that is my understanding from practicing law, and otherwise, that that is what was meant.

□ 1200

Mr. HUGHES. What the gentleman is saying in essence is that the Government exposure could be in excess of $1.5 billion, which would include interest.

Mr. WHITTEN. In case they defaulted on the loan, it might be, but there again, the authorization as passed provides for securing the Government by sufficient assets to hold safe the Government and keep it whole from assets of the corporation. We would be preferred creditors.

So while the outstanding obligation might be in excess, it might be that your losses would not exist.

Mr. HUGHES. I just want to say that was not my understanding of the legislation. I understood that we were placing a $1.5 billion cap on the loan guarantees. I am extremely concerned that this legislation is going to expose the U.S. Government to sums much in excess of that. Unless this point is clarified, I will be compelled to vote against this particular appropriation even though I support the effort to provide some relief to Chrysler.

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

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

Mr. O'BRIEN. It seems to me our intent in the committee was somewhat different, depending on who was offering certain language. I think that the chairman is correct that it was our conclusion that there was to be $1.5 billion for principal, and the interest was supposed to be taken care of when it could be determined. The problem I think that is here right now is that there is very little agreement as to what the words mean.

The SPEAKER. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

Mr. O'BRIEN. Mr. Speaker, I move to strike the last word.

For purposes of clarity we must accept the suggested amendment of the gentleman from Illinois (Mr. HYDE) and whether one favors the interest guarantee or not, the legislative intent should not be blurred. I believe his amendment makes clear what the Congress intends to do.

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

Mr. O'BRIEN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I ask the chairman of the committee if he would not accept this amendment which simply splits up——

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

Mr. O'BRIEN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I am afraid of the gentleman's amendments. I start off that way, may I say jokingly.

Mr. HYDE. I understand that. I have quite a burden to overcome.

Mr. WHITTEN. I am very, very fond of the gentleman.

Mr. HYDE. I do suggest there is ambiguity here, as illustrated by the debate. If we place an "A" in front of the one clause and a "B" in front of the other, it would clarify the matter, and at least we would know exactly what the issue is, and what we are voting on.

Mr. WHITTEN. If the gentleman will yield further, I have to confer with my colleagues.

I see no objection to the amendment.

Mr. HYDE. Will the gentleman from West Virginia (Mr. SLACK) accept the amendment?

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

Mr. O'BRIEN. I yield to the gentleman from West Virginia.

Mr. SLACK. I would accept the amendment of the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to offer a modification to the committee amendment.

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

Mr. BAUMAN. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Maryland (Mr. BAUMAN) reserves the right to object.

The Clerk will report the modification:

The Clerk read as follows:

In the amendment offered by the Committee, on line 2 of the Committee amendment, at the beginning of line 2 of the amendment, insert (A), and in line 3, insert (B) after the word "and."

Mr. BAUMAN. Mr. Speaker, if there was any correct interpretation given by those who felt this was a cap, it seems to me it is clear that the amendment of the gentleman from Illinois (Mr. HYDE) does precisely what he intends and allows not only $1.5 billion for principle, but such additional sums for interest. That could be billions more. In fact I am informed interest alone could cost more than $4 billion.

As the gentleman from New Jersey pointed out, I do not think that is what the House voted for yesterday in the belief $1.4 billion would be the limit.

I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the joint resolution and the amendment thereto to final passage.

The previous question was ordered.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 252, nays 141, answered "present" 2, not voting 38, as follows:

[Roll No. 752]

YEAS—252

Addabbo	Evans, Ind.	Mathis
Akaka	Fary	Matsui
Albosta	Fascell	Mattox
Alexander	Fazio	Mavroules
Ambro	Ferraro	Mazzoli
Anderson, Calif.	Fish	Markey
	Fithian	Marks
Andrews, N.C.	Florio	Marlenee
Annunzio	Foley	Marriott
Applegate	Ford, Mich.	McKay
Ashley	Fowler	McKinney
Aspin	Frost	Madigan
Atkinson	Fuqua	Mikulski
Bailey	Garcia	Miller, Calif.
Baldus	Gaydos	Mineta
Benjamin	Gephardt	Minish
Bereuter	Gilman	Mitchell, Md.
Biaggi	Gonzalez	Mitchell, N.Y.
Bingham	Goodling	Moakley
Blanchard	Gore	Moffett
Boggs	Grassley	Mollohan
Boland	Gray	Moorhead, Pa.
Bolling	Guarini	Murphy, N.Y.
Boner	Gudger	Murphy, Pa.
Bonior	Guyer	Murtha
Bonker	Hall, Ohio	Myers, Pa.
Bouquard	Hamilton	Natcher
Brademas	Hanley	Nedzi
Breaux	Harsha	Nelson
Brinkley	Hawkins	Nolan
Brodhead	Heckler	Nowak
Broomfield	Hightower	O'Brien
Brown, Calif.	Hillis	Oakar
Buchanan	Holland	Oberstar
Burlison	Hollenbeck	Obey
Burton, John	Holtzman	Ottinger
Byron	Horton	Patten
Carney	Howard	Patterson
Carr	Hubbard	Pease
Carter	Huckaby	Perkins
Chappell	Hutto	Peyser
Clausen	Hyde	Pickle
Clay	Ireland	Preyer
Coelho	Jacobs	Price
Collins, Ill.	Jenkins	Pursell
Conte	Jenrette	Quayle
Conyers	Johnson, Calif.	Quillen
Corman	Johnson, Colo.	Rahall
Cotter	Jones, N.C.	Railsback
Coughlin	Jones, Tenn.	Rangel
Danielson	Kastenmeier	Ratchford
Davis, Mich.	Kazen	Reuss
Davis, S.C.	Kildee	Rinaldo
Dellums	Kogovsek	Roberts
Derrick	Kostmayer	Rodino
Derwinski	Kramer	Roe
Dicks	LaFalce	Rosenthal
Diggs	Latta	Rostenkowski
Dingell	Leach, Iowa	Roybal
Dodd	Leach, La.	Royer
Donnelly	Lederer	Russo
Dougherty	Lee	Sabo
Downey	Leland	Sawyer
Drinan	Lent	Scheuer
Duncan, Oreg.	Lloyd	Seiberling
Duncan, Tenn.	Lowry	Shannon
Eckhardt	Luken	Sharp
Edgar	Lundine	Simon
Ertel	McCormack	Skelton
Evans, Del.	McDade	Slack
Evans, Ga.	McHugh	Smith, Iowa
Solarz	Ullman	Wilson, C. H.
Spellman	Vander Jagt	Wilson, Tex.
St Germain	Vanik	Winn
Stack	Vento	Wolff
Staggers	Volkmer	Wolpe
Steed	Walgren	Wright
Stangeland	Wampler	Wyatt
Stenholm	Waxman	Wylie
Stewart	Weiss	Yatron
Stratton	Whitehurst	Young, Alaska
Studds	Whitley	Young, Mo.
Thompson	Whitten	Zablocki
Traxler	Williams, Mont.	
Udall	Williams, Ohio	

NAYS—141

Abdnor	Fisher	Moore
Archer	Flippo	Moorhead, Calif.
Ashbrook	Forsythe	
AuCoin	Fountain	Myers, Ind.
Badham	Frenzel	Neal
Bafalis	Gibbons	Nichols
Barnard	Gingrich	Panetta
Barnes	Glickman	Pashayan
Bauman	Goldwater	Paul
Beard, R.I.	Gramm	Petri
Beard, Tenn.	Green	Pritchard
Bellenson	Grisham	Regula
Bennett	Hagedorn	Rhodes
Bethune	Hall, Tex.	Ritter
Bevill	Hammer-schmidt	Robinson
Bowen		Rose
Broyhill	Hance	Roth
Burgener	Hansen	Rousselot
Butler	Harkin	Rudd
Campbell	Harris	Santini
Cavanaugh	Hefner	Satterfield
Cheney	Heftel	Schroeder
Cleveland	Hopkins	Schulze
Clinger	Hughes	Sensenbrenner
Coleman	Ichord	Shelby
Collins, Tex.	Jeffords	Shumway
Conable	Jeffries	Shuster
Corcoran	Jones, Okla.	Smith, Nebr.
Courter	Kelly	Snowe
Crane, Daniel	Kindness	Snyder
Crane, Philip	Lagomarsino	Solomon
D'Amours	Leath, Tex.	Spence
Daniel, Dan	Levitas	Stark
Daniel, R. W.	Lewis	Stockman
Dannemeyer	Livingston	Stump
de la Garza	Loeffler	Swift
Devine	Long, Md.	Symms
Dickinson	Lott	Tauke
Dornan	Lujan	Thomas
Early	Lungren	Treen
Edwards, Ala.	McDonald	Trible
Edwards, Okla.	McEwen	Walker
Emery	Maguire	Watkins
English	Martin	Weaver
Erdahl	Mica	Whittaker
Erlenborn	Michel	Wirth
Fenwick	Miller, Ohio	Young, Fla.
Findley	Montgomery	

ANSWERED "PRESENT"—2

Gradison	Motti

NOT VOTING—38

Anderson, Ill.	Flood	Richmond
Andrews, N. Dak.	Ford, Tenn.	Runnels
	Giaimo	Sebelius
Anthony	Ginn	Stanton
Bedell	Hinson	Stokes
Brooks	Holt	Synar
Brown, Ohio	Kemp	Taylor
Burton, Phillip	Lehman	Van Deerlin
Chisholm	Long, La.	White
Daschle	McClory	Wilson, Bob
Deckard	McCloskey	Wydler
Dixon	Murphy, Ill.	Yates
Edwards, Calif.	Pepper	Zeferetti

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Ginn for, with Mr. Hinson against.

Mr. Wydler for, with Mrs. Holt against.

Mr. Pepper for, with Mr. McClory against.

Until further notice:

Mr. Phillip Burton with Mr. Anderson of Illinois.

Mr. Brooks with Mr. Ford of Tennessee.

Mr. Stokes with Mr. Sebelius.

Mr. Van Deerlin with Mr. Taylor.

Mr. Zeferetti with Mr. Daschle.

Mr. Yates with Mr. Bob Wilson.

Mrs. Chisholm with Mr. Synar.

Mr. Dixon with Mr. Runnels.

Mr. Lehman with Mr. McCloskey.
Mr. Long of Louisiana with Mr. Deckard.
Mr. Murphy of Illinois with Mr. Brown of Ohio.
Mr. Anthony with Mr. Kemp.
Mr. Bedell with Mr. White.
Mr. Giaimo with Mr. Flood.

Mr. ROSE, Mr. D'AMOURS, Mrs. FENWICK, and Mr. FORSYTHE changed their votes from "yea" to "nay."

Messrs. BEREUTER, KRAMER, and STENHOLM changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 467 just agreed to.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4788, WATER RESOURCES DEVELOPMENT ACT OF 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–721) on the resolution (H. Res. 513) providing for the consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2471, TRADE COMMISSION AND CUSTOMS SERVICE AUTHORIZATIONS, FISCAL YEAR 1980

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–722) on the resolution (H. Res. 514) providing for the consideration of the bill (H.R. 2471) to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3051, AUTHORIZING APPROPRIATIONS FOR KENNEDY CENTER FOR PERFORMING ARTS, NONPERFORMING ARTS FUNCTIONS

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–723) on the resolution (H. Res. 516) providing for the consideration of the bill (H.R. 3051) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 2440, AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 511

Resolved, That upon the adoption of this resolution it shall be in order, clause 2 of rule XXVIII to the contrary notwithstanding, to consider the conference report on the bill (H.R. 2440) to repeal the prohibition against the expenditure of certain discretionary funds under the Airport and Airway Development Act of 1970, and said conference report shall be considered as having been read when called up for consideration.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

□ 1230

The SPEAKER. The Chair recognizes the gentleman from Missouri (Mr. BOLLING) for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN). Pending that I yield myself such time as I may consume.

Mr. Speaker, this rule waives the 3-day rule so that the House may consider the conference report, the urgency of which is related to the use by the Secretary of Transportation of discretionary funds which I understand go to airports. The urgency is that they have not been able to be used since the beginning of the fiscal year, and if this resolution is not passed, they will not be able to use them until we pass it later on, obviously beyond the 22d of January. So I submit that this matter should be dealt with promptly. The rule is unexceptional, in my judgment.

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

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the able gentleman from Missouri (Mr. BOLLING) has explained the provisions of the resolution. I would like to say to the Members this is an effort of the conferees to bring to the floor of the House a measure which will be acceptable, and I urge the adoption of the resolution.

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

Mr. BOLLING. Mr. Speaker, I yield 8 minutes to the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, one thing everybody seemed to leave out of the discussion of the rule is that in the conference report is a weakening of the noise standards as far as they affect airplanes in the United States. Our subcommittee held hearings down in Burbank, Calif., where the people there are going out of their minds because of the noise levels at the airport. With deregulation the CAB is letting more and more air carriers come into airports and the noise level increases. So this is not a simple bill that waives some rule as far as discretionary funds are concerned. I am kind of shocked that the chairman of the Rules Committee did not mention that the urgency in this is the fact that the other body is ramming down our throats and down the ears of our constituents quite a bit of noise, even more noise than is taking place over to the right of me.

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

Mr. JOHN L. BURTON. I would be happy to yield to my friend, the gentleman from California.

Mr. GOLDWATER. I thank the gentleman for yielding. I would concur with his observations and would join him in pointing out to the House that this conference report, albeit a compromise, still relaxes the current pending law on noise standards. In essence a vote for the noise bill is a vote for more noise.

I would point out to my colleagues that a recent State of California Supreme Court decision ruled in favor of homeowners to the tune of some $86,000, not a great amount of money, but obviously in their ruling they observed that this is opening up the door for further lawsuits. I understand there are some almost $2 billion in lawsuits pending just in the Los Angeles area.

I think that this Congress should come down stronger in favor of regulations that will address the concerns of many millions of citizens who live in and around airports. I think the gentleman is making a very significant point that perhaps would go unnoticed if we hurried through this rulemaking procedure.

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

Mr. JOHN L. BURTON. I yield to my friend, the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding. I would like to associate myself with the remarks of both of the previous speakers, the gentlemen from California. I would like to say as one who has an airport that covers about 2 million residents in my district that we have a situation here where California has moved ahead in great strides, as has this country, in quieting down aircraft and encouraging airline companies to move ahead with progress, and quieter airplanes, and start well on the road to handling the problem. A vote for this particular conference report is a vote for noise, and it simply puts us in a position of advocating noisier aircraft, eliminating progress, and going back down the same disastrous road that, as the gentleman from California, Mr. GOLDWATER, says, will open the way to many lawsuits. It is not very often that I encourage the President to veto legislation, but as was reported this morning, the President may well veto this bill if it passes in its present form, which would be a disaster for those who are trying to preserve some sort of residential sanity.

So I commend the gentleman for bringing this matter up as to what should properly happen.

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

Mr. JOHN L. BURTON. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

I would like to respond somewhat to the several observations that have been made. There is no reduction in noise standards. I think that has been made by two or three of those who have spoken. Actually there is a toughening of noise standards. Under current FAA 36 regulations, the aircraft have to comply with what they call stage 2 requirements. What we did was make a trade. We gave them a little more time to comply, but the trade off on that was that if they took the additional time, then they could not go to stage 2 aircraft, they had to go to stage 3, which is a quieter, higher bypass, more fuel-efficient engine than the stage 2. So there would be a little more noise for awhile but less noise in the final analysis.

Mr. JOHN L. BURTON. I do not think it is an unfair statement, to say that there will be more noise; and, that during the discussion of the rule it was acted like that was not even part of the bill, and that is in fact a big part of the bill—the lessening of noise standards.

Mr. SNYDER. The gentleman is correct on that. That is a good portion of the bill. However, the emergency aspect is not the noise, and I think that is what the gentleman from Missouri was attempting to point out, that the discretionary funds have not been able to be allocated or obligated so long as the first occurs.

Mr. JOHN L. BURTON. So that is why the industry came in and had this tacked onto something that had some urgency to it?

Mr. SNYDER. The gentleman could be well correct in that observation.

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

Mr. JOHN L. BURTON. I yield to the gentleman from California.

Mr. DORNAN. I thank the gentleman for yielding. I would like to associate myself with the remarks of the gentleman from California (Mr. BADHAM). Residential sanity has an excellent ring to it. The Los Angeles Airport is in my district. When comedians on late night talk shows are talking about selling their homes around the Los Angeles Airport only to couples who have lost their hearing, it is kind of a sick joke. That is how desperate we have become.

Any kind of a rollback at all is wrong, and I would recommend that people again read the "Dear Colleague" letter that was circulated the day before yesterday by the gentleman from Florida, Mr. FUQUA, the gentleman from Ohio, Mr. HARKIN, the gentleman from New York, Mr. WYDLER, the gentleman from California, Mr. GOLDWATER, the gentleman from California, Mr. ROYER, and myself. We cannot reduce the noise standards that we have established after so many hard fought years in this House. I thank the gentleman.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding. I would like to associate myself with the remarks of the gentlemen from California. There is an airport in my district in a residential area. I have received over 100 letters of complaint. We cannot relax noise control provisions. Noise is another form of pollution, and we ought to recognize it as such.

□ 1240

Mr. JOHN L. BURTON. I would just say to my colleagues who are concerned about this that many of our brothers and sisters will be unaware that this provision is in this bill and I think it is important that we work the floor, that we work the doors and that we defeat this ignominous piece of legislation.

I thank the gentleman for yielding. I am not so sure about voting for the rule, either.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, it seems to me we have already talked about some of the procedural difficulties about bringing this matter up under this rule. That is, we have not been given the opportunity for proper consideration of the question at hand. This does not really come before this full House for full debate. This is an extremely important question to people in a number of different States. Those of us who have airports in our districts have been confronted by some who say, "Well, those people moved into those airport areas sometime ago, they knew the airports existed so they should take their lumps."

It is awfully easy to say that, Mr. Speaker, when you do not have to live in those areas and if you have not been living through the increase in noise which has taken place. There is a tremendous debate taking place in my own home community now as to whether or not they should even continue the airport. We happen to have commercial aircraft of the variety that have 2 engines with 100 seats or less and those are the ones that cause the biggest problem. They cause far more noise than the DC–10's or the 747's. Those are the things that are causing tremendous problems with the people's lives, with children attempting to go to school.

Mr. Speaker, if we did not have a commercially available aircraft that will meet existing standards and if we did not have some airlines that were not already committed to this, that would be one thing, but at least one manufacturer does and will have that available by this summer and there have been a number of commitments made by airlines around this country and internationally to comply with these rules.

I suppose you could even characterize this as the Boeing bailout bill because Boeing is a little late in getting their aircraft fleets on line and will not have them available for several years, which coincides with the delay of these noise standards. I do not think we ought to be doing that sort of thing. The problem is, some airlines and some aircraft manufacturers have made commitments in good faith to follow the standards set down by this Congress in prior years, and now when we are on the eve of their achieving what we told them to achieve we say, "Well, it is too bad, you may have wasted money, you may have in good faith attempted to be good neighbors to those people around those airports but we are going to give a little push off to others who have not been so conscientious."

Mr. Speaker, it seems to me that is the worst type of thing we can possibly do. How can we have any respect from the people at home if once we set standards and many in the industry go ahead to meet those standards, we then come here and withdraw those standards?

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

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

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Speaker, I will address myself to the subject of the conference report in just a moment but the gentleman made the statement there is a replacement aircraft available, a stage-3 aircraft available, already under design or in production. I am not aware of any stage-3 aircraft available for replacement of the 2-engine DC–9 or BAC–111. If there is one, I would appreciate knowing about it.

The SPEAKER pro tempore (Mrs. SCHROEDER). The time of the gentleman has expired.

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

Mr. LUNGREN. The DC–9 Super 80 which had its roll out a month and a half ago and will be in production by this summer.

Mr. LEVITAS. Will the gentleman yield, Madam Speaker?

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

Mr. LEVITAS. Is not the DC–9 a much larger aircraft than the smaller configuration needed to serve small communities?

Mr. LUNGREN. That is not true because, for instance, Pacific Southwest Airlines, which now brings into Long Beach Municipal Airport, for instance the smaller DC–9 model of its Boeing equivalent which has 100 persons or less is, I think, committed to either 12 or 16 of the new DC–9's to be used on these same routes.

In my area the airline could service more people. There is the demand of more people to travel but they cannot because the people in the community do not want the continued noise from the aircraft that they have today. The new DC–9's utilized for the very same purpose. It not only is the quietest but also the most fuel-efficient aircraft. It will be possible to utilize the plane in those airports and on those routes now utilizing the even smaller jets that we have

the 2-engine aircraft with 100 seats or less.

Mr. BOLLING. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Madam Speaker, I think the substance of the ball can be debated during the later portion of this if we pass the rule. It seems to me the central question here is, is the rule one that we should adopt. It seems to me, as was pointed out earlier, that the major part of the bill, which is the noise component, was never debated on the floor of this House.

We sent over from this House a simple ADAP discretionary funding bill. The Senate, because of their ability to attach nongermane amendments in conferences, did attach a monumental noise bill or, as some of our people say, noisy bill. The bill came back unrecognizable from the original bill the House originally passed and sent to conference. This legislation has devastating features about it. However, it seems to me what we are talking about is whether or not we should adopt the rule and the answer quite simply is, if we do not adopt the rule we will not have to, at this late stage, develop arguments against the noise bill, which many of us on the Aviation Subcommittee have dealt with for years, which will keep us here for hour upon hour, but it seems to me as well that the central question now is the rule.

The rule should be defeated. I think we should send this back and at a later date and in a calm, deliberative environment come back sometime next year and get into the noise features of this bill. I think that which we have before us today is an horrendous bill. Our subcommittee developed its own bill. Our bill is not the same bill that is coming back to us. A conference report implies that we have sent over to the other body after debate, after deliberations, and amendment on this House floor, a bill that we had the power to revise as a House. Then, in conjunction with the other body and at the conclusion of a conference bring it back. That was not the case. The rule, I think, should be defeated because at this eleventh hour, with but a few minutes today to review the conference report, those of us who believe noise is a major issue feel that we have been sandbagged by the conferees and by the Rules Committee.

Beyond this, to hold the International Air Transportation Competition Act of 1979 hostage to passage of this bill is a further outrage. The ADAP bill as passed by this House and returned by the conference and the ATCA referred to earlier should both be passed as separate entities but this rule on this mess should be defeated and I urge you to vote against this rule.

Mr. BOLLING. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Madam Speaker, I do not think the debate here should be whether we want more noise at airports. Obviously we want less noise at airports and around airports and we also want to have less noisy aircraft. It seems to me that the discussion that I have heard so far has not addressed what this conference report has achieved. The conference report is not the Senate bill, it is not the House committee bill, both of which I strongly oppose. In my judgment what we have here is a bill which will bring us to a less noisy situation in a shorter period of time because it will afford the opportunity of bringing on stream the least noisy of all aircraft, the stage-3 aircraft, to replace the 2-engine noisy aircraft which are today operating.

Madam Speaker, I would hope that the persons in this Chamber who are opposing this rule would take a look at what this conference report does and not tilt at the windmill of the original Senate bill or the House committee bill. This legislation in my judgment will, in a very short period of time, bring about a significantly greater reduction of noise than we would have if we went to a total retrofit program for the two-engine aircraft. For that reason I would hope the rule would be adopted and that we can discuss in greater detail what this conference report does and not some other evil that was lurking in the shadows of the Capitol for the last few months.

Mr. AMBRO. Madam Speaker, will the gentleman yield to me?

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

Mr. AMBRO. Madam Speaker, I think it might be acceptable to all if one had the opportunity to read the conference report, digest it, understand it, and develop whatever amendments we have to it. However, the conference report was just printed today and the amendment process is not available.

In fact, the reason why we are engaging in debate on this rule which precedes a conference report is that we must waive the 3-day requirement for reports to be laid upon the table. There was, and is in fact, no time for those of us interested in the problem of aircraft noises to study the substance of the report much less the ramification of this bill. To vote for this rule would be to vote for little time and limited information on a bill the major portion of which, the noise section, this House never debated and has no opportunity to amend.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOLLING. Madam Speaker, I yield 2 additional minutes to the gentleman from Georgia (Mr. LEVITAS).

□ 1250

Mr. LEVITAS. Madam Speaker, I would simply say this. We understand the gentleman's concern. That is one I think has to address itself to the judgment of each Member.

The conference report is available. The gentleman is a very active member of the Committee on Public Works and Transportation and is quite familiar with the issues and the data involved and I am sure will be able to make a judgment about it.

My only request and my only plea is that we address the merits of this legislation. I think it would be tragic if we condemned this conference report, which may be more beneficial in reducing noise, simply because there were some bad bills lurking around earlier.

I think that an analysis of this conference report and what it poses has a potential for significant noise reduction is something that ought to be considered on its merits.

I would urge that we not condemn this report on the basis of some other bills that were hanging around previously.

Mr. AMBRO. Madam Speaker, if the gentleman will yield further, may I ask, did the gentleman sign the conference report?

Mr. LEVITAS. The gentleman from Georgia was a member of the conference when the original conference completed its business. The gentleman from Georgia refused to sign the conference report. The gentleman from Georgia subsequently met with the Secretary of Transportation, the domestic adviser to the President, the director of OMB and other Members of the House and as a result of that, Senator CANNON reconvened the conference committee and made substantial changes in anything that had ever been put forward previously and I think has accomplished perhaps even better than we had proposed originally the result.

All I am suggesting is that vote as you will on final passage, but let us discuss the merits of this conference report, not the noisy bill, as we called it, that had originally been passed by the Senate.

This is a noise abatement bill. The Senate bill originally was a noisier bill. I think we really ought to talk about this legislation.

Mr. AMBRO. Madam Speaker, would the gentleman yield just one more time?

Mr. LEVITAS. I would be happy to yield.

Mr. AMBRO. Did the gentleman sign the final report?

Mr. LEVITAS. The gentleman from Georgia signed the final report, as did the gentleman from California, the chairman of the subcommittee.

Mr. BOLLING. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Madam Speaker, as the only conferee not to sign the conference report under consideration today, I feel compelled to explain why this agreement is still unacceptable.

While it is true that the conference report is an improvement over the original Senate amendments, the overall result is still a major step backward in the Government's program to reduce aircraft noise.

The major air carriers have been on notice since 1968 that by 1983 or 1985, depending on the type of aircraft, their fleet would have to meet noise standards promulgated by FAA. These standards were based on years of comprehensive study and analysis and the entire program was phased in over a period of

years to allow plenty of time for carriers to comply.

Responsible carriers took steps to insure that their fleets would be in compliance with Federal laws. But some carriers, rather than attempting to comply, have spent their energies year after year lobbying to gut the noise regulations.

By passing this bill, and allowing noisy airplanes to fly 1 day beyond the deadlines, we are in effect rewarding those who are refusing to comply with the law and punishing those responsible carriers who respect the law of the land.

This conference report would allow two engine airplanes to fly 2 years beyond the present deadline for compliance. This involves over 500 aircraft and over 10,000 operations a day which people on the ground will continue to be subjected to noisy aircraft operations.

The millions of people who live in areas surrounding our major airports have relied upon the fact that these regulations would go into effect on time and bring them some relief from this daily, constant, unrelenting noise. I cannot vote for a conference report which would break faith with the promises made to these citizens in 1968.

Mr. QUILLEN. Madam Speaker, I have no requests for time, but I would like to say to the Members that the testimony before the Committee on Rules from both sides of the aisle indicated that a healthy compromise had been worked out to do the job.

I believe it is a good approach to the matter and I urge adoption of the rule and the resolution.

Madam Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. BOLLING. Madam Speaker, I yield 6 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Madam Speaker, I rise in support of the rule and in support of the passage of the bill. It is true, that this is a very complicated bill. However, it is a very important bill. I was one of those opposed to the original conference report a week or so ago; but I think we have now worked out a compromise that will be a real plus.

One of the previous gentlemen said that the conference report would be a major step backward. I think it is just the opposite. If we do not pass this bill and if we do not change the Federal Aviation Regulations, it means that the airlines can replace their present noncomplying two engine aircraft with stage 2 aircraft by 1985. Under the conference report, the airlines are given an additional year to replace most two-engine aircraft, but the replacement aircraft must comply with stage 3 standards. Stage 3 is much, much quieter than stage 2.

One of the previous speakers mentioned the brand new DC–9 Super 80 that was just flown a couple of weeks ago. The DC–9–80 will replace today's noncomplying two- and three-engine aircraft. The DC–9–80 has not been fully tested yet, but it will, we are told, reach the requirements for a stage 3 aircraft.

Other replacement aircraft, the Boeing 757 and 767 are about 2 years away. These aircraft will have to meet stage 3 requirements.

If we pass this conference report, today's noisy airplanes will be replaced by stage 3 planes which are much quieter than stage 2; so when somebody says the conference report is a step backward, I question that. I think it is just the opposite.

Another speaker mentioned this was a rather unusual procedure: that we passed only a simple ADAP bill, a discretionary bill that would have provided $207 million for the fiscal year which started October 1. It was pointed out that the amendment passed on the Senate side added a noise program to our bill. This is nothing new. Many times we send bills to the Senate and they come back with additional provisions.

I want to emphasize that the conference bill we are recommending today is a much better bill as far as the environmentalists are concerned than the bill currently pending before the House Committee on Rules. Because I think the conference bill is a much better bill. I do not agree with the previous suggestion that we defeat the conference bill and bring the Public Works Committee bill to the floor of the House. I would like to describe the main features of the conference bill.

First, in title I we require FAA to establish a single system of measuring noise. We encourage airports to prepare noise exposure maps and noise abatement plans. We provide funding for planning and noise abatement programs. Under this bill, for the first time we have developed a comprehensive approach for planning and implementing programs to reduce noncompatible land use around airports. In title II we come up with a total of $279 million for airport safety and capacity projects. This was the original purpose of the bill, and the funding is badly needed by airports throughout the country.

□ 1300

Madam Speaker, title III covers the question of noise standards for air carrier aircraft. I have just talked about these provisions. I think if we give the airlines and the manufacturers a little more time they will be able to develop quieter stage 3 aircraft to replace the noisy aircraft now in use.

Title IV and title V deal with other problems. There is a provision prohibiting checking baggage with loaded firearms. Another provision resolves the Love Field problem, and there is a provision regulating solicitation of funds at federally managed airports. These matters have all been worked out without any problems.

Madam Speaker, this is a good bill, and I urge that the rule be adopted.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 195, nays 192, not voting 46, as follows:

[Roll No. 753]

YEAS—195

Abdnor	Glickman	Mitchell, Md.
Akaka	Gonzalez	Mitchell, N.Y.
Albosta	Goodling	Mollohan
Alexander	Gore	Moorhead, Pa.
Anderson, Calif.	Gramm	Murphy, N.Y.
Andrews, N.C.	Gray	Murtha
Anthony	Gudger	Myers, Ind.
Archer	Guyer	Natcher
Ashley	Hagedorn	Neal
Atkinson	Hall, Ohio	Nedzi
Bailey	Hall, Tex.	Nelson
Baldus	Hammer-schmidt	Nichols
Barnard	Hance	Nowak
Beard, Tenn.	Hanley	Oberstar
Bennett	Harsha	Perkins
Bereuter	Hawkins	Pickle
Bethune	Hefner	Preyer
Bevill	Hightower	Price
Boggs	Hillis	Pritchard
Bolling	Hinson	Pursell
Boner	Holland	Quillen
Bonker	Horton	Rahall
Bouquard	Howard	Rhodes
Bowen	Hubbard	Ritter
Breaux	Huckaby	Roberts
Brinkley	Ichord	Roe
Brown, Calif.	Jeffries	Rose
Broyhill	Jenkins	Rostenkowski
Burlison	Jenrette	Rudd
Campbell	Johnson, Calif.	Satterfield
Carr	Johnson, Colo.	Schulze
Carter	Jones, N.C.	Sharp
Clausen	Jones, Okla.	Shelby
Clay	Jones, Tenn.	Shuster
Clinger	Kazen	Simon
Coelho	LaFalce	Skelton
Coleman	Leach, La.	Smith, Nebr.
Collins, Tex.	Leath, Tex.	Snyder
Conable	Lee	Solomon
Conyers	Leland	Spence
Corcoran	Levitas	Staggers
Cotter	Lewis	Stangeland
Danielson	Livingston	Stanton
de la Garza	Lloyd	Steed
Derrick	Loeffler	Stenholm
Dicks	Long, La.	Stewart
Dingell	Long, Md.	Stokes
Dodd	Lott	Stratton
Duncan, Oreg.	Lowry	Swift
Duncan, Tenn	Lujan	Traxler
Edwards, Ala.	Luken	Ullman
English	Lundine	Volkmer
Ertel	McCormack	Wampler
Evans, Ind.	McDade	Watkins
Fary	McEwen	Whitten
Fascell	McHugh	Williams, Ohio
Findley	McKay	Wilson, Tex.
Fithian	McKinney	Winn
Flippo	Madigan	Wirth
Foley	Marlenee	Wright
Fountain	Marriott	Wyatt
Frost	Martin	Yatron
Gaydos	Mathis	Young, Alaska
Gephardt	Mattox	Young, Mo.
Gibbons	Miller, Ohio	Zablocki

NAYS—192

Addabbo	Bingham	Cheney
Ambro	Blanchard	Collins, Ill.
Annunzio	Boland	Conte
Aspin	Bonior	Corman
AuCoin	Brademas	Coughlin
Badham	Brodhead	Courter
Bafalis	Broomfield	Crane, Daniel
Barnes	Buchanan	Crane, Philip
Bauman	Burgener	D'Amours
Beard, R.I.	Burton, John	Daniel, Dan
Bedell	Butler	Daniel, R. W.
Beilenson	Byron	Dannemeyer
Benjamin	Carney	Davis, Mich.
Biaggi	Cavanaugh	Davis, S.C.

Derwinski	Kelly	Robinson
Devine	Kemp	Rodino
Dickinson	Kildee	Rosenthal
Donnelly	Kindness	Roth
Dornan	Kogovsek	Rousselot
Dougherty	Kostmayer	Roybal
Downey	Kramer	Royer
Drinan	Lagomarsino	Russo
Early	Latta	Sabo
Eckhardt	Leach, Iowa	Santini
Edgar	Lent	Sawyer
Edwards, Okla.	Lungren	Scheuer
Emery	McDonald	Schroeder
Erdahl	Maguire	Seiberling
Erlenborn	Markey	Sensenbrenner
Evans, Del.	Marks	Shannon
Fazio	Matsui	Shumway
Fenwick	Mavroules	Smith, Iowa
Ferraro	Mazzoli	Snowe
Fish	Mica	Solarz
Fisher	Michel	Spellman
Florio	Mikulski	St Germain
Ford, Mich.	Miller, Calif.	Stack
Forsythe	Mineta	Stark
Fowler	Minish	Stockman
Frenzel	Moakley	Studds
Garcia	Moffett	Stump
Gilman	Moore	Symms
Gingrich	Moorhead, Calif.	Tauke
Goldwater		Thomas
Gradison	Mottl	Thompson
Grassley	Murphy, Pa.	Trible
Green	Nolan	Udall
Grisham	O'Brien	Vander Jagt
Guarini	Oakar	Vanik
Hamilton	Obey	Vento
Hansen	Ottinger	Walgren
Harkin	Panetta	Walker
Harris	Pashayan	Waxman
Heckler	Patten	Weaver
Heftel	Paul	Weiss
Hollenbeck	Pease	Whitehurst
Holtzman	Petri	Whitley
Hopkins	Peyser	Whittaker
Hughes	Quayle	Williams, Mont.
Hutto	Railsback	Wolff
Hyde	Rangel	Wolpe
Ireland	Ratchford	Wylie
Jacobs	Regula	Young, Fla.
Jeffords	Reuss	
Kastenmeier	Rinaldo	

NOT VOTING—46

Anderson, Ill.	Edwards, Calif.	Pepper
Andrews, N. Dak.	Evans, Ga.	Richmond
	Flood	Runnels
Applegate	Ford, Tenn.	Sebelius
Ashbrook	Fuqua	Slack
Brooks	Giaimo	Synar
Brown, Ohio	Ginn	Taylor
Burton, Phillip	Holt	Treen
Chappell	Lederer	Van Deerlin
Chisholm	Lehman	White
Cleveland	McClory	Wilson, Bob
Daschle	McCloskey	Wilson, C. H.
Deckard	Montgomery	Wydler
Dellums	Murphy, Ill.	Yates
Diggs	Myers, Pa.	Zeferetti
Dixon	Patterson	

□ 1310

The Clerk announced the following pairs:

On this vote:

Mr. Deckard for, with Mr. Zeferetti against.

Mr. McClory for, with Mrs. Chisholm against.

Mr. Sebelius for, with Mrs. Holt against.

Mr. Taylor for, with Mr. Wydler against.

Until further notice:

Mr. Lederer with Mr. Evans of Georgia.

Mr. Van Deerlin with Mr. Giaimo.

Mr. Richmond with Mr. Runnels.

Mr. Montgomery with Mr. Brown of Ohio.

Mr. Myers of Pennsylvania with Mr. Ashbrook.

Mr. Pepper with Mr. McCloskey.

Mr. Charles H. Wilson of California with Mr. Andrews of North Dakota.

Mr. Brooks with Mr. Anderson of Illinois.

Mr. Applegate with Mr. Cleveland.

Mr. Chappell with Mr. Dashle.

Mr. Dellums with Mr. Diggs.

Mr. Edwards of California with Mr. Ford of Tennessee.

Mr. Lehman with Mr. Bob Wilson.

Mr. Stack with Mr. Dixon.

Mr. White with Mr. Patterson.

Mr. Yates with Mr. Murphy of Illinois.

Mr. Ginn with Mr. Giaimo.

Mr. Fuqua with Mr. Phillip Burton.

Messrs. ANNUNZIO, STACK, DOUGHERTY, and OTTINGER, Mrs. COLLINS of Illinois, and Mr. SEIBERLING changed their votes from "yea" to "nay."

Messrs. SIMON, WINN, and BEARD of Tennessee changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS CONCERNING THE WHITE HOUSE PRESERVATION FUND

Mr. LEVITAS. Madam Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the joint resolution (H.J. Res. 462) expressing the sense of Congress concerning the White House Preservation Fund, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

□ 1320

Mr. HARSHA. Madam Speaker, I reserve the right to object. Madam Speaker, I would inquire of my distinguished colleague from Georgia (Mr. LEVITAS) if he would explain what he is endeavoring to do here.

Mr. LEVITAS. Madam Speaker, will the gentleman yield?

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

Mr. LEVITAS. I thank the gentleman for yielding.

Madam Speaker, I would like to point out that since the White House was first occupied during the Presidency of John Adams, the House has been renovated, maintained and restored by appropriation from the Congress. For the most part, however, the furniture, paintings, decorative objects and furnishings have been available only on loan or through private donation. The refurbishing of public rooms and preservation of historic items has also been accommodated by public-spirited individuals. During the past 28 years, a concentrated effort has been made to restore the White House and its public rooms to fitting elegance and historic charm and to establish a permanent collection of antique and representative craftsmanship of the highest quality and of the most important historical significance. Despite earnest efforts of numerous individuals, the establishment of a complete permanent collection has not yet been achieved.

To assist in achieving this goal, in May 1979, a new private, nonprofit organization, the White House Preservation Fund, was chartered in the District of Columbia to work with the White House Historical Association and the Committee for the Preservation of the White House in providing a perpetual endowment for the benefit of the historic White House. The purpose of the White House Preservation Fund is to further public identification with and enjoyment of the White House, and to preserve and perpetuate it as an enduring legacy shared by all citizens. The intent of the fund program is to create a clear and lasting public perception of the White House as a cultural heritage and as a living symbol of the institution of American democracy.

The preservation fund is the most ambitious effort ever undertaken to guarantee a future permanent White House collection, thus, it is worthy of the broadest possible national support. House Joint Resolution 462 seeks to assist in achieving that goal.

The purpose of this sense of Congress resolution is to give support to the efforts of the White House Preservation Fund and urge the encouragement and support of the American people and its nonpartisan program to raise an endowment to insure the permanent collection of and perpetual care for furniture, paintings, decorative art, and representative craftsmanship.

Mr. HARSHA. I would ask my distinguished colleague from Georgia, this measure in no way preserves and perpetuates the present occupant of the White House in the White House, does it?

Mr. LEVITAS. I would hope and expect that President Carter will be there to enjoy this for 5 more years. But it will be there for whomever may occupy it.

I might say there are no public funds and no authorizations or appropriations required in connection with this.

Mr. BAUMAN. Madam Speaker, will the gentleman yield?

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

Mr. BAUMAN. What was the gentleman's answer to the question as to whether this resolution preserved the present occupant of the White House?

Mr. LEVITAS. It would be the gentleman's hope that would be the case, and President Carter will enjoy it for another 5 years, but it would of course be available to whomever should succeed him in 1 or 5 years.

Mr. PEYSER. Madam Speaker, will the gentleman yield?

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

Mr. PEYSER. I thank the gentleman for yielding.

I would simply like to say that I do think this is a very worthy resolution and one that Members can acquaint their own people, select people in their own districts who I have found, since this announcement, have come out most interested in reaching the White House Preservation Fund to see if they can either contribute in dollars or in works of art that I think would be most appreciative.

I think this is a very worthy situation.

Mr. HARSHA. Madam Speaker, as the distinguished gentleman from Georgia (Mr. LEVITAS) has pointed out, this is

simply a joint resolution expressing the sense of Congress concerning the White House Preservation Fund.

I certainly have no objection.

I urge the adoption of the resolution.

Madam Speaker, I withdraw my reservation of objection.

● Mr. JOHNSON of California. Madam Speaker, I would like to associate myself with the remarks of the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Georgia (Mr. LEVITAS). As a cosponsor of this joint resolution, I would like to point out that this residence of our Chief of State represents a cultural heritage, replete with vivid reminders of our progress as a people, a society and a nation. We own it, we visit it; we admire it as a symbol of our national character; we respect its tradition; we take pride in extending its hospitality to the world as a mark of open generosity toward the family of nations.

More than one and a half million visitors go through the White House every year, making it perhaps the most frequently toured home in the world. The White House is a museum of American history.

The purpose of the White House Preservation Fund is to further public identification with and enjoyment of the White House, and to preserve and perpetuate it as an enduring legacy shared by all citizens. Toward this end, the Fund is now engaged in a program to raise a $25 million endowment which may assure a permanent collection of and perpetual care for furniture, paintings, decorative art, and representative craftsmanship of the highest quality and of the most important historical significance.

The unique purpose and significant goal of this endowment program warrants recognition. It offers a unique opportunity for individuals and organizations of good will to support a singularly representative and lasting reflection of America's art and craftsmanship. Further, it will help guarantee that these symbols of our Nation's past will be proudly displayed for generations to come. I urge passage of the joint resolution.●

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 462

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the White House Preservation Fund, a private nonprofit organization having for its primary purpose assisting in the preservation and enhancement of the historic and museum character of the White House and the cultural and historic traditions which the White House represents, is deserving of the encouragement and support of the American people in its nonpartisan program to raise an endowment to assure a permanent collection of, and perpetual care for, furniture, paintings, decorative art, and representative craftsmanship at the highest quality and of the most historical significance.

The joint resolution 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. LEVITAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5741, MORTGAGE SUBSIDY BOND AND INTEREST EXCLUSION TAX ACT OF 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–724) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 5741) to amend section 103 of the Internal Revenue Code of 1954 to provide that the interest on mortgage subsidy bonds will not be exempt from Federal income tax, and to exempt interest on certain savings from Federal income tax, which was referred to the House Calendar and ordered to be printed.

CONDEMNING THE USE OF CHEMICAL AGENTS IN INDOCHINA

Mr. ZABLOCKI. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 512) condemning the use of chemical agents in Indochina.

The Clerk read the title of the resolution.

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

Mr. PRITCHARD. Madam Speaker, reserving the right to object, I will not object; however, I would like to take this opportunity to ask the gentleman from New York (Mr. WOLFF) to explain the purpose of this resolution.

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

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

Mr. WOLFF. Madam Speaker, today, I rise to ask unanimous consent that the House give its approval to a resolution offered by the Subcommittee on Asian and Pacific Affairs on behalf of our colleagues Mr. LEACH of Iowa, Mr. BONKER, chairman of the Subcommittee on International Organizations, Mr. PRITCHARD and our other cosponsors, calling on the United States and the Soviet Union to join at the United Nations in an attempt to stop the use of lethal chemical agents—poison gas—in warfare.

Last week, the Subcommittee on Asian and Pacific Affairs held a hearing on the issue of the use of chemical agents in Southeast Asia since the Vietnam war. We heard testimony from Mr. LEACH and Mr. PRITCHARD, from medical experts such as Col. Charles W. Lewis, U.S. Army Medical Corps, and others from the State Department and the Department of Defense.

In particular, we heard graphic eyewitness testimony from a victim of poison gas attacks in Laos.

Our conclusion was as follows: that the H'Mong hill tribes of Laos have been the victims of the concerted use of lethal chemical agents during a period covering 1976 to at least May of this year.

We concluded further that the Vietnamese, having in effect "tested" poison gas on the H'Mong, are now using similar chemical agents in Cambodia and on the Thai border.

Our colleague, Mr. LEACH, presented strong circumstantial evidence that the Soviet Union is aware of this activity, although the inability of our intelligence services to document a sample of chemical agent residue has, for the time being, made it impossible to state with scientific certainty that Soviet-made chemical agents were used in Laos, or are being used in Cambodia.

It is this larger issue—the role of the Soviet Union—which we wish to address today through the vehicle of House Resolution 512, which we now present for your approval. And, I would like to congratulate Mr. LEACH and Mr. PRITCHARD for their authorship of this legislation.

Madam Speaker, it is well known that the Soviet Union presently maintains massive stockpiles of chemical agents, particularly nerve gas, in Europe. It is a clear tenet of Soviet strategy to employ chemical agents in the event of an attack on Western Europe, although the Soviets, and the United States and our NATO allies have, on paper, eschewed the "first strike" option on chemical agents.

Be that as it may, the need for a comprehensive agreement with the Soviet Union on the production and stockpiling of chemical agents—in addition to the use of such agents—is now more urgent than ever before.

The horrible facts which we have documented in our hearing on Laos and Cambodia simply illustrate what should already have been very clear from World War I, or the use of Soviet mustard gas in the Yemen 10 years ago—chemical agents must be banned from production and use in war.

Because of the massive Soviet stockpiles already existing, this is obviously a difficult issue in the often confusing field of arms control. However, good beginnings have been made, starting with the 1899 Hague Convention, the 1925 Geneva Convention, and the 1972 convention.

The United States and Soviet delegations to the United Nations are currently attempting to negotiate the final step in the process which began in 1899, which our resolution characterizes as "an agreement intended to form the basis for achieving the general, complete, and verifiable prohibition of chemical weapons."

Speaking personally, and not for the subcommittee or any of my colleagues, I would note that the Pentagon is reported to be requesting for fiscal year 1981 $20 million of an eventual $150 million facility to produce new stocks of nerve gas weapons. While it is true that no new chemical warfare weapon has been added to the U.S. arsenal since 1969, I must question the wisdom of proceeding with new weapons at the very time we are attempting to negotiate their general ban.

Rather, I would think we should be concentrating our efforts in the negotiations at the United Nations, which this resolution urges. Granted that the verification problem exists for chemical agents, as in other arms control negotiations, it would at the very least seem more prudent to hold off on the development of new chemical weapons until Soviet intentions—and good faith—are more clearly tested in the present negotiations.

In conclusion, I would note that our hearing addressed the touchy issue of the United States use of chemical agents—specifically, the defoliant, "agent orange"—during the Vietnam war.

First, let me report that we were assured by witnesses from the Defense Intelligence Agency that the lethal chemical agents used in Laos and Cambodia were not captured U.S. stocks, because no such weapons were used during the war.

Second, let me emphasize that the Subcommittee on Asian and Pacific Affairs rejected the contention that because of our use of the defoliant agent orange during the war we have no right to attempt to halt the use of overtly deadly chemical agents at this time.

Again, speaking personally, I do think that as Congressmen, we must help our Government accept the responsibility which use of agent orange implies regarding the American military personnel exposed to it. Thus, I welcome the determination by the administration to study this situation, and the Veterans' Affairs Committee hearings on the issue.

In conclusion, I would emphasize that at no time did the United States use nerve gas, or other lethal chemical agents in Southeast Asia. However, as our hearings have documented, the evidence is now conclusive that the Vietnamese carried out a deliberate campaign in Laos, and are now doing so in Cambodia.

Our ability to influence Vietnam through world public opinion, while limited, has been demonstrated at the Geneva Conference on Refugees. I hope that this resolution, which clearly places the responsibility on the Soviet Union for joining with the United States in acting to halt the use of chemical weapons in warfare, will thus have a dual effect, given Moscow's role as Hanoi's chief international protector and sponsor.

I thus urge the House to approve House Resolution 512, condemning the use of chemical agents in Indochina, and urging the negotiation of a worldwide ban on the production and use of such agents in the future. I would like to present for the RECORD a copy of this legislation:

H. RES. 512

Whereas there is substantial reliable evidence that lethal chemical agents have been used against the Hmong tribespeople in Laos;

Whereas there are indications that thousands have died in these attacks;

Whereas reports now indicate the use of chemical agents in Kampuchea (Cambodia);

Whereas the Hague Convention of 1899 prohibits the use of poison or poisoned arms in warfare;

Whereas the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (signed at Geneva on June 17, 1925) prohibits "the use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices";

Whereas in the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxic Weapons and Their Destruction (signed on April 10, 1972) each signatory "affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations"; and

Whereas the United States and Soviet Union delegations to the United Nations Committee on Disarmament are currently negotiating an agreement intended to form the basis for achieving the general, complete, and verifiable prohibition of chemical weapons: Now, therefore, be it

Resolved, That (a) the House of Representatives condemns the use of lethal chemical agents against Hmong tribespeople in Laos and any such use in Kampuchea (Cambodia), as violating the spirit of international law and morality.

(b) It is the sense of the House of Representatives that the President should take urgent diplomatic action to bring about the immediate cessation of chemical agent use in Indochina.

(c) It is the sense of the House of Representatives that the President should direct the United States delegation to the United Nations Committee on Disarmament to express strong concern over the use of chemical agents in Indochina.

(d) It is the sense of the House of Representatives that the President should direct the United States delegation to the United Nations Committee on Disarmament to intensify its efforts to reach agreement with the delegation of the Soviet Union on a general, complete, and verifiable prohibition of chemical warfare.

(e) It is the sense of the House of Representatives that the President should report to the Congress, within six months after the date of adoption of this resolution, on steps the United States has taken in pursuit of the foregoing objectives.

Mr. PRITCHARD. I thank the gentleman.

Madam 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 resolution, as follows:

H. RES. 512

Whereas there is substantial, reliable evidence that lethal chemical agents have been used against the Hmong tribespeople in Laos;

Whereas there are indications that thousands have died in these attacks;

Whereas reports now indicate the use of chemical agents in Kampuchea (Cambodia);

Whereas the Hague Convention of 1899 prohibits the use of poison or poisoned arms in warfare;

Whereas the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (signed at Geneva on June 17, 1925) prohibits "the use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices";

Whereas in the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxic Weapons and Their Destruction (signed on April 10, 1972) each signatory "affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations"; and

Whereas the United States and Soviet Union delegations to the United Nations Committee on Disarmament are currently negotiating an agreement intended to form the basis for achieving the general, complete, and verifiable prohibition of chemical weapons: Now, therefore, be it

Resolved, That (a) the House of Representatives condemns the use of lethal chemical agents against the Hmong tribespeople in Laos and any such use in Kampuchea (Cambodia), as violating the spirit of international law and morality.

(b) It is the sense of the House of Representatives that the President should take urgent diplomatic action to bring about the immediate cessation of chemical agent use in Indochina.

(c) It is the sense of the House of Representatives that the President should direct the United States delegation to the United Nations Committee on Disarmament to express strong concern over the use of chemical agents in Indochina.

(d) It is the sense of the House of Representatives that the President should direct the United States delegation to the United Nations Committee on Disarmament to intensify its efforts to reach agreement with the delegation of the Soviet Union on a general, complete, and verifiable prohibition of chemical warfare.

(e) It is the sense of the House of Representatives that the President should report to the Congress, within six months after the date of adoption of this resolution, on steps the United States has taken in pursuit of the foregoing objectives.

☐ 1330

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

GENERAL LEAVE

Mr. ZABLOCKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I rise in support of House Resolution 512 condemning the use of chemical agents in Indochina.

At the outset I want to commend the principal sponsor of the resolution, our colleague from Iowa (Mr. LEACH), and the distinguished chairman of the Subcommittee on Asian and Pacific Affairs, Mr. WOLFF, and Mr. PRITCHARD for their

efforts to bring this timely resolution to the floor.

It has become increasingly evident that since 1976 the Hmong hill tribes of Laos have been the victims of the use of lethal chemical agents. There are revelations that thousands have died from this abhorrent practice.

House Resolution 512 condemns the use of lethal chemical agents in Indochina. It also expresses the sense of the House that the President should direct the U.S. delegation to the U.N. Commission on Disarmament to express strong concern over this situation.

Madam Speaker, I urge the adoption of this resolution.

Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GUYER) for purposes of debate only.

Mr. GUYER. Madam Speaker, House Resolution 512 is an appeal for international attention to, and action aginst a heinous practice which has been employed by the Governments of Vietnam and Laos, that of attacking helpless Hmong and possibly Cambodian villagers with poison chemicals.

There are several International Conventions against this practice. We all know the terrible legacy of gas warfare from World War One. Use of such chemical agents has been banned by civilized nations for years.

When the Socialist Republic of Vietnam was admitted to the United Nations, it adhered to the U.N. Charter and several conventions against chemical warfare. We ought to remind the governments in Indochina that there are such commitments.

The Refugee Conference in July of this year, which focused international attention on the refugee problem, and brought world public opinion against Hanoi, did achieve some results. The refugee outflow slowed down appreciably. It is hoped that an outraged public opinion will again help.

In any event, Indochina is already a scene of too much tragedy without the added horror of gas attacks.

This resolution at least goes on record against this practice and could well serve to enlist an enlarged joining of other nations' hands against this inhumane practice. I support this resolution wholeheartedly and urge my colleagues to do likewise.

Mr. ZABLOCKI. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Madam Speaker, I rise in strong support of this resolution, condemning the use of chemical agents in Indochina.

During the hearing it was learned not only that poison gas has been used against the Hmong tribesmen in Laos and most probably against Cambodians but that the U.S. State Department has had knowledge of such use concerning Laos for over a year, and rather conclusive evidence for the last 6 months.

That knowledge was not made public; it was not even made known to the chairman of the subcommittee on Asian Affairs or the chairman of the full Foreign Affairs Committee.

All that the State Department did, apparently was to—using their words—send "demarches" to Laos, Vietnam, and the Soviet Union. All three no surprise, denied any culpability.

When I asked why the State Department had not notified the committee, much less the public, the reply was that they thought quiet diplomacy was the way to go.

It was not "quiet" diplomacy that brought the attention of the world to bear on the tragedy of the boat people or starvation in Cambodia.

And, it was congress you will recall, that first raised the alarm on the murderous regime of the Pol Pot, not the State Department.

Madam Speaker, I submit, only partly facetiously that what we really need is an American desk in the State Department.

Mr. ZABLOCKI. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Madam Speaker, I also want to join my colleagues in commending this committee and the subcommittee, Chairman ZABLOCKI, the distinguished gentleman from New York, Mr. WOLFF, and all of the members that took the time to extensively go into the testimony we received. With only a few more votes today before we begin our beautiful holiday season, I note that we will be leaving during the conclusion of the Year of the Child, 1979. And yet children are suffering and dying around the world. The refugee totals have doubled in Pakistan. Those poor souls fleeing from a Sovietized Afghanistan increased from 150,000 to 300,000 in just a few weeks. Thousands of Asian refugees are still dying on the high seas. Most of them are children. It has been estimated that as many as 25 million children around the world are going to die of famine. With those problems and the plight of our American hostages held in Iran, we now have the spectre of poison gas haunting us from World War I. That this problem should again arise on the world scene is an absolutely amazing and frightening development.

My dad won two Purple Hearts in World War I. He was awarded two for being "wounded" with poison gas. If we are reconsidering the use of agent orange, the material used as a defoliant in the Vietnam conflict. I would ask every Member of this House who has a rule against voting for resolutions—there are always three or four who vote "present" and one or two who want to swim like a salmon upstream—let us try in this body, in this blessed holiday season, to make this a unanimous vote.

I would remind my colleagues that if this had been used by someone in the free world, and had this been 1974 instead of 1979, during that emotional debate period, this discussion would have been interminable.

The people with whom I have discussed this matter, including Mr. WOLFF in Thailand, are convinced that the hard evidence is there. This is the poison gassing of women and children. If we cannot get a unanimous vote on this, we will simply make ourselves look foolish. Please, I ask we have a unanimous vote.

Mr. ZABLOCKI. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Madam Speaker, I wish to concur in the statements that have been made. I would state to the distinguished chairman of the committee, if I may have his attention, that the use of chemical warfare is a very repulsive subject which shocks the civilized mind. However, I would state that use in Cambodia is the sixth time, is it not, that chemical warfare has been used in this century, and each time it has been used it has been used against a people that do not have the ability to retaliate.

I observe that the amendment has language directed toward getting an agreement with the Soviet Union, and I cannot, I will not question the language, except I rather doubt if we will be able to get what this body would consider a verifiable prohibition of chemical warfare from the Soviet Union. I would point out to my colleagues that the Soviet Union now has better than 100,000 troops actively engaged in training in chemical warfare in a very realistic environment.

I feel very strongly that with what is happening in the United States, if we do not build up at least a retaliatory capability to deter the Soviet Union from possibly using chemical warfare against us, we would be making a mistake.

□ 1340

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. ZABLOCKI. Madam Speaker, I yield 1 additional minute for debate purposes only to the gentleman from Missouri.

Mr. ICHORD. Madam Speaker, my concern is that our horror against chemical warfare should not deter us from building up a defensive and offensive capability in the chemical warfare field in order to deter it. The only other alternative is to answer possible chemical attacks with nuclear warfare. This lowers the threshold of nuclear warfare.

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

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

Mr. WOLFF. The objective of this resolution is to draw world attention to the use of this type of toxic agent against not only the Hmong people of Laos, but as well against the defenseless people who are refugees and who are trying to escape the problems of Cambodia. The reference to the Soviet Union occurs because Vietnam itself does not possess the capability of producing a chemical weapon of the type that is being used, and must get it from another source. And, that source is said to be the Soviet Union.

Mr. ZABLOCKI. Madam Speaker, I

yield 1 minute to the gentleman from Maryland (Mr. BAUMAN) for debate purposes only.

Mr. BAUMAN. Madam Speaker, I just wanted to ask a question. I read this resolution just now. I certainly concur with everything that has been said, but nowhere in the resolution does it say who is perpetrating this inhumane outrage. The reference of the gentleman from New York is the first I have heard referring to Vietnam. Is this the same Vietnam Communist Government backed by the Soviet Union that we were told a few years ago should be permitted to take over Vietnam because it would bring a better day, a humanitarian day?

Why do we not condemn communism for causing this mass slaughter? Why do we not mention that in the resolution? Does communism not exist any more? Are not Soviet and Vietnamese Communists responsible for this mass killing? Why not put the blame where it belongs?

Mr. ZABLOCKI. Madam Speaker, I will respond to the gentleman. The only thing we are absolutely sure of is that there were thousands and thousands of innocent people who lost their lives because of the use of chemical warfare agents in Laos and in Cambodia. Who did it, what type of chemical agent was used, was not known.

Mr. BAUMAN. The gentleman is saying that he does not know whether the Communists there are responsible?

Mr. ZABLOCKI. I did not imply that at all.

Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH), a principal sponsor of the resolution, for purposes of debate only.

Mr. LEACH of Iowa. Madam Speaker, I would like to comment very briefly on the representations of the gentleman from Maryland. The testimony brought out very, very clearly that what we are talking about is the use of weapons by the Vietnamese Communist forces, almost certainly supplied by the Soviet Union. There is no doubt whatsoever about that, and I think the record ought to be clear. It was clear in the testimony presented, and if it is not clear within this resolution then, as one of the architects of it, I apologize for that. It is certainly implicit.

Mr. BAUMAN. Madam Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Maryland.

Mr. BAUMAN. I appreciate the gentleman from Iowa making that point, but it seems to me that if the Congress is repeatedly called upon to pass resolutions from this committee condemning various actions, we ought to condemn the people and nations performing the actions and say who they are. Maybe the bad judgment of some in this House will not allow them to refer to communism as an evil. It seems to me the American people should know who and what is responsible for the actions this resolution condemns. Such inhumanity to one's fellow man is inherent in Communist philosophy and history is filled with similar mass brutality on the part of the Communists.

Mr. WOLFF. Madam Speaker, will the gentleman yield for a comment?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. WOLFF. Madam Speaker, as for the nomenclature that is involved, certainly when we classify this as Vietnam we do not call it the Democratic Government of Vietnam, which is their actual designation. We do that specifically and on purpose because there is no democracy there. Similarly, that has been left out of the resolution, but the inference is there very clearly. There is only one government that exists there, and even if there is a second government, they are both Communists.

Mr. LEACH of Iowa. Madam Speaker, to recapture my time, let me just stress that in the debate this afternoon it was our intention to very strongly point out who is responsible for this chemical weapon usage, and to emphasize that it is the Soviet Union that has the world's largest stockpile of chemical weapons. Very importantly, we are seeing a new strategic use for these weapons for the first time.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. ZABLOCKI. Madam Speaker, I yield 1 additional minute to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman from Wisconsin for yielding and for his and the gentleman from New York's cooperation and assistance in bringing before the Congress and the public the extremely important issue of the use of lethal chemical weapons in Indochina. The gentlemen are properly respected for their expertise in Asian affairs and for calling attention to the many unfortunate human tragedies occurring today in Southeast Asia.

Madam Speaker, among the many inhumanities being inflicted upon the peoples of Indochina today is one which has until recently received little attention. The use of lethal chemical weapons against the Hmong minority group in Laos over the past 3 years and the more recent reports that similar poison gas warfare is taking place in Cambodia are extremely disturbing. Their employment in remote areas of these countries, far removed from international scrutiny, represents a considerable danger to the world community, which has universally condemned this type of warfare for many decades.

Vietnam is using lethal chemicals to suppress opposition to its domination of Indochina. Gas weapons offer certain military advantages over conventional warfare to the Vietnamese against scattered populations in inaccessible areas. The terrifying nature of these weapons also has a significant psychological effect upon the populace they are employed against.

The Soviet Union, as the principal military and political supporter of Vietnam, is almost certainly the source of the chemical weapons being used today in Indochina. The Soviet Union possesses the world's largest stockpile of chemical weapons and Soviet military doctrine heavily emphasizes chemical warfare. For Moscow, Indochina represents a unique, remote Third World battlefield where sophisticated chemical weapons can be tested for effectiveness against human targets.

Our country has placed the highest priority on negotiating limitations with the Soviet Union on strategic nuclear forces. There is no reason why we cannot do the same with chemical weapons. Fortunately, neither nuclear nor atomic weapons have been used in warfare since Hiroshima and Nagasaki. We cannot say the same of chemical warfare, and if we do not successfully negotiate an agreement to permanently ban these weapons from the arsenals of man we can expect to see them used elsewhere in the future as they are being used in Indochina today.

House Resolution 512 which we have before us today condemns the use of lethal chemical agents against the Hmong tribespeople in Laos and any such use in Cambodia as violating the spirit of international law and morality. The resolution expresses the sense of the House that the President should take urgent diplomatic action to bring about the immediate cessation of their use in Indochina. It further calls on the President to express our Government's strong concern to the United Nations and to intensify our efforts to reach agreement with the Soviet Union on a general, complete, and verifiable prohibition of chemical warfare.

The chemical weapons used in Indochina today make no distinction between civilians and combatants, between men and women or between children and adults. They have been used indiscriminately against villages and farms, killing civilians and resistance fighters alike, as well as animals such as dogs, chickens, pigs, cattle, and buffalo.

They call it "medicine from the sky." It comes down as a yellow or red or white rain, and it causes convulsions, nausea, bleeding from the nose and mouth, and death.

The perversion of science involved in the exploitation of chemical weapons by modern armies represents one of the tragedies of the 20th century. Fortunately, since their widespread utilization in World War I, the documented instances of the use in combat of lethal chemicals have been few. Mussolini's forces sprayed poisonous gas from airplanes against Ethiopian troops in 1935. Imperial Japanese troops sporadically used chemical warfare in China between 1937 and 1945. Egypt under President Nasser dropped poison gas bombs, probably of Soviet origin, in the civil war in Yemen between 1963 and 1967.

The renewed use of these reprehensible weapons underlines the immorality of Vietnam's efforts to exterminate opposition to its control of Indochina and sets as well a dangerous precedent.

If the civilized world's injunctions against the use of chemical weapons are flagrantly ignored in Southeast Asia, the

legal, moral, and political sanctions against their employment elsewhere will almost certainly be weakened.

With these concerns in mind, last January I visited Nong Khai, a refugee camp in northern Thailand. After personally interviewing Hmong who witnessed chemical weapons attacks, I became convinced of the validity of refugee claims and requested that the State Department launch a thorough investigation of the problem and raise the chemical weapons issue as a high priority item in appropriate international bodies.

Unfortunately, the administration displayed surprising reluctance to confirm this past spring and summer that chemical weapons were indeed being used by the Vietnamese and Laotian Communist forces, despite the widespread refugee reports and the corroboratory intelligence information available at the time.

The reluctance of our Government to confirm the irrefutable is reminiscent of the refusal of Western democratic governments in the late 1930's and early 1940's to accept the growing body of evidence that pointed to Nazi concentration camp gassing of Europe's Jewish population.

Tragically, this reluctance to confirm the usage of these terrifying weapons in Laos may have contributed to their further legitimatization and thus to their recent probable use in Cambodia.

Having spent 2 years working on arms control issues within the State Department, I am convinced that far too low a priority has been given to the issue of chemical weapons. Massive public attention has been accorded SALT and the control of nuclear weapons, but chemical weapons can be just as lethal and unlike nuclear weapons are being used today. It is therefore incumbent on the entire civilized world to condemn the use of these weapons in Indochina and to make negotiation of an international convention restricting the development of chemical weapons a matter of highest priority.

It is particularly incumbent on the U.S. Government to forthrightly confront this issue and give it priority attention. The record of this administration, as well as the previous several, in this connection is open to serious criticism.

From our experience in the Vietnam war using virulent herbicides like agent orange, our Government also has special responsibility to insure that chemicals causing long-lasting physical damage to individuals and their offspring, even though not specifically designed as antipersonnel weapons, should be outlawed from the arsenals of man.

There is grave danger that chemical warfare may become the poor man's weapon of mass destruction. Nuclear weapons are beyond the financial and technical capabilities of most nations and bacteriological warfare is generally regarded as too dangerous and uncontrollable. Many countries, however, can produce or obtain some types of lethal chemicals which lend themselves to military or internal police purposes.

If Vietnam and its principal weapons supplier—the Soviet Union—can use lethal chemicals in Indochina with impunity, the list of other states which may use poison gas will almost certainly grow. And it is not too farfetched to imagine a Soviet surrogate such as Cuba being trained and equipped with this capability.

More importantly, from the perspective of NATO, it is estimated that Soviet forces include 90,000 officers and men trained extensively in chemical weaponry. The United States, by contrast, has perhaps 2,000, and a military doctrine reflecting a substantially lower tolerance for chemical weapons usage.

It is thus of vital significance that as a country we recognize that for the Soviet Union, Indochina represents a remote Third World battlefield where sophisticated chemical weapons are being tested for effectiveness.

Who are the Soviet military's human guinea pigs? In Laos they have largely been a hilltribe people called the Hmong—15,000 of whom are now living in the United States.

Once numbering more than 300,000, the Hmong have a long history of opposition to Lao and Vietnamese Communist authority. Hmong forces fought with the French against the Viet Minh; and then, for 13 years, aided the United States during the Vietnam war. Suffering an estimated 30,000 casualties, Hmong troops helped deny large areas of Laos to the North Vietnamese. Had it not been for the Hmong, Hanoi could have thrown additional divisions into the war in South Vietnam. American soldiers are alive today because the Hmong stood with us.

Today the Hmong culture could be at the point of extinction. The resistance of the Hmong to Vietnamese authority and their flight from Laos are symbolic of those in Indochina who disapprove of Hanoi's totalitarian policies.

Similarly, the use of poison gas by Vietnam against the Hmong is symbolic of the lengths to which Hanoi will go to suppress opposition to its domination of Indochina. Ethnic Chinese drowned in the South China Sea, Cambodians starved to death, Hmong lethally gassed—all reflect a willingness by Vietnam to use military and other means to impose its rule, even to the point of genocide.

The plight of these people and the inhumanity of man's genius to develop and use indiscriminate weapons of mass destruction cannot be ignored.

Hopefully, focusing international attention on these events in Southeast Asia will bring a halt to the use of poison gas by the Vietnamese and give renewed momentum to negotiation of a new international convention to prohibit the development and stockpiling of chemical weapons.

If such constructive initiatives are not soon forthcoming, new impetus to the arms race will almost certainly result.

Mr. ZABLOCKI. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WOLFF) for debate purposes only.

Mr. WOLFF. Madam Speaker, I thank the chairman for yielding. I should like the House to know, that in addition to the question of gas, I have today received some indications that we have serious reason for concern regarding the territorial integrity of our friend and ally, Thailand.

Reports are now coming in which indicate that the forces of Vietnam presently in Cambodia may be planning to cross the border into Thailand—perhaps as early as this weekend.

These raids, or, perhaps, this invasion of our friend and ally under the Manila Pact would be of the gravest consequences for peace and stability in Asia.

No one can predict what the consequences of a Vietnamese attack would be on the future of the Government of Thailand.

No one can predict what the consequences of such an attack would be on the fate of the nearly 1 million Cambodian refugees presently being sustained by Western relief agencies along the Thai-Cambodian border.

No one can predict how the People's Republic of China will react—perhaps with a "second lesson" to Vietnam.

Finally, no one can predict what the superpower consequences would be in the event of destabilization in Southeast Asia.

In short, Madam Speaker, the consequences of a possible Vietnamese invasion of Thailand—however limited in scope it might be—are incalculable at this time.

But it can be said with certainty that the United States must do all it can, through the Soviet Union and through the world community, including our friends and allies in Asia, to head off any such Vietnamese attack on Thailand.

I call on the President to immediately inform us of what steps we will take to try and prevent a new and grave crisis from enveloping our friend and ally, Thailand, and to help preserve the already fragile stability of Southeast Asia.

Mr. ZABLOCKI. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Madam Speaker, I thank the committee chairman for yielding to me. I would only like to say this, that this resolution came about because of the work of the subcommittee chairman, Chairman WOLFF, and also came about because of trips that were made by Members of Congress out to Southeast Asia. This matter came up while several of us were out talking to people in the camps who had witnessed and been casualties and had been the victims of gassing.

I think it points up once again the value of Members of Congress going out in the field where these actions are taking place and getting around the world, and not just waiting here for reports to come in from members of the State Department and from the Defense Department. Let us be very clear on what is happening here. The people who are being gassed, that we have the absolute

facts on, are the Hmong who live in Laos. This is not the Laotian Government that is affecting these people. This is a policy of Vietnam.

These planes, in most cases, are being flown by at least Vietnamese pilots, and we know that Vietnam does not have the capacity to produce this kind of sophisticated gas.

Let us be very clear that when somebody steps up and says, "Well, maybe they are using gas that the Americans left when we were out in that war in Vietnam," that the agents that make up this gas are in no way connected with Agent Orange, which is a defoliant. Nothing that we had in Southeast Asia could be transformed into the gas that is being used in Laos and is now starting to be reported to be used in Cambodia.

□ 1350

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ZABLOCKI. I yield 2 additional minutes to the gentleman from Washington.

Mr. PRITCHARD. I thank the gentleman. So it is essential that we be very sure that we know. Vietnam has such a terrible record, who was willing to push these people, the boat people, out, who today in Cambodia I think are following a policy of food denial which is causing mass starvation, and at this point they are, as far as we know, the one nation in the world that is willing to experiment and participate in the use of lethal gas. It is terribly important that we expose this so that if other agents and satellites of Russia get involved in activities, they know they cannot do it without being exposed. I think we are about a year late in exposing this action. I ask this House to promptly pass this resolution.

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

Mr. PRITCHARD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding. He indicated the gentleman was about a year late in exposing this. I wonder if my chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), or my colleague, the gentleman from Washington (Mr. PRITCHARD), could tell me what those great sentinels of international moral values have been doing at the United Nations during this year? They do not mind making denouncements of the United States, such as charges of imperialism in Puerto Rico. Have they done anything on this?

Mr. PRITCHARD. I think there has been a tragic silence. It is very hard to get firm evidence out of the mountains in Laos, and we had to go on just reports of refugees. We had a medical team out there where we got what I consider actual evidence that would stand up, so there was some case that could be made on hearsay and just taking the reports from refugees coming out.

Mr. ASHBROOK. I thank my colleague for that response.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ZABLOCKI. Madam Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the Chairman. I interviewed a man from the village of Prybia, a Hmong tribesman from Laos, where there are now 50,000 Vietnamese Army troops, and where Mig planes are dropping canisters of gas, yellow, red, and white. As described to be by this mountain tribesman, who was the head of a group of 56 still resisting in the mountains, when a canister is dropped, those within range start vomiting; a terrible hemorrhaging follows, and death comes very quickly afterwards. Nobody really knows what kind of gas this is. It is a hemorrhagic gas, something new. The other is a yellow nerve gas, and nobody knows quite what that composition is either. Our teams have been able to determine that it is not a defoliant. When dropped on leaves, it does make a hole, but that is all. It does not wither the leaves as defoliant gases do. We are witnessing something very terrible here. The world ought to pay attention.

● Mr. KASTENMEIER. Madam Speaker, I am constrained to vote against House Resolution 512. In doing so, I want to emphasize that I have the highest regard for my friend and colleague from Wisconsin, CLEM ZABLOCKI, chairman of the House Foreign Affairs Committee, and Congressmen JIM LEACH of Iowa, and JOEL PRITCHARD, of Washington, the principal sponsors of this resolution. Indeed, I share their objective, namely, hopefully to prevent the further use of chemical and biological weapons in Southeast Asia and elsewhere.

My objections to the resolution are on procedural, and more importantly, on historical grounds. As far as I am concerned this resolution comes some 15 or more years too late. It is impossible to separate what Vietnam is doing in Southeast Asia today from our own deployment of chemical warfare agents in South Vietnam during the years of our long involvement in the Vietnamese conflict. As we know, many of our Vietnam veterans are victims of agent orange, and if the number of such veterans who are affected by this chemical agent is any measure, then there must be many, many more thousands of Vietnamese women and children who also are suffering and who must continue to live in this environment.

This fact simply cannot be isolated from the present Vietnamese practice. Indeed, the Vietnamese may be using chemical agents from the vast storehouse of such weapons we were forced to abondon by necessity in 1975. Also, while the United States did not use lethal antipersonnel chemicals, we did direct various tactical chemicals and gas against individuals on a substantial scale, there has not been any accounting for this action. This resolution may not ignore these grim facts.

I have opposed the use of chemical and biological agents since my first days in the Congress, and it is hypocrisy to condemn selectively the Vietnamese while remaining silent on our own terrible legacy in that part of the world.●

Mr. ZABLOCKI. Madam Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 1, not voting 54, as follows:

[Roll No. 754]

YEAS—378

Abdnor	Crane, Daniel	Hansen
Addabbo	Crane, Philip	Harkin
Akaka	D'Amours	Harris
Albosta	Daniel, Dan	Hawkins
Alexander	Daniel, R. W.	Heckler
Ambro	Danielson	Hefner
Anderson, Calif.	Dannemeyer	Heftel
Andrews, N.C.	Davis, Mich.	Hightower
Annunzio	Davis, S.C.	Hillis
Anthony	de la Garza	Hinson
Applegate	Dellums	Holland
Archer	Derrick	Hollenbeck
Ashbrook	Derwinski	Holtzman
Ashley	Devine	Hopkins
Aspin	Dickinson	Howard
Atkinson	Dicks	Hubbard
AuCoin	Dingell	Huckaby
Badham	Donnelly	Hughes
Bafalis	Dornan	Hutto
Bailey	Downey	Hyde
Baldus	Drinan	Ichord
Barnard	Duncan, Oreg.	Ireland
Barnes	Duncan, Tenn.	Jacobs
Bauman	Early	Jeffords
Beard, R.I.	Eckhardt	Jeffries
Beard, Tenn.	Edgar	Jenrette
Bedell	Edwards, Ala.	Johnson, Calif.
Beilenson	Edwards, Okla.	Johnson, Colo.
Benjamin	Emery	Jones, N.C.
Bennett	English	Jones, Okla.
Bereuter	Erdahl	Jones, Tenn.
Bethune	Erlenborn	Kazen
Bevill	Ertel	Kelly
Biaggi	Evans, Del.	Kemp
Bingham	Evans, Ga.	Kildee
Blanchard	Evans, Ind.	Kindness
Boggs	Fary	Kogovsek
Boland	Fascell	Kostmayer
Bolling	Fazio	Kramer
Boner	Fenwick	LaFalce
Bonior	Ferraro	Lagomarsino
Bonker	Findley	Latta
Bouquard	Fish	Leach, Iowa
Bowen	Fisher	Leach, La.
Brademas	Fithian	Leath, Tex.
Breaux	Flippo	Lee
Brinkley	Florio	Leland
Brodhead	Foley	Levitas
Broomfield	Ford, Mich.	Lewis
Brown, Calif.	Forsythe	Livingston
Buchanan	Fountain	Lloyd
Burgener	Frenzel	Loeffler
Burlison	Frost	Long, La.
Burton, John	Garcia	Long, Md.
Butler	Gaydos	Lott
Byron	Gephardt	Lowry
Campbell	Gibbons	Lujan
Carney	Gilman	Luken
Carr	Gingrich	Lundine
Carter	Glickman	Lungren
Cavanaugh	Goldwater	McCormack
Chappell	Gonzalez	McDade
Cheney	Goodling	McDonald
Chisholm	Gore	McEwen
Clausen	Gradison	McHugh
Clay	Gramm	McKay
Cleveland	Grassley	McKinney
Clinger	Gray	Madigan
Coelho	Green	Maguire
Coleman	Grisham	Markey
Collins, Ill.	Guarini	Marks
Collins, Tex.	Gudger	Marlenee
Conable	Guyer	Marriott
Conte	Hagedorn	Martin
Conyers	Hall, Ohio	Matsui
Corcoran	Hall, Tex.	Mattox
Corman	Hamilton	Mica
Cotter	Hammer-schmidt	Michel
Coughlin	Hance	Mikulski
Courter	Hanley	Miller, Calif.
		Miller, Ohio

Mineta	Regula	Steed
Minish	Reuss	Stenholm
Mitchell, Md.	Rhodes	Stewart
Mitchell, N.Y.	Rinaldo	Stockman
Moakley	Ritter	Stokes
Moffett	Roberts	Stratton
Mollohan	Robinson	Studds
Moore	Rodino	Stump
Moorhead, Calif.	Roe	Swift
	Rose	Symms
Moorhead, Pa.	Rostenkowski	Tauke
Mottl	Roth	Thomas
Murphy, N.Y.	Rousselot	Thompson
Murphy, Pa.	Roybal	Traxler
Murtha	Royer	Trible
Myers, Ind.	Rudd	Udall
Natcher	Russo	Ullman
Neal	Sabo	Vander Jagt
Nedzi	Satterfield	Vanik
Nelson	Sawyer	Vento
Nolan	Scheuer	Volkmer
Nowak	Schroeder	Walgren
O'Brien	Schulze	Walker
Oakar	Seiberling	Wampler
Oberstar	Sensenbrenner	Waxman
Obey	Sharp	Weaver
Ottinger	Shelby	Weiss
Panetta	Shumway	Whitehurst
Pashayan	Shuster	Whitley
Patten	Simon	Whittaker
Paul	Skelton	Whitten
Pease	Slack	Williams, Mont.
Perkins	Smith, Iowa	Williams, Ohio
Petri	Smith, Nebr.	Wilson, Tex.
Peyser	Snowe	Winn
Pickle	Snyder	Wirth
Preyer	Solarz	Wolff
Price	Solomon	Wolpe
Pritchard	Spellman	Wright
Pursell	Spence	Wyatt
Quayle	St Germain	Wylie
Quillen	Stack	Yatron
Rahall	Staggers	Young, Alaska
Railsback	Stangeland	Young, Fla.
Rangel	Stanton	Young, Mo.
Ratchford	Stark	Zablocki

NAYS—1

Kastenmeier

NOT VOTING—54

Anderson, Ill.	Ginn	Richmond
Andrews, N. Dak.	Harsha	Rosenthal
	Holt	Runnels
Brooks	Horton	Santini
Brown, Ohio	Jenkins	Sebelius
Broyhill	Lederer	Shannon
Burton, Phillip	Lehman	Synar
Daschle	Lent	Taylor
Deckard	McClory	Treen
Diggs	McCloskey	Van Deerlin
Dixon	Mathis	Watkins
Dodd	Mavroules	White
Dougherty	Mazzoli	Wilson, Bob
Edwards, Calif.	Montgomery	Wilson, C. H.
Flood	Murphy, Ill.	Wydler
Ford, Tenn.	Myers, Pa.	Yates
Fowler	Nichols	Zeferetti
Fuqua	Patterson	
Giaimo	Pepper	

□ 1410

The Clerk announced the following pairs:

Mr. Richmond with Mr. Harsha.

Mr. Brooks with Mrs. Holt.

Mr. Lederer with Mr. Sebelius.

Mr. Santini with Mr. Lent.

Mr. Zeferetti with Mr. Deckard.

Mr. Phillip Burton with Mr. Broyhill.

Mr. Dodd with Mr. Anderson of Illinois.

Mr. Edwards of California with Mr. Shannon.

Mr. Fuqua with Mr. Taylor.

Mr. Ginn with Mr. McClory.

Mr. Lehman with Mr. McCloskey.

Mr. Mavroules with Mr. Bob Wilson.

Mr. Mazzoli with Mr. Watkins.

Mr. Murphy of Illinois with Mr. Wydler.

Mr. Myers of Pennsylvania with Mr. Horton.

Mr. Nichols with Mr. Andrews of North Dakota.

Mr. Rosenthal with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Daschle.

Mr. Pepper with Mr. Dougherty.

Mr. Diggs with Mr. Synar.

Mr. Patterson with Mr. Ford of Tennessee.

Mr. Dixon with Mr. Jenkins.

Mr. Giaimo with Mr. Mathis.

Mr. Montgomery with Mr. Yates.

Mr. White with Mr. Runnels.

Mr. Charles H. Wilson of California with Mr. Fowler.

Mr. KASTENMEIER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE REFUGEE ACT OF 1979

Ms. HOLTZMAN. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2816) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2816, with Mr. MOAKLEY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, title II was open to amendment at any point.

Pending was an amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1420

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is simply a backhanded method of saying that we are not going to admit more than 50,000 refugees in any year. That is in essence the thrust of this amendment.

This amendment would set a limit on the number of refugees who would be admitted to this country regardless of the circumstances around the world, because it says that we will pit any additional refugees that we take against the reunification of families. In short it says that if we want to let more refugees in, we must prevent immigrants from coming into the United States. Eighty percent of the immigrants coming into this country are coming in for the reunification of families.

This country signed a treaty at Helsinki to facilitate the reunification of families. What this amendment says is that we will dishonor our obligations under Helsinki in order to take refugees, or, if we want to honor our obligations under Helsinki, we will cut down on the number of refugees we can take.

What kind of absurd dilemma is this to put the United States in at this time? We certainly have room to allow normal immigration to the United States. We certainly have room to admit refugees under the procedures established by this bill. We should not set up any kind of system by which we pit the entry of refugees against the reunification of families.

Mr. Chairman, I think this is a very undesirable approach, and I certainly urge the rejection of this amendment.

Mr. RODINO. Mr. Chairman, I must oppose the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

This amendment, in effect, would undo all the work that has been done by this Congress and by previous Congresses. At a time when we were stigmatized by the McCarran-Walter Act, which set up a national origins quota system, which discriminated against people and was really unworthy of the United States. The Congress of the United States labored long, and finally we were able in 1965 to come up with an immigration policy which I believe showed the world that this country of ours recognizes freedom of movement of people, and that we would admit people who were qualified, regardless of what country they came from.

I think that this was really a time when the Congress could hold its head high and say that it had accomplished the kind of objectives that we, as Americans, are proud.

The gentleman from Wisconsin (Mr. SENSENBRENNER) begins to treat apples with oranges.

It would disrupt the orderly, regularized, established formulas that we worked up over the years that set up preferences for immigrants and allowed a normal flow of refugees into the United States.

I believe that the gentleman's formula is absolutely unsound. I regret that he presents it here, because he makes us choose between people who would be coming to the United States to join relatives, and refugees who are in crises situations.

For this reason, Mr. Chairman, I would urge that the House reject this amendment. We should not be discriminating between one type of person and another type. If we are going to admit people as refugees, then let us do it. If the gentleman wants to say that he is opposed to the admission of refugees, let him say so, but let it not come from this kind of a backdoor approach.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I do oppose this amendment because I think it seeks to artificially restrict the number of refugees to be admitted to this country and, more-

over, to penalize legitimate immigrants to this country because of a feeling that there are too many refugees coming here. I just do not think that is fair.

However, this amendment and the remarks that have been made give me an opportunity to discuss what the distinguished chairman of the committee just said about fairness. A Filipino who has a brother and a sister in this country and is, therefore, a fifth-preference applicant for admission waits 10 years to get into this country. That is the current time lapse from the time he applies to the time when he can get in—10 years.

The distinguished committee chairman said that we should not discriminate between one person and another person. Now, it is a fact that the Soviet refugees—and there are thousands of them—can get into this country in 3½ months. I take that back; maybe it is 4½ to 5 months. But it takes 3½ months to get an exit visa from the Soviet Union, depending on the mood of the commissars of the Soviet Union, whether they want to make an extra effort to win the goodwill of this country and get most-favored-nation treatment or to get Jackson-Vanik removed. If they do, they will open the floodgates and permit the thousands of Soviet refugees of Jewish faith to leave.

Many of these people, 60 percent of them, want to come to the United States; the rest will go to Israel. Many of them come here, and God bless them. Who would want to live in the Soviet Union when one has an opportunity to come to the United States?

But we have a problem with Filipinos and other nationals who must wait 10 years to get in here. I think at some point we have to look at this problem and decide whether we are doing Israel any favor by facilitating two-thirds of the Soviet refugees to come here and only one-third to go to Israel when Israel desperately needs these people and wants them.

I have interviewed these families. I have seen some of these families in Rome, and I have talked to our immigration people in Vienna and elsewhere. It is a problem. I do not have any answers. But when we talk about fairness, we should recognize that some people are immigrants and not refugees, and we are labeling everybody as refugees.

Mr. Chairman, having said that—and I certainly do not, I repeat, have any easy answers—I would point out that I think it is a problem we will have to face at some time, but I do not think we should penalize the immigrants because of an aberrational—and I hope it is only aberrational—situation in the world at a time when we have so many refugees.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do support this amendment. I do not buy the "apples and oranges" argument. I think it is a question of our capacity, a question of how many newcomers to the United States we can handle each year.

It is a question of doing an adequate job and coping with the situation financially while coping with our many domestic problems—and we are not doing all that good a job on those either.

Let us bear in mind that this bill as couched raises our normal flow of refugees from 17,400 to 50,000 people a year. We have the most generous immigration policy in the world. Nobody has anything to compare with it. We are allowing in 270,000 immigrants.

This amendment only becomes operative when we exceed 270,000, plus 50,000 refugees, in other words, 320,000 people a year. That is over a quarter of a million newcomers every year. We have to cope with this problem both economically and socially, and we have to absorb these people adequately and do a good job for them.

It just seems to me that there is a limit on our capacity, just as we learned there was a limit to our capacity to be a "world policeman." At some point in time we have to control it. This bill only becomes operative if we go over 50,000 refugees, and we could go to 200,000, 300,000, or 400,000 refugees under a given circumstance in a given year, subject to the control of the President.

□ 1430

I think we have to recognize not that we will keep out the refugees. Goodness knows, we take them in. And this amendment does not propose that we do limit. But we do recognize, with this amendment, some limitation in our capacity. And as we go over the 50,000 refugees, we reduce one immigrant for every two additional refugees. This is not apples and oranges. It is recognizing that we have not an infinite capacity. It provides some ability to at least keep the capacity within something we can handle and still address, as many of us constantly want to, all of our domestic and social problems that, when you look around, we are not doing all that fine a job for our old people, our poor people, our inner cities, our urban ghettos, and all of the other myriad problems that we cope with here.

I think there is nothing wrong in confessing that our capacity is not infinite, just as we ultimately confessed with respect to our ability to play world policeman.

We are a maturing country. We are no longer a frontier. This merely provides some kind of a limitation on our capacity as to how many new Americans or potentially new Americans we can let in each year. It imposes no limit on refugees, but if the refugees go over 50,000, we begin to reduce for the next year that 270,000 additional immigrants we are permitting in. It seems to me that is infinitely reasonable.

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

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

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I understand the purpose, and it certainly has a point. But why restrict immigrants who are mostly family reunification cases because of the flood of refugees? Why do we not try to find some place for the refugees to go without making somebody wait 20 years to get into this country to be reunited with his family? Are we not doing it the wrong way?

Mr. SAWYER. I am sympathetic that it is a problem, that while I think all of this is fine, we have to recognize we have some limitation on how many people we can take into this country every year and still meet our obligations that we assume toward them and that we still are not doing too good a job domestically.

It seems to me that a refugee is in a critical position. We cannot very well say, "Stay out in the boat and drown." No matter how many, we have to find some way to make room for them, and we have done that. But it seems to me that you have to simultaneously recognize our capacity, and in order to get more capacity to accommodate that many refugees in a year, the only way to debit the newcomers into the United States, people who perhaps speak different languages and need assimilation and support, I think, is with this amendment.

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

Mr. Chairman, I do most sincerely oppose this amendment offered by my colleague, the gentleman from Wisconsin. I think, to pass these types of amendments to this bill, which has been carefully worked out with a number of different agencies and countries, would be to condemn to death hundreds of thousands of refugees.

While I realize that what it does is to reduce the number of immigrants that we have, one for every two refugees we bring in over a certain amount, I think it is totally unfair to use these people, one set of people against another. I strongly oppose that approach.

Mr. Chairman, I have been in just about every refugee camp in Thailand and have observed the situation of these people at close hand. I do not think there is anyone who would not exchange their place, I say to my colleague from Michigan, with any slum in America, because it is not only the deprivation of food, the deprivation of every human comfort, it is the deprivation of freedom, the deprivation of being able to just live that we are talking about.

When you talk about the United States doing so much—and I agree that we have done a great deal—I call your attention to the fact that those countries of first asylum, Thailand and Malaysia, have a great deal of pressure on them not to even allow these people, many of whom are traditional enemies, into their country.

It is only the insistence of the United States which has saved the lives of so many of these people. But these countries and the leaders in Thailand and Malaysia, who have to depend upon their people to be elected and who have to look to the United States for assistance, and to other countries which have begun to assist, if we do not have a program which tells them what we can do and assures them that we will do this, we are going

to see these two countries, primarily Malaysia and Thailand, start turning these people back at the borders, which means certain death.

I talked to a man at one of the camps in Thailand, and he started crying while I was talking to him, a grown man, tough. I said, "What is wrong?" He said, "So many people are coming across that they started turning them back, and I heard the guns on the other side of the river." We were on one side and the people were on the other, in Laos. And he said, "They are killing them as they are turned back into Laos." This is true also in Cambodia.

Can you imagine turning the Vietnamese away from the shores of Thailand and Malaysia on the flimsy boats? No, Mr. Chairman, I cannot sanction this amendment or any other amendment to this well-thought-out bill which provides a guarantee to the other countries throughout the world that the United States will do its part in this very humane endeavor.

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

Mr. EVANS of Georgia. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I just want to commend the gentleman for the time he has spent on this effort and I just wish more Members of the House had been present to listen to his statement. I wish to commend the gentleman for his statement, and I would like to commend him and also to join with him in his statement on behalf of these people.

I would just like to make one little observation, and I know it may not be completely accurate so far as the idea of apples and oranges. But we here in this country—and I have heard it in my own district—hear people saying that we are letting too many refugees in. Then I look at how much people in this country spend just to take care of their pets.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. EVANS) has expired.

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

Mr. VOLKMER. I look at the millions upon millions of dollars that people will spend for those things. Yet some of those people will decry taking care of another human being.

Mr. Chairman, I wish to thank the gentleman.

Mr. EVANS of Georgia. Mr. Chairman, I might say that just this morning I left one of the young refugee girls about 14 years old that I met while I was at one of the camps in Thailand. Her parents and her family had sacrificed everything they had to buy her way out of Vietnam. She went on a boat and was finally brought in to Songkla. She is now in the United States. She is now being furnished a home by a couple out in Chantilly, close to Dulles Airport. The happiness and the change in that young lady, with the hope that she might be able to bring her family over, I just wish that some of the Members who are trying to change this bill could see that.

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

Mr. EVANS of Georgia. I yield to the gentleman from Pennsylvania.

Mr. BAILEY. Mr. Chairman, I would like to thank the gentleman and associate myself with his remarks. I appreciate very much the sentiments and the feelings that the gentleman has expressed here.

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

Mr. Chairman, I hesitate to take the well of the House after my good friend and colleague, the gentleman from Georgia, who just spoke to us so eloquently. It seems to be my misfortune to always follow the orators in this body, but I certainly want to endorse everything my colleague has said.

Mr. Chairman, I rise in opposition to this amendment. It was carefully considered by the full Committee on the Judiciary and it was rejected. If we adopt this amendment, we will be saying to U.S. citizens that their close relatives must wait to emigrate to this country because we have responded to a refugee crisis. It would be saying to a U.S. citizen that his son from China, who must now wait over 4 years for a visa, will have to wait longer yet because we have accepted a refugee.

Persons who will suffer if this amendment is adopted are U.S. citizens who are seeking to be reunited with their families, the basic objective of our immigration law. And, of course, as the gentlewoman pointed out, this would not occur, and what we have instead is a backhanded way of putting a ceiling of 50,000 on the number of refugees.

We are told that this amendment would encourage other countries to accept more refugees, and I am at a loss to see how that would work. The only countries in the world today who are not current in the majority of the preferences under which immigrants come to the United States are China, India, Korea, Mexico, and the Philippines.

□ 1440

So that the entire Western Europe and the entire South America places that are currently receiving refugees or places that we would like to encourage to do more could not possibly be pressured by us, because they are undersubscribed in their preferences today, and anybody in their country qualified under our immigation law can receive a visa.

Furthermore, it is highly questionable whether a native of France or Germany who is now a U.S. citizen could lobby effectively the government of their native land to make visa numbers available to immigrants under our present system.

I think also we have already adopted sufficient guarantees of congressional control over numbers. We have the congressional veto, which ultimately is the weapon that will control the excess admissions over the 50,000 normal flow.

I want to take a few more minutes, Mr. Chairman, at this time, because I think this brings us to another related issue that is in the mind of many, many Members, and that is that there are reports that worldwide there are some 14 million refugees.

I am sure that many of our colleagues fear the pressures on the United States as a major receiving country from these millions. I believe this fear is at the root of the amendment now before us for consideration. I take this time to discuss who are these 14 million refugees and how their problems are being addressed today.

The largest part of the world's refugees are the upward of 8 million in Africa, most of whom are not candidates for resettlement; 3 to 4 million Palestinians. There are also refugees in Bangladesh, Pakistan, and in Latin America.

For most of these refugees, repatriation or local resettlement in a neighboring country rather than resettlement abroad in receiving countries like the United States are the best solutions and the solutions most desired by the refugees themselves.

Because of political and military upheavals in Africa, the refugees there in many cases have received asylum in adjoining countries. Some countries have responded generously and with the help of the UNHCR and voluntary agencies, particularly the Lutherans, many refugees have been resettled successfully in this local or adjoining country resettlement.

Model examples of this process are Zambia and Tanzania which have accepted and made land available for refugees from Burundi and Rowanda.

As for repatriation, Zaire has taken back those displaced after the Congo upheaval. As many as 600,000 Ethiopians are in Somalia and Sudan awaiting the return to their country when the situation is stable.

In Bangladesh there are several hundred thousand Burmese awaiting repatriation.

The CHAIRMAN. The time of the gentleman from New York (Mr. FISH) has expired.

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

Mr. FISH. There are 300,000 to 400,000 Afghans in Pakistan awaiting return to Afghanistan.

Resettlement in most cases is the appropriate response to the expulsion of refugees from Indochina as a result of military hostilities and persecution.

No one suggests that the Vietnamese refugees who have fled from Vietnam can be repatriated back to that country. This is by and large true of Laotians and Hmong refugees presently in Thailand who were involved either with the U.S. military or with the Royal Laotian Army.

On the other hand, in the case of many of the Cambodian refugees along the Thai border, repatriation is a distinct possibility after the war in that country is over.

I have taken this time, Mr. Chairman, to try to lay aside any fears my colleagues and the public may have that the United States is threatened by these 14 million refugees. I hopefully have made the case that the overwhelming majority

of them are either candidates for repatriation or for local resettlement locally.

The situation in the Soviet Union and in the countries of first asylum in Southeast Asia is unique. There, resettlement is the only option. This simply is not true elsewhere.

Mr. Chairman, if this amendment passes, the wrong people will pay the price. Adoption of this amendment could put our country in the impossible position of choosing whether to admit persons seeking to be reunited with their families, the goal of our immigration laws, or to admit refugees fleeing persecution.

I think the bill as amended by us today will give the Congress sufficient control so that the number of refugees admitted will not be unreasonable.

I strongly urge my colleagues to vote against this amendment.

Mr. COLLINS of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, there are 14 million refugees in the world today. Our country is compassionate, but the United States, alone, cannot solve the refugee problem. In our desire to solve the refugee problem, we are turning our back on immigrants who desire and deserve to come into our country. The most difficult Federal matter that we have in our office at home is processing visas and citizenship applications. It is most difficult and practically impossible to qualify deserving people to enter the United States and establish permanent residence. In our plans for refugees, we discriminate against legal immigrants. The United States limits deserving requests. Let us develop a balanced program.

Let us call on the other countries of the world to take their fair share. Why should Brazil take only 100 when they could develop a stronger country by accepting all of the refugees just within their own undeveloped areas. There are many countries who could take more. But check the record and you will find only 8 countries of the world who have accepted or will accept as many as 4,000. And this includes no country in Africa, where the great undeveloped areas of this Earth exist.

We should all participate in the foreign mission programs of our own churches. The U.S. Government cannot handle the affairs of the world. This is a matter of charity—this is a matter of heart—and it is an action that Jesus Christ would look to all of us to individually participate. I look to my Bible for guidance. Nowhere does the Bible say it is the responsibility of the Government to solve the refugee problem. But it says it is our personal duty and privilege to do our share. We as individuals must participate—not keep borrowing money and expect the Government to do all things for all people. Let us follow the spirit of Jesus Christ and take foreign charity as an individual responsibility.

The quota ceiling for legal immigration into the United States is now 290,000 per year, yet this figure is approaching a half million a year. This bill increases the quota ceiling of refugees entering the United States from 17,400 to 50,000. However, the President will have the authority to admit an unlimited number of refugees into this country.

From April 1975 through June 1979, we have spent more than $1 billion on Indochinese refugee assistance programs. It has been estimated that 6 to 7 million aliens are now living in the United States, and $13 to $16 billion is spent on welfare, compensation payments, and displacement of workers in U.S. jobs because of illegal aliens.

This bill merely puts into law the confused practices we have been following on our immigration program. The Attorney General has consistently used his parole authority to substantially exceed the conditional 17,400 refugee entry ceiling.

From April 1975 to June 30, 1980, the United States will have taken in 378,000 Indochinese refugees. Let us compare this to the amount other countries have taken and plan to take by June 1980, including those countries who have taken over 4,000.

Australia	36,759
Belgium	3,398
Brazil	100
Denmark	1,370
Japan	551
Malaysia	2,737
Spain	1,001
Greece	200
Switzerland	2,677
Sweden	2,263
Argentina	4,500
Canada	51,076
France	73,237
Federal Republic of Germany	15,735
Iran	47
Philippines	127
People's Republic of China	240,000
United Kingdom	12,841

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

Mr. COLLINS of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I would like to commend the gentleman from Texas for his statement in support of this amendment. Those who are opposed to this amendment seem to wish to portray the supporters of the amendment as cold and hardhearted and those who wish to turn their backs on refugees.

I do not think the gentleman from Texas and I know this gentleman from Wisconsin, do not fit into that stereotype. But the fact of the matter remains that the Committee on the Judiciary has not attempted to coordinate our refugee policy with our immigration policy.

Both refugees and immigrants are guests who are leaving their own countries, and are coming here for permanent resettlement.

This country cannot afford to put up with the dreamworld that the refugee policy is over in one section of the statute book and the immigration policy over in the other section of the statute book and ne'er the twain shall meet.

□ 1450

At a time when our unemployment rate is going up, when we are spending about $1 billion per year for refugee resettlement costs, the people of the United States are warm, they are hospitable, but there also is a limit to how much we can afford at a time of rampant inflation and deficit budgets.

Now, I have not heard any of my friends who have opposed this amendment come up with any kind of a way to mesh the immigration policies; there has not been one proposal during consideration of this bill, except this one, to have any kind of a meshing of the refugee policy with the policy relating to nonrefugee immigrants. I am attempting to do that.

The CHAIRMAN pro tempore. The time of the gentleman from Texas has expired.

(At the request of Mr. SENSENBRENNER and by unanimous consent, Mr. COLLINS of Texas was allowed to proceed for 1 additional minute.)

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

Mr. COLLINS of Texas. I yield to the gentleman.

Mr. SENSENBRENNER. I am subject to better ideas, but let us hear the better ideas.

Mr. COLLINS of Texas. I thank the gentleman from Wisconsin. I am glad that he put it on a basis that it is not compassion, it is not charity, because, as he spoke, I was reminded that the Lord Jesus was born while he was subject to being persecuted, his family was being persecuted from high taxes. Never did Jesus ever speak of the government solving the problem. It is a personal responsibility, and this country must learn somewhere, sometime, we have personal responsibilities. Everything cannot be done by the Government.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I stand in fulfillment of my personal responsibilities as a Member of the Congress and a Baptist Christian, like my friend who has just spoken. But my own personal responsibilities led me to the conclusion that my Catholic Christian friend, Mr. HYDE, my Catholic Christian friend, Mr. RODINO, and my Jewish friend, Ms. HOLTZMAN, and my Episcopal friend, Mr. FISH, are right in this matter and the author of the amendment and my friend from Texas are wrong. Certainly we as individuals are responsbile for the actions we take, but this Government is responsible for the law that controls refugees and immigrants into this country .

I would remind my colleagues this day that this is a Nation of immigrants. Read the names as the lights go up on the wall of this Chamber if you do not understand that this is a Nation built by immigrants, composed of immigrants, a Nation that is not only a melting pot, but a rich mosaic of all of the world's cultures and peoples, and a Nation that has been built by many becoming one Nation. This is a Nation which has had into its culture to flow the wealth of the world in

terms of the peoples and the ethnic groups and cultures of our world.

I simply would like to say that if ever there comes a time when the United States shall say no to people in desperate need on some mechanical formula, it will be a time of shame for the United States.

I would like to echo for this Chamber the words that are emblazoned on the statue of the great lady in the harbor of the gentlewoman from New York City, the words which say, and which speak, I believe, for Americans of every generation: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless tempest tossed to me: I lift my lamp beside the golden door."

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

Mr. BUCHANAN. Certainly I will yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I want to join with the gentleman in opposition to this amendment and say that the fear which has been expressed by the proponents of the amendment seems to me to have been more than adequately addressed by the Judiciary Committee. Present law now has a limitation for the orderly flow of immigration, and by not disturbing that we fulfill our commitments under Helsinki.

If we adopt the amendment pending, we throw our commitments in disarray under Helsinki, and it makes a tremendous problem for us as we go to the conference in Madrid in 1980 on this question; and it turns back the clock on our own policy.

The committee has also addressed the policy of refugees in this particular bill and, therefore, they have dealt with our policy concerning refugees and immigration. That is what this bill is all about. By placing a limitation on orderly flow, they have also added the protection that if there is some emergency, the President must come back to the Congress and explain it.

What the amendment would do is to write into concrete a policy which is discriminatory and violates our international commitments, and places a straitjacket on the Congress and the President.

Mr. BUCHANAN. I thank the gentleman and would point out that he himself is the Chairman of the Helsinki Commission, on which it is my privilege to serve. I would associate myself with his remarks as chairman of the subcommittee which has jurisdiction in the area of refugees and has a deep concern there; I also would agree with him and with the Committee on the Judiciary on this matter.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 7, noes 26.

So the amendment was rejected.

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

Mr. Chairman, I have taken this time in order to raise a question with the gentlewoman from New York on a subject that has been of deep concern to me. It comes to my attention that some Indochinese refugees have accepted resettlement efforts in Europe and then have applied for admission to the United States as refugees within a few weeks after their arrival there. I am wondering if the gentlewoman could advise me, under current Immigration and Naturalization Service policies and procedures, if such individuals are accepted for resettlement in the United States?

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am pleased to yield.

Ms. HOLTZMAN. I thank the gentleman for yielding.

I want to say that I share the gentleman's concern. I am advised by the Immigration and Naturalization Service that a refugee in such circumstances would not, with limited exceptions, be granted consideration under the Indochinese parole program. I assure the gentleman that the subcommittee will monitor this situation closely.

Mr. HYDE. I thank the gentlewoman.

Would the gentleman from New York (Mr. FISH) care to comment?

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

Mr. HYDE. I am happy to yield to the gentleman.

Mr. FISH. I appreciate my colleague bringing up this question. It is a relatively new phenomena that, of course, does not reflect U.S. policy. At present, if a refugee is offered a resettlement opportunity, it is our policy not to resettle that family.

What I imagine has happened is that the number of receiving countries has grown so since the Geneva meeting last summer that the coordination between all of the agents in the countries of first asylum has broken down. I think this can be rectified very properly by a hearing bringing all of the interested parties together.

I would also point out to the gentleman what is happening in these limited circumstances. In countries like England and Ireland, Indochinese refugees are going to the American Embassy and saying because of their association with the United States, they would like to come in as conditional entrants. This bill abolishes the provision of conditional entry into the United States so effectively it would thwart this channel once this bill becomes law.

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

The previous amendment which was offered and defeated nevertheless raises a point of legitimate concern, and that is there are some limits, and other countries of the world, I regret to say, have not done what I think is their fair share. When refugees do find shelters and haven in free countries it just seems to me that they ought not to have a continuing or persistent status as refugees. If they do not like England, or Belgium, or Ireland, they should not then be admitted into our country as refugees. They may well be immigrants and wait in line, but their refugee status ought to terminate at some point.

I appreciate the assurances that the subcommittee of the gentleman from New York and chaired by the gentlewoman from New York will look into this matter and monitor the situation.

The CHAIRMAN pro tempore. Are there further amendments to title II?

If not, the Clerk will designate title III.

Title III reads as follows:

TITLE III—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 301. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS";

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

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

"SEC. 411. (a) There is established, within the Department of Health, Education, and Welfare, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health, Education, and Welfare (hereinafter in this chapter referred to as the 'Secretary'), who shall report directly to the Secretary.

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies) programs of the Federal Government under this chapter which are designed to provide domestic assistance to refugees including—

"(1) initial resettlement (including initial reception and placement with sponsors) of refugees in the United States;

"(2) services to refugees and overall planning for their effective resettlement;

"(3) assistance or reimbursement to State and local governmental agencies to adjust to admissions of refugees; and

"(4) any other Federal grants, agreements, payments, or contracts with public or private agencies for the provision of any of the services described in paragraph (1), (2), or (3).

"AUTHORIZATION FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

"(2) The Director shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the development and implementation of criteria relating to the sponsorship process and the

intended distribution of refugees among the States and localities.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter in each of the States and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the Director. The Director shall make grants and contracts to those public or private agencies which the Director determines can best perform the services. Payments may be made under grants and contracts under this chapter in advance or by way of reimbursement.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible.

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) a description of how the State will provide for State-wide coordination of services to refugees in the State,

"(iv) for the designation of an individual, employed by the State, who will be responsible for such coordination,

"(v) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(vi) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering, including in such report—

"(i) a list of grants and contracts made, with funds provided under this section, by or through the State or local government agencies to public or private agencies within the State during the year.

"(ii) the total amount of funds available to the State under each program under this section for the year, and

"(iii) a report on the number of individuals served by programs, projects, or activities assisted with such Federal funds.

"(7) The Secretary shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

"(8) The Attorney General shall provide the Director with the information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c)(2).

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1) For—

"(A) fiscal year 1980 only, the Secretary of State is authorized, and

"(B) fiscal year 1981 and succeeding fiscal years, the Director is authorized,

to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. In making such grants to, or contracts with, private nonprofit voluntary agencies the Secretary of State (for fiscal year 1980) and the Director (for succeeding fiscal years) shall, consistent with the objectives of this chapter, take into account the different resettlement approaches and practices of such agencies. During fiscal year 1980, the Secretary of State shall provide for the coordination of the provision of resettlement assistance under this paragraph in coordination with the provision of other assistance provided for by the Director under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal year 1980 under this paragraph.

"(2) The Director shall develop programs and make arrangements, where appropriate, for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, during any period when the refugees are awaiting entry into the United States, as facilitates their resettlement in the United States.

"(3) The Director is authorized to make arrangements (including cooperative arrangements within the Department of Health, Education, and Welfare, and with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary.

"(4) The Director shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who, at the time of arrival, are determined to have medical conditions requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records not later than the time of the refugee's arrival in the United States; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Director shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—Director is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies for projects specifically designed—

"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide health (including mental health) services, social services, educational and other services, where specific needs have been shown and recognized by the Director.

"(d) ASSISTANCE FOR REFUGEE CHILDREN.—(1) The Director is authorized to make grants, and enter into contracts, for payments to State and local agencies for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

"(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to refugee children (except as provided in subparagraph (B)) during the forty-eight month period beginning with the first month in which the refugee children are in the United States.

"(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to contract with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.

"(e) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to refugees during the forty-eight month period beginning with the first month in which the refugees have entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employ-

ment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service, and

"(B) on the refugee's acceptance of appropriate offers of employment,

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

"(4) If a refugee is eligible for aid or assistance under a State plan, approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplemental payments with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments, and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

"SEC. 413. (a)(1) The Director shall submit a report on activities of the Office under this chapter to each member of the Committees on the Judiciary of the House of Representatives and of the Senate not later than December 31, 1979, for the fiscal year ending on September 30, 1979, not later than each May 31 thereafter, for the six-month fiscal period ending on the preceding March 31, and not later than each November 30 thereafter, for the fiscal year ending on the preceding September 30.

"(2) Each such report shall contain—

"(A) an updated profile of the employment and labor force statistics for refugees admitted under the Immigration and Nationality Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States;

"(H) a summary of the information compiled and evaluation made under section 412(a)(8); and

"(I) a summary of the number of waivers granted by the Attorney General under section 207(c)(3) to refugees during the period for which such report is required and a summary of the reasons for granting such waivers.

"(b) The Secretary shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and their applicability to the United States,

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees, and

"(3) alternative resettlement strategies.

"(c) The Director shall keep the Committees on the Judiciary of the House of Representatives and of the Senate appropriately informed of important developments affecting the use of funds and exercise of functions authorized by this chapter.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 414. (a)(1) There are hereby authorized to be appropriated for the two-year fiscal period ending September 30, 1981, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated $200,000,000 for the two-fiscal-year period ending September 30, 1981, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 302. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by inserting after the item relating to title IV the following:

"CHAPTER 1—MISCELLANEOUS";

(2) and by adding at the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(A) by inserting "and" at the end of paragraph (1);

(B) by inserting "who are outside the United States" in paragraph (2) after "on behalf of refugees";

(C) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(D) by striking out paragraphs (3) through (6).

(2) Subsection (e)(1) of such section is amended by inserting "with respect to individuals who are outside the United States" after "urgent refugee and migration needs".

SEC. 303. (a) The amendments made by this title shall apply to fiscal years beginning on or after October 1, 1979.

(b) The limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period of which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before October 1, 1980.

□ 1500

AMENDMENT OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON: Page 48, line 19, strike out "1980" and insert in lieu thereof "1981".

Mr. DANIELSON. Mr. Chairman, the amendment which I offer is a simple one; the added cost is nothing; it is plain equity, fairness. The amendment that I offer does not bring about a new program. I can understand that there are many Members who do not want any new programs authorized by this Congress. This does not bring about a new program. The amendment which I offer does not incur any new costs. The costs are in being; they are here. Somebody has to pay them.

What this amendment does is to call for plain equity in deciding who should pay those costs. We have heard a lot today about refugees, and most or all of it is true. Today, we are faced with a most unusual flow of refugees into the United States, particularly from Southeast Asia. Not long ago, our administration announced a policy, which we are now following. It is in being, the policy of receiving approximately 14,000 refugees per month from Southeast Asia. Fourteen thousand refugees per month is an awful lot. That is 470 every day of the year. That is 168,000 every year, without regard to the other immigrants or refugees who come to our shores.

As of November 15, 1979, just 1 month ago, the figures which are the most recent that I have been able to obtain show that we then—a month ago—had 267,102 refugees in the United States who have come in from Vietnam and Southeast Asia. If we add another 14,000 to that, because that is the formula under which they arrive, we now have 281,000 Southeast Asian refugees in the United States.

Now comes the matter of plain equity. Somebody has to pay the cost of assimilating these refugees. Bear in mind that these refugees, most of them, are illiterate in their own language. They are unskilled and unemployed in their own economy. They are in large part uncultured in their own culture, and without a place in their own society. Obviously, the job of assimilating these refugees into our modern American culture, our modern American society, and our modern American economy, is a massive job.

Think of the cost. What job do you have to offer to someone whose highest degree of technology has been to follow a water buffalo through a rice paddy during 35 or 40 years of his life? What kind of a job are you going to offer someone who has followed the sacred cattle and patted the dung into little lumps for use as fuel?

What kind of a job do you have in your economy for that kind of person?

I do not state that these people are

not entitled to a place in the world. They are entitled to a job; they are entitled to some training, but it costs money to provide them with that training. Who should pay for it? I respectfully submit that, inasmuch as these unfortunate people are here as the guests of the Government of the United States, as a part of our compassionate refugee policy, then the Government of the United States should pay the costs of assimilating, training, and caring for these people.

Mr. LOWRY. Mr. Chairman will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Washington.

Mr. LOWRY. Mr. Chairman, I compliment the gentleman on his amendment. In my home State of Washington we are receiving 500 to 600 Indochinese refugees a month. We are very proud of the job we are doing in handling these people, but the strain on our educational system and our health systems, our housing problems where we have less than 1 percent vacancy rate, means that we desperately need the gentleman's amendment.

I compliment him for the amendment, and urge its adoption.

Mr. DANIELSON. I thank the gentleman for his contribution. He does have a problem in Washington. Approximately 50 percent of the Indochinese refugees in the State of Washington are receiving public assistance. Again, I want to point out that I am not against these people receiving public assistance. I am not trying to bring more refugees into the United States.

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

(By unanimous consent Mr. DANIELSON was allowed to proceed for 5 additional minutes.)

Mr. DANIELSON. I am not asking for more refugees; I am not asking for less refugees. I am not trying to tinker with the immigration laws or any other law. All I am trying to say is, who ought to pay the costs of taking care of these unfortunates once they reach our golden shores?

Mr. Chairman, I smiled as I heard today our distinguished pastor, BUCKY BUCHANAN from Alabama, whose heart is as big as he is. These are unfortunates, and we do have to take care of them; and God bless them, we are going to take care of them, but let us place the burden of caring for them upon the person who invited them to the United States, namely, the U.S. Government.

Now, Mr. Chairman, I would like to point out something. My amendment is not, as I say, a very radical amendment.

It happens to be supported by the National League of Cities, by the National Association of Counties, by the National Governors Association, and I am proud to say by all right-minded Members of the Congress. So, I am going to hope that we get a very overwhelming vote.

I want to point out that in my State of California alone, we now have, as of November 15, something like 123,000 of the refugees from Indochina. Why? I will tell you why. When the first group came over in 1975, many of them were received at Camp Pendleton, from which they were sent out to other parts of the country. But, inasmuch as they landed at Camp Pendleton, many of the local church groups and charitable groups found jobs for them and took them under their shelter and kept their children.

There was an effort made to distribute these refugees throughout the United States. An effort was made, but something strange happened. They did not all stay put. You know, you send a Vietnamese refugee who came from a rice paddy up into the reaches of New Hampshire, and cold weather comes along, and somehow or another he has a change of heart—and there are no rice paddies up there or any similar place in which he can work—so he comes out to California or he goes to Texas.

I will tell the Members some of the States where they have problems. After California, Texas has the second largest number. Texas also has a very beneficent climate, particularly down along the coast and down along the Rio Grande. Pennsylvania had 10,996. The State of Washington has 10,221. Illinois has a good number, as has Louisiana. Minnesota, strangely enough, took in quite a few, 6,854. But, they also had 80-percent unemployment with them in Minnesota.

Mr. Chairman, the point I am trying to make is this: My amendment simply provides that for the Indochinese refugees, all refugees, the cost of child care, the cost of cash and medical payments, shall be the burden of the Federal Government until September 30, 1981. After that, a formula would apply under which for immigrants, for refugees, the welfare costs would be a Federal charge for a period of 4 years after the time they arrive in the United States. I submit that it is unfair to expect the local cities, the local counties and States, to pick up the cost of assimilating, training, and educating these refugees who are invited here as guests of the U.S. Government, until at least a few years have gone by and it is possible to find some way to work them into the economy.

I have talked to some of my school people. One can imagine the burden on an education system to bring in some little kids who cannot even speak Vietnamese properly and try to teach them arithmetic in English; and just try to find some qualified bilingual teachers, if you will.

□ 1510

And try to run into some diseases that you are not familiar with, teach them to eat some food that they have never seen before. There is nothing wrong with these people, but they have got to be brought up from scratch, and I respectfully submit that that burden belongs to the U.S. Government.

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

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

Mr. VENTO. I thank the gentleman for yielding. I want to associate myself with the remarks of the gentleman and to commend him and to commend the gentleman from California (Mr. LUNGREN) for offering this amendment. I support it. I think the gentleman has hit right on the point. I was listening to the debate earlier by the gentleman from Georgia (Mr. EVANS) and the terms of having an open policy. I want to commend him for that.

Hopefully, the committee will support the Danielson amendment to H.R. 2816 which provides 100 percent Federal reimbursement for refugee services through fiscal year 1981. The cost of integrating the Indochinese is a national responsibility and should be shared by all Americans. Without this amendment, the burden for the welfare and medical costs for some refugees will fall unfairly on States and communities where large numbers of refugees have settled.

This problem of concentration is demonstrated by the fact that 69 percent of the refugees admitted live in only 11 States. My State of Minnesota, especially the city of St. Paul has one of the largest concentration of refugees per capita in the Nation. The potential impact on the budget of local governments is easily recognized. Fully 65 to 70 percent of the refugees living in our area receive public assistance.

Certainly part of the reason for the abnormally large amount of the refugees receiving assistance is a result of the large percentage of Hmong in our St. Paul refugee population. Our Nation has a special responsibility to the Hmong, who originate from the mountainous area of Laos and Vietnam. Because of their cooperation with our military and intelligence forces during the Vietnam conflict, these people have been subjected to extreme persecution by the current Southeast Asian regimes.

Because the Hmong homelands are very rural and remote, their adjustment to our post industrial society is more difficult than most. Although the Hmong have a very sophisticated culture, their language was not translated to an alphabet until this decade. As a result, most of the adult refugees have little literary skills. In addition the Hmong as a population have had an extremely long wait in Southeast Asian camps until final resettlement in this country. Indeed, some of the Hmong have been in the Thai camps since 1976.

The squalid conditions of the camps have contributed to severe health problems among the refugees. In many cases their physical ailments are chronic conditions requiring long-term treatment or the result of tropical diseases, the diagnosis and treatment of which can be a major problem for a physician in a cold weather State.

St. Paul and the other communities of Ramsey County are committed to provide comprehensive services to the refugees. The local governments, voluntary agencies and individual citizens have opened their hearts and homes to facilitate this difficult transition and I know that this will continue.

This legislation would terminate the full Federal funding and place a 4-year limitation on reimbursement. The effect of this provision would be to place the financial burden of the services to the first wave of refugees on the already strained budgets of those communities

where the refugees have settled. If the refugees were dispersed evenly throughout the country the adverse impact upon specific communities would be minimal. The reality of the situation is that the Indochinese have migrated to a small number of cities and States. This is a natural and normal phenomena which bring the refugees in close contacts with their friends and relatives. Just as with other immigrant groups, this concentration is beneficial to the refugee community, because it provides the needed support and reenforcement mechanisms to expedite the adjustment to our society.

Mr. Speaker, I ask my colleagues to support this amendment, which helps to alleviate the unevenly distributed burden on State and local governments assisting current refugees. Your vote for this amendment will help to retain the proper national focus on assimilating the refugees in States and cities that have in the past accepted the responsibility and who continue to respond to the needs of the refugee population. Certainly this action that we may take today is a predicate of a positive future response from these communities to our national commitment.

The real genesis of the problem here is some of the reaction we get especially back home. We are getting conflicts in our home communities. There is a limited amount for bilingual education. There is a limited amount for housing assistance and other problems. If we want to address those problems, we should not take the money away from the neediest of Americans and distribute it to the refugees who come to this country. I think we ought to provide for them, but we ought to deliberate very carefully on the modest suggestion being made by my colleague, the gentleman from California (Mr. DANIELSON), in terms of providing needed refugee assistance.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. BUTLER. I appreciate the gentleman's yielding. I am trying to clarify exactly what this amendment does. It seems to me that I recall we had a bill from the administration which provided for 2 years of Federal benefits.

Mr. DANIELSON. I believe that is correct. Maybe it was 3 years, but it was something like that.

Mr. BUTLER. I believe it was 2 years, and the subcommittee added another year; did it not?

Mr. DANIELSON. My recollection is it was 3 and we added 1, making it 4.

Mr. BUTLER. Who requested that?

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield just to clarify this debate?

Mr. DANIELSON. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I thank the gentleman for yielding. I would hate to have anybody have the wrong impression. The administration submitted a bill calling for only 2 years of full Federal funding. The subcommittee doubled that and made it 4 years, and that is the amount that is in the bill, plus a year for grandfathering all programs presently in existence, so there is substantial Federal support for refugees in this legislation.

Mr. BUTLER. I thank the gentlewoman. Will the gentleman from California yield further?

Mr. DANIELSON. Surely.

Mr. BUTLER. I am trying to recall at whose request the subcommittee increased the amount of 2 years to 4 years. Does the gentleman recall?

Mr. DANIELSON. Yes, I recall very well. It was myself.

Mr. BUTLER. It was yourself. So yourself has to date already gone from 2 years to 4 years, and now yourself wants to go from 2 to 5 years.

Mr. DANIELSON. Myself does, and I am happy to say that many other selves around here do, also. It is a matter of equity as to who ought to pay when somebody invites someone to dinner.

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

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

Mr. HALL of Texas. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment and state that California and Texas I believe after that November 15th date had approximately 27,000 of these people.

Mr. DANIELSON. That is correct.

Mr. HALL of Texas. And it is a problem that I certainly think should be the burden of the Federal Government. It is a national problem. I certainly join in with the gentleman from California (Mr. DANIELSON) on his amendment, and the gentleman from California (Mr. LUNGREN) who is a joint sponsor.

Mr. DANIELSON. I bring to the attention of the Members some statistical data relating to the current state of the refugee situation, as of November 15, 1979:

National Refugee Population: 267,102.

Number of Refugees in California: 123,000 (This figure represents the State of California's best estimate of its current refugee population, including scondary migration refugees. The official HEW estimate for California, 87,325, does not include the secondary migration refugees.)

Projected Number of Refugees in California:

Fiscal year 1980, 197,000.

Fiscal year 1981, 277,500.

Number on aid nationwide: 45 percent*.

Number on aid in California: 48,200, or 39 percent of total refugee population.

Percent of California caseload in the country more than 48 months currently receiving cash or medical assistance: 15 percent.

California's refugee program is characterized by several problems not found in other states. These are:

1. Large population;
2. Family reunification;
3. A reputation for job opportunities; and
4. Heavy urban concentration.

* From Congressional Budget Office, cost estimate, House of Representatives Committee Report No. 96–608, p. 35.

1. Large Population:

A very large number of the first wave of refugees in 1975 was placed in Southern California, at Camp Pendleton, while community sponsorships were being arranged. Many of the first refugees were resettled in California bcause many sponsorships developed here. The generosity of Californians and their willingness to help refugees is evidenced by the fact that about 30 percent of all subsequent refugee arrivals are now in California.

2. Family Reunification:

These first arrivals established a core of refugee residents and the roots of an active refugee community which was looked upon for leadership by new refugees. This, together with the cosmopolitan nature of our population, has provided a more comfortable environment for refugees. In addition, as more refugees are admitted to the U.S. and refugees are permitted to sponsor other refugees, California becomes the focal point of family reunification.

3. California's Reputation for Job Opportunities:

We believe that many refugees unable to find work in other states migrate to California because of our state's reputation for employment opportunities. Survey data indicate that in December 1978 fully one-half of out-of-state refugees receiving aid in California were on aid in their prior state. Of greater importance is the fact that of those secondary migrants applying for aid one-half were unaided in former states of residence. This means that they willingly abandoned sources of income elsewhere to come to California.

4. Heavy Urban Concentration:

About 70 percent of our refugee population has chosen to settle in Southern California. This area is well known for a temperate climate which more closely approximates that of Southeast Asia than other areas of the nation. As a result, upwards of 80,000 refugees reside in Los Angeles, Orange, and San Diego areas alone making job placement and assimilation extremely difficult in this limited geographic area. By contrast New York State has only 7,000 refugees, who presumably are dispersed throughout the state.

Mr. Chairman, I rise in support of the Danielson-Lungren amendment to the Refugee Act of 1979 to make the act consistent with Public Law 96–110 (the Cambodian relief bill) by extending 100 percent Federal funding for domestic refugee costs to September 30, 1981.

I urge my colleagues to support this amendment because the cost of integrating Southeast Asian refugees is a national responsibility that ought to be shared by all Americans. Congress has confirmed this concept in the original Indochina Refugee Migration and Assistance Act of 1975 and recently by enacting a 2-year continuation of Federal funding in the Cambodian Relief Act (Public Law 96–110). Without immediate passage of this amendment, the burden for health and welfare costs of refugees will fall unfairly on local governments in States where large groups of refugees are settling. The problem is clearly seen in my home State of Texas. The most recent figures available indicate that Texas has the second largest number of refugees in the United States with 26,015 out of approximately 260,000. Of those refugees in Texas, approximately 25 percent are receiving some form of cash assistance and medicaid. Unless the Federal Government fully funds the resettlement of

these refugees, the cost will be passed on to State and local government.

The Southeast Asian refugee situation continues to be unstable and many refugees in the United States are not moving quickly off of welfare rolls into the economy. The refugees arriving in this country in the last 18 months are not able to become self-supporting immediately due to cultural differences, health factors and a low level of employment skills. Texas is not the only State where refugee resettlement is a problem. It exists as a significant problem in California, Pennsylvania, Louisiana, Illinois, Washington, New York, and Minnesota.

Mr. Chairman, I ask my colleagues to support this amendment to avoid the unevenly distributed tax burden on local government in absence of Federal reimbursement, a burden which would be the result of a refugee admission policy established at the national level without State or local authority or involvement. A vote for the Danielson-Lungren amendments is a vote to retain the national focus on assimilating refugees into American life.

Mr. DANIELSON. I thank the gentleman.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is painful to argue against the gentleman from California (Mr. DANIELSON) who argued so eloquently for his cause and who has contributed so much to making this an important and effective bill. But I think it is very important to understand what the bill does already and the generosity of the bill to the States and to the refugees. The bill basically accepts the notion that because the Federal Government has decided to permit refugees to come into this country, it is the Federal Government who should pay for the initial costs of resettlement. Consequently, as I mentioned before, this bill is much more generous than the proposal offered by the administration and much more generous than the bill adopted by the other body.

We provide for 4 years of full Federal financing for costs of welfare and medicaid for refugees in this country, for 4 years after their arrival.

Second, there is a grandfather clause providing full Federal funding for refugee programs for 1 year.

Third, there is no limit at all in terms of time for federally financed programs of a special character—bilingual programs, mental hygiene programs, physical hygiene programs, social service programs, job retraining programs. These special programs have no time limit in this bill. They are programs based on need. The gentleman's amendment would cost an additional $100 million. I think it is unnecessary. The administration opposes it; I oppose it.

I want to add one other point with regard to the amendment and the reason I think it is unnecessary. Up to the present time we have had a program of refugee resettlement that has been in some instances haphazard and in some instances ineffective. We have not received the full benefit of the taxpayers' dollars with regard to refugee resettlement. We have not done as good a job as we can. This bill for the first time sets up a systematic and carefully thought-through proposal for effective resettlement to try to help the refugees get on their feet. This bill insists, for example, on immediate language training so that refugees can become productive members of our society. That has not been an organized and consistent part of our refugee resettlement effort. It authorizes programs for immediate job training which will help refugees become self-sufficient and avoid their becoming a burden on society. That is why I say to the gentleman I appreciate his concern. I do think the Federal Government has the responsibility. I think this bill discharges that responsibility, and I would urge defeat of the amendment.

Mr. LUNGREN. Mr. Chairman, I rise to speak in support of the amendment.

Mr. Chairman, I would like to speak on behalf of the amendment that the gentleman from California (Mr. DANIELSON) and I have offered to the Refugee Act of 1979. As many of the Members may know, I do not often take this well to ask for increased expenditures on the part of the Federal Government, and I vote against many bills which appear to increase Federal spending. I even voted against the funding resolution to give the Committee on the Judiciary, my own committee, an increased budget this year. But today what I am doing is asking for more money for a program for one reason. I believe this is one of the cases where the expenses involved are truly a national and not a local responsibility. It is a national commitment, and a correct national commitment rather than a local one, to take in the refugees from Indochina. There is a national responsibility to pay for the resettlement, wherever it may be.

What has occurred in the resettlement process over the past few years is that rather than being dispersed throughout the country on an equal basis, a per capita basis, with the citizens of this country, there has been a tendency for refugees to settle in some areas far more than in others. The best estimate we have at the present time, for instance, is that in California, where we have 10 percent of the population of the United States, we have 40 percent of the refugees from Southeast Asia. There is nothing wrong with that. We do not begrudge the country that. We are attempting to be as hospitable as possible, but a problem arises at the point at which the people in the local community are asked to bear the financial burden for that. If you have 10 percent of the population but 40 percent of those who are coming in, that results in an unfair financial burden.

What this amendment talks to is the question of those refugees who came in the first wave of refugees—in 1975 and 1976—after the fall of Saigon the older refugees in terms of their time of settlement here. These are the ones who came in during a period of time in which we did not have a well coordinated refugee program. The reason it was not well coordinated is not mysterious nor should it be criticized now.

But, in the after effects of the fall of Saigon, it was very necessary for us to act rapidly because time was truly of the essence; and we did act with whatever resources we had available at that time. But no one can say it was not a disjointed effort and an effort that really in retrospect, had we had more time, could not have been better accomplished. The intention of this bill is to make future resettlement more effective than our premium efforts. But in the meantime in those states that have a large number of refugees who have been here for a long period of time, the question remains if they have not been successfully assimilated into that society, who should pay the cost of the support services that are absolutely necessary? That is what this amendment is about.

Some talk has been made of the fact that the original bill that came to us from the administration asked for 2 years of funding, and we increased it to four years. That is correct, but I should point out that the administration had no basis in fact whatsoever that they could articulate to us during our hearings as to why they would support a 2-year rather than a 4-year period. Basically, what the Secretary of HEW, Mr. Califano, said to us was they had to set the limit somewhere.

□ 1520

There was no basis in fact that people could make the transition easily during the originally-envisioned period of time.

As a matter of fact, one-quarter of those people in refugee status who have resettled in southern California who are now receiving welfare payments have been here since 1975. So, recognizing the fact that some had already been here and that when this bill would go into effect allowing for a 4-year support by the Federal Government of services for these people, that those who already have been here for 4 years would be taken out of that consideration, the bill originally had a 1-year grandfather clause. What this amendment does is to give a 2-year grandfather clause so that those of us in this country, in those areas which have a large number of refugees who came over on the first wave that have not made a successful assimilation into the surrounding society, will have an opportunity of 2 years in which to set up our program, to allow the people to get off cash assistance, to allow the people to get off welfare and medical assistance and allow them to start with the same benefits as those who are coming here now.

Mr. Chairman, there are those who question the fact that in some States refugees seem to get off welfare rolls more quickly than in other areas. The fact of the matter is, in California, Texas, and any other number of States, we have what is called secondary migration. This means you have refugees from Southeast Asia who initially came to resettle in this country in other States.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. LUNGREN

was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. When for some reason they are unsuccessful in resettling in those particular areas of the country, they have gone to other areas of the country, chiefly California, Texas, Pennsylvania, Washington, Illinois, New York, even in some areas of Minnesota. Why? Well for one reason in some cases, climate. For another reason, they have gravitated to those areas where large numbers of people who share the same cultural values and cultural experiences have already resided.

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

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

Mr. VENTO. I wanted to point out, when the gentleman says they came to Minnesota because of the climate, that is not the only factor. One of the reasons they came to Minnesota is, we do have a great climate, but the main factor is the group of Hmongs who were mountain people who fought with our troops in Vietnam and were gun carriers, they tend to congregate in communities, much as other ethnic groups have done throughout our history. That is why we wound up with a large population in our area of Minnesota.

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

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

Mr. HYDE. I wonder if the gentleman from Minnesota might not consider that these very primitive people go up in the boundary waters canoe area because of the legislation the gentleman has sponsored to keep it one of the most primitive areas in the world.

Mr. VENTO. If the gentleman would yield, I am sure they enjoy that resource just like all Americans do. I hope it will always be as it is.

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

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

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

Mr. Chairman, as a Californian and a strong supporter of this bill and our country's efforts to resettle Indochinese refugees, I am very interested in the success of this amendment which has been so ably offered by my colleagues DANIELSON and LUNGREN. But the success of this amendment should not be solely attributable to Californians who do not want the responsibility of supporting the majority of the refugees in the United States. It should be passed as an affirmation of the willingness of the whole country to accept responsibility for the 260,000 refugees who have accepted our invitation to resettle in the United States. It is a national responsbility—the United States is a magnet to all who seek freedom. That is why they are coming here.

As I am sure most of you are aware by now, California has been chosen as a final haven by nearly half of our refugee population. Their wish to join other family and village members, together with a desire for a warm climate and favorable economic conditions, has led to this reality.

In fairness to both the population of California and the refugees, the Danielson-Lungren amendment is needed. In order to head off a shift of millions of dollars in relief funds from the U.S. Government to California taxpayers and bring this bill in line with the Cambodian relief bill which was just signed into law, this proposal must be adopted. If such a shift did occur, it could result in anger and resentment toward the refugees. Unfortunately, there is some of this resentment already.

Since the refugees will be needing our support for some time, we must not shirk this responsibility. I urge my colleagues to join me in voting for the Danielson-Lungren amendment.

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

Mr. LUNGREN. I will be happy to yield.

Mr. PANETTA. I thank the gentleman for yielding and I want to join with him and the gentleman from California (Mr. DANIELSON) in the amendment that has been offered.

Again, it is a basic problem of State and local jurisdictions having some kind of commitment that they are going to be protected in terms of dealing with the refugee problem. This is a real problem for these local communities and local jurisdictions. And to extend it a year just gives them that much more time to lay the groundwork so that we can more properly deal with the challenges provided by having these refugees in their communities.

Mr. Chairman, the other point I would make is that this is not a regional issue. We talk about California, we talk about the other States that are impacted and there are these particular States that are impacted but this is a national issue. We are talking about a national commitment that has been made here to the refugees. Regardless of where they settle it is the responsibility of this institution to respond to those needs and to respond to the basic justice that is involved here. I commend the gentleman.

Mr. LUNGREN. Mr. Chairman, I would like to point out that mention was made of the price tag for this amendment of $100 million. At one point in our subcommittee, however, we received testimony that it would be $53 million. But whether it is $53 million or $100 million, the fact is that those are the costs that are going to be involved and either they are going to be borne by local government or they are going to be borne by the Federal Government and to the extent that we have had an impact that is not fairly distributed, if you want to use that terminology, around the country, certain local communities and States are going to be unfairly impacted.

Mr. Chairman, the second thing I would stress is secondary migration.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. JOHN L. BURTON, and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. LUNGREN. The latest figure we have is that in California, for instance—I am sure this is true in many of the other States that are so affected—one-third of those refugees now receiving welfare assistance are the products of secondary migration. So it is a truly unique phenomenon in some areas of the country and all we are saying is that these costs do and will exist. The question is "How can they be most equitably borne?"

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, I thank my colleague for yielding. I would like to rise in support of the amendment and associate myself with the remarks of the gentleman in the well, except as they apply to funding the Committee on the Judiciary, and the remarks of our good friend, the gentleman from California (Mr. DANIELSON), and I am pleased to have back-to-back issues where the gentleman and I are joined in the righteous cause.

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

Mr. Chairman, this is not an easy subject to discuss. To review the facts as they were very ably stated by the chair, the bill we brought to the floor provides for 4 years of full funding after fiscal year 1980.

The amendment would add an additional transition year before the beginning of the 4, that is fiscal year 1981 as well as fiscal year 1980.

Mr. Chairman, what we are therefore talking about is a refugee coming into the United States during the next year will have 5 years of full funding. I think the question that has not yet been addressed by any of the speakers on this issue is, what should our refugee policy be, what is our concept of what you want to happen to this individual to become a sustaining member of our society?

Mr. Chairman, this gets you away from the issue of who is responsible for paying it, to what should your program be.

I suggest that the goal of resettlement policy should be to get a refugee out of a temporarily unemployed situation as quickly as possible.

□ 1530

Therefore, it becomes the responsibility of the State in which the refugee finds himself to try to move him from the temporarily unemployed situation, which is how I categorize his arrival in the United States, to that of a self-supporting contributing member of society.

Now, there are certain responsibilities that we do have as a government to meet the needs of these people. It so happens that health needs are of vital importance and a matter of great concern to refugees.

In most cases the language barrier is an obstacle that must be overcome.

Furthermore, I think we have an obligation to develop their skills.

Contrary to what has been said on this floor, they do come here with skills. In fact, the unemployment rate among refugees coming the the United States is lower than that of the national average. The skills that they had in the countries that they came from have to be developed to be applicable to our society.

Now, this involves the Federal Government. It involves education. It involves job training. It involves language training, but I think we can honestly say that it should be a job that is done in 4 years. It does not need 5 years.

I think that is the basic issue, that it would be far more harmful to the United States if we allowed a refugee class of welfare recipients to develop. I think it is very serious that the particular needs of these people, particularly those coming from a war ravaged background after years of indolence in stinking camps in countries of first asylum, are met and dealt with. I have specified these as health, as education, language training, and job skills development. These needs have to be handled quickly if these people are not to fall and never, I submit, never be able to rise up again and become what we want them to become full self-supporting members of our society.

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

Mr. FISH. I would be glad to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

I think the impression left is that somehow we are expanding the total program, that the Danielson amendment would expand it for 5 years. I do not think that is the intent; that is, for new refugees that it would continue to be 4 years.

What we are really dealing with is the refugees that came in 1976 and 1977. The justification for adding on the extra year, I guess in this instance, would be that it is true that there was kind of a stop-gap program. It was not a certain program. It did not have a foundation that the Committee on the Judiciary under the gentlewoman from New York (Ms. HOLTZMAN) and the leadership of the gentleman from New York (Mr. FISH) put together. I want to commend the gentleman. I think the gentleman has done a good job.

I think that we just perceive things a little differently. When many of these refugees came to this country they were the victims of various tropical diseases. There were many infections with which we were not familiar, that were not diagnosed. Today, for instance, the incidence of TB among those refugees is very high.

I think, for instance, in my State it has been pointed out there has been a high degree of employment. Many of these people are working, but they are not working at the type of skilled jobs and so forth that might characterize the balance of our society. As a matter of fact, they are the minimum wage type of jobs. They are not the type of jobs that I think most of us would want.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. FISH) has again expired.

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

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

Mr. FISH. I yield to the gentleman.

Mr. VENTO. Mr. Chairman, I just want to conclude by pointing out what I think we are talking about is how we treat these early refugees that came to this country. Many of them were coming from a certain environment. They were given special preference to come here because of their efforts to assist us in the Vietnam conflict, such as the Hmong people that have settled, for instance, in the district and the area of Minnesota that I am privileged to represent.

I want to point out to the gentleman that they had, for instance, in the case of these people, no written language and very difficult problems. When the gentlewoman from New York, the chairman of the subcommittee points out the additional training and other programs, we do not have the appropriations, the authorization is in this particular legislation; so what we are really talking about is the child welfare benefits, the entitlement medical programs.

I would just appeal to the Members of the House and to the gentleman from New York, as well as the gentlewoman from New York, the chairman of the subcommittee, to take this into consideration as we vote on this particular amendment offered by my good friend and colleague, the gentleman from California.

Mr. FISH. Mr. Chairman, in a minute I will yield to the gentlewoman from New York, the chairman, because I know the gentlewoman wants to respond to certain statements that the gentleman from Minnesota made, I think the accuracy of which can be questioned.

Let me put one thing in perspective when we are talking about 1 year. This coming spring of 1980 will mark 5 years since the fall of Saigon. The large bulk of about 130,000 Indochinese refugees were resettled in the United States by Christmas of that year. If we are talking about a burden on the States of the refugees who came in 1976 and 1977, we are talking about a total flow in 1 year of about 11,000 from Indochina; the second year about 17,000.

It was not in those 2 years that we had the tremendous buildups. It is subsequent to that period, just in the last year plus; so I just do not think that is the problem.

I still get back to this issue that if we do not save these people within 4 years and give them job training and language training that they need, if we do not do it in 4 years, we cannot do it.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. FISH) has again expired.

(At the request of Ms. HOLTZMAN and by unanimous consent, Mr. FISH was allowed to proceed for 4 additional minutes.)

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding. I think the gentleman has made a very good point as to what time limit there should be on complete Federal support for welfare and for medicaid payments and what our policy should be with regard to absorption.

I think it is very important to point out some misconceptions that people seem to have about this bill. This bill does have money in it for special education programs, for job training programs, for orientation programs. This bill does have money in it to pay for health programs not connected to welfare. We have divorced the medicaid and welfare requirements, so that to get health benefits a refugee no longer has to go on welfare. This bill authorizes funds and programs to give refugees the kinds of skills which will enable them to become self-sufficient.

I do not think it would be useful to the refugees or good for the country to have in essence what amounts to an open-ended support for refugees on welfare.

I think our primary objective ought to be to give them language training, to give them job training and make them self-sufficient as quickly as possible. I think we can do that. I think this bill provides a framework for it and I think the amendment would take us down the road toward an endless Federal dole and an endless kind of welfare dependence by refugees, I think that would be wrong.

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

Mr. FISH. I would be happy to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, just to reinforce what was said by the gentleman from Minnesota (Mr. VENTO) a moment ago, this grandfather clause will not in any way affect those new refugees now coming in. It goes to the last page of the bill which speaks to cutting off services, not the definition or defining the period of time in which they are there for 4 years. All it says is that if they fall under that classification, that cutoff is not operative until 1981; so it affects those people who have been here since 1975, 1976, the ones who came from the fall of Saigon and so forth.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. FISH) has again expired.

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

Mr. LUNGREN. Mr. Chairman, if the gentleman will yield further, I would just underscore, it is not that these particular States have failed to have adequate programs for these people during that period of time. A large bulk of those individuals are ones who went elsewhere first and then came to those States; so it is not the failure of the States. It is

not the failure of the localities they are now in.

The last point is that we are talking about general cash assistance programs and medical assistance. That is what we are talking about, the welfare program and medical assistance to these people.

It is all well and good that they would have the training programs. It is all well and good they may have a physical hygiene program that is not affected, but if you have a family like I do in my district that has 11 children, the woman is illiterate in her own language and was taken out of a culture totally alien to that of southern California and was placed there, it does her no good for me to tell her that she is going to have the continuation of a job training program now when she will not be able to utilize it, since she has her children home and the children will not be able to receive the benefit of medical assistance unless that is picked up by State and local government.

I think we ought to be very clear about what this limitation goes to.

Mr. Chairman, I thank the gentleman for yielding.

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

Mr. Chairman, I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I want to reiterate what my friends, the gentleman from California (Mr. LUNGREN) and the gentleman from Minnesota (Mr. VENTO) just stated, because the issue seems to have otherwise been cast into an incorrect light.

The amendment which I offer does not change the basic period of eligibility for benefits financed by the Federal Government. The bill itself provides that the limitation for the provision of child welfare services shall be 48 months, beginning with the first month in which the refugee children are in the United States.

□ 1540

Then again the bill provides that eligibility for cash assistance and medical assistance programs provided to refugees—that is, other than child welfare—shall be 48 months beginning with the first month in which they arrived in the United States.

The only effect of the amendment which I and the gentleman from California (Mr. LUNGREN) have offered is that these limitations do not begin until October 1, 1981. The reason for that is self-explanatory. These people arrived on our shores in 1975, 1976, and 1977 with no skills, unequipped to fit into our society, and we simply did not have programs in being or programs in line which were designed and efficient for helping these people become assimilated.

This first group needs the additional time. Thereafter refugees will be limited to 48 months. This is not a permanent 5 years for everyone. It is a 48-month eligibility, and the 48-month limitation will not become effective until 1981 under this amendment.

Mr. Chairman, I submit that this is a very reasonable, respectable amendment. Since these people are here as guests of the Federal Government, then the Federal Government should pay for these welfare and cash and medical assistance costs.

Mr. Chairman, I thank the gentleman for yielding.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON).

The question was taken; and on a division (demanded by Ms. HOLTZMAN) there were—ayes 9, noes 3.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 35, strike lines 20 through 22 and renumber succeeding subsections accordingly.

On page 36, line 18, after "administering", change the comma to a period and strike all that follows through line 6 on page 37.

On page 37, insert after line 22 the following new paragraph:

"(9) The Secretary of Labor and the Secretary of Education shall provide each member of the Committees on the Judiciary of the House of Representatives and of the Senate, and the Director with annual reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction.".

On page 37, line 23, strike out "(9)" and insert in lieu thereof "(10)".

Mr. FISH. Mr. Chairman, first, my amendment strikes part of the mandatory requirements in a State's resettlement program as a condition for receiving Federal assistance.

As this section now stands, it is too rigid and inflexible. I would strike some of the detailed requirements set forth which have been criticized as akin to regulations, rather than language appropriate to include in a statute.

This bill establishes a new office within the Department of HEW. While legislation putting restrictions on what a Government agency can do, often receives wide support, it is unusual to give such specific directions as to how an agency should carry out its responsibilities. Judgments will have to be made based on experience. Congressional oversight is the proper method of assuring ourselves that the office in question is in fact carrying out the responsibilities given to it by this legislation.

Mr. Chairman, the goal of resettlement policy should be to get the refugee out of a temporarily unemployed situation, meet their health needs in an environment where they can overcome language barriers and develop their skills to become self-supporting, contributing members of society. If this goal is accepted, language training and skill developments are fundamental to successful resettlement. I, therefore, believe that the cooperation of the Department of Education and the Department of Labor are important.

The second part of my amendment, therefore, contains an affirmative requirement that the Secretary of Education and the Secretary of Labor make yearly reports as to the efforts of their respective departments to increase refugees access to programs within their jurisdiction. Involvement of these departments was strongly urged in an excellent analysis of refugee resettlement in the United States prepared last summer by the New Transcentury Foundation.

This additional language fortifies the interdepartment cooperation intended by other language in this title.

I want to make it clear that by offering this amendment, I do not object to the functions described in the language that is being stricken. The amendment retains the Office of Refugee Resettlement reporting directly to the Secretary of HEW. I am sure that as this office is established, our committee will be aware of the steps it takes to perform its duties and make our ideas known in that regard.

I feel this amendment simplifies title III without reducing the authority granted to implement a viable refugee resettlement policy. I urge my colleagues to support this amendment.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am pleased to say that I believe the gentleman's amendment is a constructive one, and I support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. FISH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 32, strike out line 3 and all that follows through page 48, line 19 and insert in lieu thereof the following:

TITLE III—TEMPORARY AND TRANSITIONAL ASSISTANCE TO REFUGEES

SEC. 301. (a) Section 2(b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)) is amended to read as follows:

"(b) (1) There are hereby authorized to be appropriated for fiscal years 1980 and 1981 such amounts as may be necessary from time to time—

"(A) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons in behalf of whom he is exercising his good offices; for contributions to the Intergovernmental Committee for European Migration; the International Committee of the Red Cross; and to other relevant international organizations;

"(B) for assistance to or in behalf of refugees designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States;

"(C) for payments to appropriate public or nonprofit private agencies to aid in the placement, resettlement, and care of refugees;

"(D) for projects and programs to assist adult refugees in gaining skills and education necessary to become employed or otherwise self-reliant, including facility in

English, vocational and technical training, professional refresher training and other recertification services, and social and employment services;

"(E) for payments to State and local agencies for projects to provide special educational services (including facility in English) to refugee children in elementary and secondary schools;

"(F) for child welfare services, including foster care maintenance payments and services and health care, furnished in any of the first twenty-four months during any part of which the refugee is in the United States or, in the case of a child who enters the United States unaccompanied by a parent or other close adult relative (as defined by the President), until the month after such child attains age eighteen (or such higher age as the State's child-welfare services plan prescribes for the availability of such services to any other child in that State), if later; and.

"(G) for interim support assistance during the period of initial adjustment, and for income maintenance and medical assistance, except that if a refugee receives aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplementary security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments.

"(2)(A) Subject to the provisions of subparagraph (B) of this paragraph, no payment shall be made under subparagraph (C) or (G) of paragraph (1) with respect to aid or services, furnished directly or through a project or program, to a refugee who entered the United States more than twenty-four months prior to receiving such aid or services.

"(B) The period beginning on the date of enactment of this Act and ending September 30, 1980, shall not be counted for purposes of computing the twenty-four month limitation period specified in subparagraph (A) of this paragraph.

"(3) For special projects and programs authorized in subparagraph (D) of paragraph (1), there are authorized to be appropriated each fiscal year $40,000,000, to remain available until expended, to be administered primarily by private, nonprofit agencies participating in refugee resettlement programs, or by State or local public agencies, to assist refugees in resettling and become self-reliant.

"(4) As used in this section, the term 'refugee' has the same meaning as that prescribed by paragraph (42) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42))."

(b) Subsection (a) of this section shall not be considered a law enacted on or after February 7, 1972, for purposes of section 15(a)(1)(A) of the Act of August 1, 1956 (22 U.S.C. 2680(a)(1)(A)).

SEC. 302. The Comptroller General of the United States shall evaluate Federal and federally assisted programs to refugees resettling within the United States to determine their effectiveness and efficiency.

SEC. 303. This title, and the amendments made by this title, shall become effective on October 1, 1979.

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

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

There was no objection.

Mr. HYDE. Mr. Chairman, this amendment, which I am offering on behalf of Mr. MCCLORY would strike title III from the bill and substitute language very similar to that already approved by the other body and similar to that requested by the administration in its executive communication dealing with this matter.

This amendment does not involve the creation of any new bureaucracy within the Department of HEW or elsewhere but merely authorizes the expenditure of funds for job training, language training, and cash and welfare assistance. It is, in other words, a continuation of programs now existing for Indochinese refugees but applicable to all refugees entering the United States.

The present assistance to refugees to facilitate their resettlement in the United States is fragmented and enacted on an ad hoc basis.

The purpose of this bill is to establish one program to assist all refugees. However, we do not need to establish yet another bureaucracy to accomplish this purpose.

In submitting a refugee bill to the Congress, the administration saw no need for an additional statutory office to administer domestic resettlement aid. By letter of March 7, 1979, which is found on page 33 of the committee report, the Secretary of State describes the administration's proposal, and this is what he says:

> Title III makes few substantive changes from current administrative practice under the Act. Instead, it clarifies the purposes for which assistance will be furnished, reflecting experience gained in the administration of refugee assistance since 1962.

Mr. Chairman, right now there is no "E" in HEW." Half of the programs are in Education, and half of them are in Labor. We do not need a new bureaucracy in HEW.

All of the good things that this coordination and consolidation is supposed to accomplish by creating this new office in HEW can be done administratively. The State Department has a coordinator for refugees with ambassadorial rank created by Presidential order.

I might point out that there are private voluntary agencies that want to continue to work with the State Department, with whom they have a good working relationship, and under this proposal they would not have to deal with HEW or its successor agency.

This amendment provides for the same programs we have now, the basic resettlement programs, but conforms them to the new definitions of "refugee" in the bill. We just do not need a new bureaucracy. We would rather use the money for the refugees and not for bureaucrats.

Mr. Chairman, I might also point out that later on in the bill the distinguished subcommittee chairwoman has a provision to create an Office of Refugee Policy in the White House, and that certainly ought to suffice.

□ 1550

Ms. HOLTZMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment goes to the heart of this bill and in effect guts it entirely. It erodes the main purpose of the bill, which is to a systematic and effective method of refugee resettlement in this country.

Title III, as proposed by the administration and adpoted by the other body, is in essence a blank check to the executive branch which says, "Resettle refugees in any way you like." Well, I think if we look at the arguments on the last amendment, we can see that there is a lot to be desired with respect to how refugees are resettled in this country.

Let me just describe what title III does and why title III must be retained in its present form.

Let us start with the refugees before they come to the United States. Anyone from the Congress who has been abroad to visit refugee centers knows how much time is wasted as the result of the failure to provide refugees coming to this country with orientation or language training while in camp.

Members have debated the fact that many refugees are not familiar with our life style, our culture and our mores. Why cannot these refugees receive some basic orientation to life in this country, as they wait months and years in refugee camps before coming to the United States.

This bill requires such orientation and language training in refugee camps abroad for people coming to the United States. The gentleman's amendment would wipe that provision out.

Second, let us focus on the distribution of refugees in the United States. The Representatives from California have argued eloquently about the number of refugees who have settled in California. Up to now, the States have played no role, and the Federal Government has played no role in the question of where refugees are resettled in this country. On the other hand, title III explicitly allows for participation by the States and the Federal Government in the crucial decision of where refugees would be settled in this country. The gentleman's amendment would wipe that provision out and leave the entire decisionmaking process to private organizations.

This bill sets up careful and explicit requirements regarding medical screening. There was a question on the floor about exotic and tropical diseases that refugees might have. We have no system now for following up with refugees who come here with medical problems. This bill will set up such a system. The amendment would strike that provision out.

CHILDREN

How many times have we heard about the plight of unaccompanied minors or orphans waiting in refugee camps for years, with no place to go? While unaccompanied minors and orphans have top priority for coming to the United States, they are not brought here because of unbelievable redtape and bureaucracy. Title III sets up a procedure for bringing in orphans and unaccompanied minors to this country and it establishes standards for their acceptance and reception in this country. The gentleman's amendment would

wipe that provision out and put us back in the disgraceful position where we are now, where we cannot deal effectively and expeditiously with these unaccompanied children.

What about the issue of language training? Everybody knows that teaching refugees English quickly is the best way to enable them to become productive members of this society. Title III of this bill makes that need explicit and repeats it time and time again. The gentleman's amendment would wipe out this provision and the current ad hoc and haphazard approach to language training.

What about the issue of forcing people to go on welfare in order to get health benefits? We were told that one significant reason refugees go on welfare is to receive medicaid. In this bill we divorce medicaid from welfare. We say that for 1 year a person will be entitled to medicaid without going on welfare. We do not want refugees to be on welfare. This is an innovative and important part of the bill, and it may save the taxpayers millions of dollars. This provision is wiped out by the gentleman's amendment.

The CHAIRMAN pro tempore. The time of the gentlewoman from New York (Ms. HOLTZMAN) has expired.

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. The gentleman's amendment would wipe out measures in this bill requiring monitoring and evaluation of all federally financed refugee programs. We do not now have requirements for monitoring and evaluation. We must have them in order to improve the resettlement program and to try to assure that there is proper accountability.

In addition, the Office of Refugee Resettlement, which is supported by the U.S. Conference of Mayors and indeed by the American Council of Voluntary Agencies for Foreign Services, Inc., would be wiped out.

I think one of the most serious problems we have with regard to refugee resettlements is the lack of appropriate coordination.

I would very much urge that the gentleman's amendment be defeated and that the thrust of title III, which is to create an effective, systematic program for the absorption of refugees, be retained.

AMENDMENT OFFERED BY MR. DANIELSON TO THE AMENDMENT OFFERED BY MR. HYDE

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the amendment offered by Mr. HYDE: Strike out "twenty-four" each place it appears in the amendment and insert in lieu thereof "forty-eight"; and on the third page of the amendment, in proposed subparagraph (B), strike out "1980" and insert in lieu thereof "1981".

Mr. DANIELSON. Mr. Chairman, I take no side in the issue presently being debated as to the Hyde amendment. The purpose of my amendment is simply to bring into the Hyde amendment the effect of the amendment which was most recently adopted by the committee, namely, the Danielson-Lungren amendment, so that in the event the Hyde amendment should be adopted, that portion would not be stricken from the bill. That is the whole purpose.

I would hope that the gentleman from Illinois might even accept this amendment.

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

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

Mr. HYDE. Mr. Chairman, since we have just debated the gentleman's amendment in extenso, as you lawyers say, I will accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment to the amendment was agreed to.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

It would strike title III from the bill as it was reported and substitute language similar to that originally proposed by the administration for domestic assistance to refugees.

I have had difficulty, I confess, in previous months, as we worked our way through this legislation, in perfecting it to the point that it was brought to the House floor.

Title III does set up this new department, this new office, in the Department of Health, Education, and Welfare, to administer the refugee programs. However, in recent weeks, I have consulted with those very persons most knowledgeable about the problems involved on the domestic side of this program, the people whose opinions I greatly respect. And they indicate support today for the creation of this office in the Department of HEW. The private, voluntary agencies and the U.S. Conference of Mayors support the establishment of this office today in HEW. I will grant to the sponsor of the amendment that that is a change of position on some of their parts in recent weeks.

So I point out that these are the very people who are directly involved in the resettlement problems and programs, and I believe their opinions should be carefully considered. So I think it is appropriate to create such an office in HEW, reporting to the Secretary, to insure that the refugee resettlement programs will receive the attention they deserve and not be diffused within the Department or shuttled off to an obscure corner on an organization chart.

Since this is a new office, since our bill contains only a 2-year authorization for this office, I trust that our Subcommittee on Immigration, Refugees and International Law will conduct continuing oversight into the operations of this office to determine that it is accomplishing what we desire.

This office created in the bill as reported does appear to be the proper response at present to insure resettlement programs will be effectively managed.

I want to allay one further fear, and that is that this office is going to in any way take over the present authority of the Refugee Coordinator. Quite the contrary. It is an office in HEW concerned with resettlement programs. The director of this office will administer the welfare and the training programs applicable to refugees. But under an amendment that will be offered later, Mr. Chairman, the present Refugee Coordinator will become director of an Office of Refugee Policy in the executive branch of the President, and I quote:

He will be responsible for the development of overall United States refugee admission and resettlement policy and, second, the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures the policy objectives are met in a timely fashion.

So I see the new director of the Office of Refugee Policy as being superior to those other efforts, whether they be in the health field, the welfare field, or over in the Office of Education or in the Department of Labor. So I support title III as written, and I urge a no vote on the pending amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE), as amended.

The amendment, as amended, was rejected.

□ 1600

The CHAIRMAN pro tempore. Are there any additional amendments to title III?

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 38, line 3, strike out "fiscal year 1980" and insert in lieu thereof "fiscal years 1980 and 1981"; line 5, strike out "fiscal year 1981" and insert in lieu thereof "fiscal year 1982"; line 12, strike out "fiscal year 1980" and insert in lieu thereof "fiscal years 1980 and 1981"; line 15, strike out "fiscal year 1980" and insert in lieu thereof "fiscal years 1980 and 1981"; line 21, strike out "fiscal year 1980" and insert in lieu thereof "fiscal years 1980 and 1981"; and strike out line 22 and all that follows through line 2 on page 39 and insert in lieu thereof the following:

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

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

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

There was no objection.

Mr. FASCELL. Mr. Chairman, this amendment merely clarifies the authority of the Secretary of State over the U.S. refugee program overseas. Spe-

cifically, it grants authority to the Director of the Office of Refugee Resettlement to develop domestic programs for refugee resettlement, while leaving to the Secretary of State the conduct of our refugee activities overseas. It makes no change in the authority of the Office of U.S. Coordinator for Refugee Affairs, whose job it is to coordinate U.S. foreign and domestic refugee activities, while leaving to HEW or its successor the day-to-day conduct of domestic resettlement programs.

If left as currently worded, H.R. 2816 would permit negotiations with foreign governments on refugee matters by agencies other than the Department of State. This is purely a foreign policy matter and must remain with the department duly constituted for that purpose.

I understand the Judiciary Committee favors this amendment and I urge the support of my colleagues.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I thank the gentleman for yielding.

I think this is a constructive amendment. I accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 48, immediately after line 11, insert the following:

(3) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

Mr. FASCELL. Mr. Chairman, this amendment would increase the authorization for the existing emergency migration and refugee assistance fund to $50 million from the current $25 million. This fund provides a reservoir of money for the Department of State to use in emergency situations when regular funds are insufficient to meet the need.

These funds are necessary so that the Department of State can finance the emergency group admissions set forth in section 207 of H.R. 2816. Since emergency situations do not permit the luxury of waiting for the regular appropriations process to be completed, and often occur after budget bills have been enacted, it is desirable to maintain a fund which can be drawn upon in emergencies. The foreign aid appropriation for fiscal year 1980 contains $40 million for the fund, contingent on this authorization. This is the estimate made by the administration of their fiscal year 1980 needs.

I understand the Judiciary Committee is amenable to this amendment and I urge the support of my colleagues.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I thank the gentleman for yielding.

I am pleased to accept the amendment. I think it is a constructive addition.

Mr. FASCELL. I might add that $40 million is already in the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 48, insert before line 12 the following new subsection:

(c) The Act of May 23, 1975 (Public Law 94-23), as amended, is repealed.

Ms. HOLTZMAN. Mr. Chairman, this is a technical amendment, and of a clarifying nature solely. What this does is to consolidate domestic assistance programs into one basic statute. It repeals the recently extended IRAP legislation which was intended to be superceded by this statute. Once this statute comes into existence, the IRAP program ought to be repealed.

Mr. FISH. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from New York.

Mr. FISH. I think this amendment the gentlewoman is offering is a wise step, and I will be glad to accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there additional amendments to title III?

Are there additional amendments to the bill?

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 48, after line 19, add the following new title:

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

SEC. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time before or after the enactment of this Act, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) This section applies with respect to any alien in the United States (1) who had applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final nonappealable, and legally enforceable order of deportation has not been entered.

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

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

There was no objection.

Mr. FASCELL. Mr. Chairman, I am offering this amendment to remedy a gross inequity and to fill a gap in our refugee laws which will still be left following passage of this bill. I am referring to the burden placed on our local and State communities to support aliens who have lawfully applied for political asylum, but whose cases have not been adjudicated.

Briefly, my amendment applies only to those who have applied for political asylum before November 1, 1979. Thus it is not open-ended and does not include any undocumented aliens who have fled to the United States for economic, rather than political reasons. The amendment provides authority for the Attorney General to issue work permits, consistent with present practice. Finally, it provides for negotiated Federal reimbursement to local communities for social services they have provided or will provide to these asylum applicants, but only until their status is adjudicated.

Over the past 8 years, over 14,000 Haitian and other Caribbean aliens have landed on the Florida shores. Approximately 8,000 of these people, mostly Haitians, have applied for political asylum, alleging persecution in Haiti. I am certain that Members have read the horrible stories in the newspapers, so that I need not discuss the hardships and suffering these people have undergone to reach the United States. Suffice it to say that the single greatest problem facing these people in Florida is starvation.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentlewoman from New York.

Due to alleged violations by INS of the constitutional rights of about 5,000 of these asylum applicants, their status has been under review by a Federal district court in Miami since last May. The same judge has also stayed INS proceedings involving approximately 3,000 additional Haitian asylum applicants. This case has been pending since 1974. Before and during these judicial proceedings, the care and maintenance of these people has fallen on the State and local communities in Florida. A similar situation exists in New York, though not as many asylum applicants are involved.

The problem of Haitian asylum applicants has been with us in Dade County and in Florida generally for the past 7 years. Normally, the average annual number of political asylum applicants throughout the Nation as a whole is about 5,000. That number is now reflected in one county alone—and therein lies the problem. If the flow of applicants were normal, the local communities could absorb the costs. But this is not the case and, as a result, INS is severely backlogged in handling these cases.

Since immigration policy is a Federal

matter, it is right that the Federal Government assume the responsibility for the laws passed by Congress. It is not the fault of local communities that INS has either handled these cases badly or has not had the resources to expedite the legal procedures. The States should not be forced to pay the price for Federal failures.

Therefore, my amendment provides for Federal reimbursement by the relevant Cabinet department for expenses incurred in providing social services to asylum applicants who made application prior to November 1, 1979. This program requires the local communities to document their expenses to the Federal Government, but does not guarantee any particular level of reimbursement. It is thus patterned after the practice in the Cuban refugee program, which has worked so well.

This reimbursement applies only to those who have actually applied for political asylum prior to November 1, 1979 and extends only until their status is finally adjudicated. Thus, it is not open-ended, but it will provide some relief from a financial burden which has amounted to approximately $2 million per year in Dade County, Fla., for the past 5 years.

To lessen further the financial burden on the Government, my amendment also authorizes the Attorney General in his discretion to provide work authorizations for asylum applicants. This is not only consistent with past INS practice, but also acknowledges the existence of a court order by a Federal district court in Miami which directs INS to provide work permits for approximately 4,500 asylum applicants involved in this third Federal court lawsuit. In the spring of 1978, INS unilaterally revoked work permits issued for these people. By allowing these asylum applicants to work, we will lessen the burden on the Government by creating a new group of taxpayers. The State of Florida and Dade County support this move enthusiastically, because there will be no effect on citizen employment levels, since these aliens take low level, unskilled jobs unattractive to Americans.

Mr. Chairman, I urge my colleagues to support this much needed amendment. It makes no statement concerning the merit of these asylum applicants. It does relieve a great deal of human suffering. Surely this Congress is as ready to assist the needy on our own shores as we are to assist the Cambodians in their hour of need.

Finally, I hope that this amendment will prove to be but an interim measure. In my judgment, the only moral and practical solution to the plight of the Haitian boat people is for the Attorney General to exercise his discretionary authority and grant refugee status—political asylum—to the approximately 8,000 Haitians currently seeking asylum in the United States.

In this, I join a variety of political, religious, and labor organizations which have urged the administration to grant asylum to this small number of Haitians who have for too long languished on our shores. Such a resolution of this serious human problem would demonstrate that U.S. refugee policy is administered in an evenhanded way on a humanitarian basis. It would also reduce Federal, State, and local expenditures that will be needed to assist this small group of people as long as their legal status remains in doubt.

I thus urge approval of the amendment I offer today and express my hope that the administration will soon decide to grant refugee status to these Haitian boat people.

Ms. HOLTZMAN. I thank the gentleman for yielding.

I would commend the gentleman for offering this amendment, and I am happy to agree with it. I think it is a constructive addition to this bill. I think that persons in the process of seeking asylum are to some extent a Federal responsibility, and I think this amendment addresses that issue constructively.

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

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

Mr. FISH. I am going to accept the amendment, as the gentleman knows. But I think it might be worthwhile to take a minute to say a little bit more about it, because I had the good fortune a week ago Monday to be in Miami at an all-day hearing conducted by the Select Commission on Immigration and Refugees.

Mr. FASCELL. I want to thank the gentleman for being there, and the select commission, to take the time to go to Miami and deal with this problem.

Mr. FISH. As the gentleman might know, we heard on the issue of the Haitians in southern Florida from at least a dozen witnesses. I was particularly impressed by the testimony of Dewey W. Knight, Jr., assistant county manager of Metropolitan Dade County, because he was explaining to us just what the burden was on communities of southeast Florida from what he called the status of confused classification, which now is where the Haitians are who are in that part of the country.

I think that it does not really matter today whether we think that the Haitians in Florida are economic refugees or political refugees. That is not the issue before us.

This is an issue that is before the court, that is before the Immigration and Naturalization Service. I think it is an issue that our subcommittee should get very much involved in and help bring to a determination.

But while the matters of processing and either asylum or deportation are in limbo as they are, through action by the Federal Government, then I think it is incumbent upon us to give financial support to the community that suddenly finds itself burdened because of the Federal action. That is my reason for supporting the gentleman's amendment.

Mr. FASCELL. I thank the gentleman from New York. He is quite right. I appreciate the interest of the subcommittee on this matter. I agree with him thoroughly. It is a matter which the subcommittee should address.

To this extent I think this is a big step forward. I understand that the subcommittee intends to review the matter more in detail next year sometime when it has time to go into the whole policy question, because it is an issue which the courts are now dealing with regardless of what the gentleman thinks the classification might be of that particular individual.

It does raise the policy question.

It seems to me at least for those who are already admitted that perhaps the only thing we can do properly is to go on and grant them the political asylum by whatever directive is necessary, either Presidential or the Department of Justice, and at the same time while they are in this process, not only reimburse local governments but give these people an opportunity to go to work.

So the amendment would address both those points.

I thank the gentleman for his comments.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there additional amendments to the bill?

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 48, add after line 19 the following new title:

TITLE V—OFFICE OF REFUGEE POLICY

SEC. 501. (a) (1) There is established in the Executive Office of the President an office to be known as the Office of Refugee Policy (hereinafter in this title referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (A) to information, documents, and studies in the possession of, or conducted by, the Office or (B) to personnel of the Office.

(2) The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be compensated at the rate then payable under section 5314 of title 5 of the United States Code for level III of the Executive Schedule.

(b) The Director shall, under the direction of the President, be responsible for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationships of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) development of an effective and responsive liaison between the Federal Government and voluntary organizations, gov-

ernors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States government policy;

(7) making recommendations at least annually to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(8) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. This amendment simply takes the Office of Coordinator of Refugee Affairs out of the Department of State where it is now and places it in the Executive Office of the President, in other words, in the White House.

The purpose of this amendment is simple. One of the major problems with regard to refugee policy is the need to coordinate the activities of a variety of agencies. There is an urgent need to coordinate foreign policy considerations with domestic considerations and a need to make sure that we are not proceeding in a haphazard manner.

☐ 1610

It may be of interest to the Members of this Committee to know that plans are underway to have the Coordinator work out of the Executive Office Building. That is the best indication to me of the administration's recognition that the Office of Refugee Policy does not belong in the State Department and belongs instead in the White House where it can coordinate Government-wide the kinds of programs that are needed and provide proper program guidance and policy direction.

We have created in HEW an office with operational responsibility for domestic programs. The Director of that Office is required to consult with the Secretary of Labor and to consult with the Secretary of Education. In short, we have a variety of programs that will require close interdepartmental participation and cooperation. In order for effective coordination to take place, the U.S. Coordinator ought not to be located in any particular agency, but ought to be located in the White House. I think, in addition, it will elevate the importance of our refugee program because all policymaking will be done at the White House level.

Let me say there is a precedent for a White House Refugee Office. President Eisenhower appointed Mr. Raab to this position, and he was responsible for administering the Refugee Relief Act of 1953.

The President has been assigned direct responsibility under the bill for refugee admission decisions, and this amendment would be a clear indication that Congress intends to elevate refugee decisionmaking to the White House level.

There is currently fragmentation on the issue in the White House with the National Security Council involved in overseas aspects of the refugee problems and the domestic policy staff involved in the domestic aspects. The establishment of a separate White House office to handle all refugee matters would eliminate this problem and help again to coordinate, consolidate and make our refugee program more effective.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words just for a moment to say, as I indicated in my comments on an earlier amendment, I knew this amendment was coming and I was totally supportive. I think it is very important we give greater visibility and authority, as this amendment does, to the Director, and I am glad to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendment was agreed to.

● Mr. DERWINSKI. Mr. Chairman, there is absolutely no justification or basis for the amendment by the gentle lady from New York establishing an Office of Refugee Policy in the White House to coordinate refugee admissions and resettlement. It flies in the face of an existing Executive order and the Civil Service Reform Act of 1978.

Despite the fact the 1978 act places a ceiling on the number of executive level and executive-type positions—an issue of primary concern to the Post Office and Civil Service Committee—the amendment proposes to create a new Executive level III position in the White House. This is a throwback to the chaos which existed prior to civil service reform when various committees, almost at will, created executive-level positions which are the top-level positions in Government. The Reform Act took dead aim at this problem by putting a ceiling on the number of positions. No creditable arguments have been advanced for ignoring that limitation. The need for such a ceiling remains.

Aside from the fact it runs counter to the Reform Act, the amendment will have a disruptive effect on the refugee problem. Under Executive order the Ambassador-at-large is the U.S. coordinator for refugee affairs. He is charged with coordination of all foreign and domestic programs.

Under this amendment, a new bureaucracy would be brought into existence at the very time the refugee problem is at its most critical stage.

In the interest of preserving the sensible approach of the Civil Service Reform Act and respecting the jurisdiction of the Post Office and Civil Service Committee this amendment should be overwhelmingly rejected.●

● Mr. DERWINSKI. Mr. Chairman, while this bill is being processed under the abnormal pressures of world refugee complications caused by the Communist atrocities in Cambodia and the tragic situation of the Vietnamese boat people, at the same time we have people fleeing harsh government rule in Haiti and Jamaica, the continued flow of people from Eastern Europe and an overall increase in world refugee problems.

In addition, we face a monumental problem in the United States of illegal immigrants.

I believe that this bill, even with its controversial provisions, is an improvement on the hodgepodge combination of laws, regulations, and administrative parole decisions that have been the pattern over the years. While I do not think this bill is the solution to many of the long-term problems, I believe overall it is a step in the right direction.●

● Mr. TAUKE. Mr. Chairman, the need for an effective refugee admissions policy is clear. In the past, the approach of Congress to refugee problems has been piecemeal. Furthermore, there has been a lack of coordination between refugee resettlement programs and admissions policies. The upshot of our policies is that the United States has not been able to respond quickly or effectively to emergency dislocations like those that occurred in Vietnam and Cambodia. The next time that a crisis does occur we must be better prepared to handle the refugee problems that arise.

The Refugee Act of 1979 attempts to correct inadequacies in our current policies. First, by combining admissions and resettlement programs, the proposed legislation would bring order and efficiency to our policies. Second, by redefining the term "refugee," this legislation would expand our programs to cover refugees all over the world, rather than just those fleeing Communist countries or nations in the Middle East. Third, by increasing the number of refugees that may be admitted to this country from 17,400 to 50,000 and also by allowing the President to exceed that figure if he deems it necessary, this bill would enable us to respond to the mass exoduses that have occurred from places like Indochina.

Despite the worthy goals of the committee, particularly its focus on the development of more permanent and comprehensive refugee legislation, the bill needs to be improved. I, therefore, urge support for the following changes:

First. Efforts to provide a tightening of the consultation process between Congress and the executive branch regarding refugee admissions. As proposed in this legislation, the President would consult with the chairman and the ranking member of the House and Senate Judiciary Committees if he determines that the proposed 50,000 person ceiling should be exceeded. This procedure, however, is not adequate. Congressional input into the refugee admissions process should be expanded. Full Judiciary Committee hearings would provide a forum for increased and necessary congressional participation.

Second. The establishment of a sunset provision which would, in effect, return the normal flow of refugees to 17,400 after September 1982. The purpose of the sunset measure is to insure that the Select Commission on Immigration and Refugee Policy is not preempted from completing its report and making recommendations regarding the number of im-

migrants and refugees that the United States should admit.

Third. Efforts to relate refugee policy to immigration policy. The proposed legislation does not address the implications of unlimited increases in immigration, although it potentially expands immigration without limits.

Refugee assistance is a humanitarian program that we as a nation must support. However, refugee assistance should be part of a comprehensive immigration policy. The United States cannot afford to accept all of the world's refugees. Nevertheless, we, along with others, should do our fair share. The above changes, in conjunction with the recommendations that will be made by the Select Committee on Immigration and Refugee Policy in 1982, will hopefully point our future immigration and refugee policies in the right direction.●

Mr. WEISS. Mr. Chairman, I express my full support of the Refugee Act of 1979, a bill which will unify and expand the existing and fragmented domestic programs for refugees coming into the United States.

This bill recognizes the complexity and often the tragedy of the refugee issue. It also acknowledges the myriad problems which confront refugees and the organizations and government agencies which aid them.

Our current refugee program is a hodgepodge of legislative and administrative authorizations. Indeed, it is not a program at all but many disparate provisions which were established to accommodate different refugee groups as crises occurred. The bill under consideration will unify these many efforts. It will revise U.S. immigration laws to provide more systematic Government procedures to admit and resettle refugees under both normal and emergency conditions. Combining and streamlining these programs will greatly ease the plight of refugees who, upon fleeing their homelands, begin the difficult, often anguishing, process of reestablishing themselves and their families in a new country.

Our recent experience with the Southeast Asian "boat people" exemplified our inability to deal quickly, effectively, and systematically with a refugee crisis.

The bill under consideration establishes a comprehensive settlement program in a newly formed Office of Refugee Resettlement. The Office will be required to develop programs and services to help refugees. These will include: orientation, job training, language training, and educational programs. These are in addition to medical assistance, child welfare services, and special programs for unaccompanied children.

In addition to providing these services, the bill redefines the term "refugee." In its current usage, refugee status is only applied to those who are fleeing Communist or Middle Eastern countries. In a significant humanitarian gesture, the new bill defines refugee as a person from any nation who cannot live at home because of actual persecution or a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion. There may be those who contend that the proposed definition is too broad. I believe the current definition is far too narrow and that it prevents far too many desperate people from receiving asylum in our country.

The proposed bill also increases the entire immigration quota from 290,000 to 320,000 annually, of which up to 50,000 may be admitted as refugees. Currently, 17,400 refugees may be admitted annually. The increase from 17,400 to 50,000 has been criticized by those who feel it is too large an increase and that somehow this increase will unleash unlimited immigration into the United States. Increasing a quota is not eliminating a quota. I believe this increase is a gesture we as a nation can well afford to make. The 32,600 additional people who may be aided by our passing this legislation well deserve our attention.

The Refugee Act of 1979 is a significant step toward our recognizing the overwhelming complexities of worldwide immigration and of beginning to deal with them humanely and reasonably.

I urge my colleagues to support this legislation.

● Mr. BOB WILSON. Mr. Chairman, I would like to indicate my strong support for the amendment that was offered by my two colleagues from California (Mr. DANIELSON and Mr. LUNGREN).

The opening of our doors and our hearts to the thousands fleeing Communist aggression in Southeast Asia exemplifies the principles upon which this Nation was founded. Unfortunately, we must also talk about the price tag attached to this magnanimous gesture. The acceptance of the refugees was a commitment made by the Nation as a whole and, in all fairness, the financial burden should not be borne by the taxpayers of only a few areas where large concentrations of refugees have settled.

Despite efforts to see that no locale received a disproportionate share, large numbers of refugees were located in California originally and many more have abandoned their initial points of settlement and migrated to California in the intervening years. Currently, California, which represents only about 10 percent of the national population, has received more than 50 percent of the total refugee population. I submit, Mr. Chairman, that the costs of the services needed to make the refugees self-supporting and to integrate them into the mainstream of American society should not fall solely on the taxpayers of California. The Federal Government has an obligation to assist financially.

I would like to emphasize to my House colleagues the size of the job we face. The initial wave of refugees has made remarkable progress considering the short period of time involved. Unfortunately, many still remain on welfare. The task involved with the new entries—the boat people—is far more staggering. The first immigrants were often skilled or professional people, who were literate at least in their own language, and sometimes in several others. We are admitting a very different group now. Many of the boat people are illiterate peasants who have lived their entire lives in poverty and on the verge of starvation. The culture shock is far more than simply the vast gap between Indochina and California. We are talking about two totally different worlds and two very disparate ways of life. Not only is it necessary for them to achieve some degree of literacy but they must also be taught what we consider the most simple of skills. I am not talking about programable microwave ovens, I am speaking of things such as very basic sanitation. The purpose of this illustration is not to denigrate the boat people, but simply to indicate the enormity of the task involved. We, as a nation, opened our hearts to the boat people, and we, as a nation, and not simply as Californians, have an obligation to pay for the social services required.

I urge a yea vote for the Danielson-Lungren motion.●

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. MOAKLEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2816), to amend the Immigration and Nationality Act to revise the procesures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, pursuant to House Resolution 499, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic de-

vice, and there were—yeas 328, nays 47, not voting 58, as follows:

[Roll No. 755]

YEAS—328

Akaka	Evans, Ind.	McKinney
Alexander	Fary	Madigan
Ambro	Fascell	Maguire
Anderson, Calif.	Fazio	Markey
	Fenwick	Marks
Annunzio	Findley	Marlenee
Anthony	Fish	Marriott
Applegate	Fisher	Martin
Aspin	Fithian	Mathis
Atkinson	Flippo	Matsui
AuCoin	Florio	Mattox
Badham	Foley	Mavroules
Bailey	Forsythe	Mazzoli
Baldus	Fowler	Mica
Barnard	Frenzel	Michel
Barnes	Frost	Mikulski
Beard, R.I.	Garcia	Miller, Calif.
Bedell	Gephardt	Mineta
Bellenson	Gibbons	Minish
Benjamin	Gilman	Mitchell, Md.
Bennett	Gingrich	Mitchell, N.Y.
Bereuter	Glickman	Moakley
Bethune	Goldwater	Moffett
Bevill	Gonzalez	Mollohan
Biaggi	Goodling	Moore
Bingham	Gore	Moorhead, Calif.
Blanchard	Gradison	
Boggs	Gramm	Moorhead, Pa.
Boland	Grassley	Murphy, N.Y.
Bolling	Gray	Myers, Ind.
Bonior	Green	Myers, Pa.
Bonker	Guarini	Natcher
Bowen	Gudger	Neal
Brademas	Guyer	Nedzi
Breaux	Hagedorn	Nelson
Brinkley	Hall, Ohio	Nolan
Brodhead	Hall, Tex.	Nowak
Broomfield	Hamilton	O'Brien
Brown, Calif.	Hammer-schmidt	Oakar
Broyhill		Oberstar
Buchanan	Hance	Obey
Burlison	Hanley	Ottinger
Burton, John	Harkin	Panetta
Butler	Harris	Pashayan
Byron	Hawkins	Patten
Campbell	Heckler	Patterson
Carney	Hefner	Pease
Carr	Heftel	Petri
Carter	Hightower	Peyser
Cavanaugh	Hillis	Pickle
Chappell	Hollenbeck	Preyer
Cheney	Holtzman	Pritchard
Chisholm	Hopkins	Pursell
Clausen	Horton	Quayle
Clay	Howard	Railsback
Cleveland	Hubbard	Rangel
Coelho	Huckaby	Ratchford
Coleman	Hughes	Regula
Collins, Ill.	Hutto	Reuss
Conable	Hyde	Rhodes
Conte	Ireland	Rinaldo
Conyers	Jacobs	Ritter
Corcoran	Jeffords	Robinson
Corman	Jenkins	Rodino
Cotter	Jenrette	Roe
Coughlin	Johnson, Calif.	Rose
Courter	Johnson, Colo.	Rostenkowski
Crane, Philip	Jones, N.C.	Rousselot
D'Amours	Jones, Okla.	Roybal
Danielson	Kastenmeier	Royer
Dannemeyer	Kazen	Russo
Davis, Mich.	Kemp	Sabo
Davis, S.C.	Kildee	Sawyer
de la Garza	Kindness	Scheuer
Dellums	Kogovsek	Schroeder
Derrick	Kostmayer	Schulze
Dicks	Kramer	Seiberling
Diggs	LaFalce	Shannon
Dingell	Lagomarsino	Sharp
Donnelly	Latta	Shelby
Dornan	Leach, Iowa	Shumway
Dougherty	Leach, La.	Simon
Downey	Lederer	Skelton
Drinan	Leland	Slack
Duncan, Oreg.	Levitas	Smith, Iowa
Duncan, Tenn.	Lewis	Smith, Nebr.
Early	Livingston	Snowe
Eckhardt	Lloyd	Solarz
Edgar	Long, La.	Spellman
Edwards, Ala.	Long, Md.	Spence
Edwards, Okla.	Lowry	St Germain
Emery	Luken	Stack
English	Lundine	Staggers
Erdahl	Lungren	Stangeland
Erlenborn	McCormack	Stanton
Ertel	McDade	Stark
Evans, Del.	McHugh	Stewart
Evans, Ga.	McKay	Stockman
Stokes	Vento	Wilson, C. H.
Stratton	Volkmer	Winn
Studds	Walgren	Wirth
Swift	Walker	Wolff
Tauke	Wampler	Wolpe
Thomas	Watkins	Wright
Thompson	Waxman	Wyatt
Traxler	Weaver	Wylie
Trible	Weiss	Yatron
Udall	Whitehurst	Young, Mo.
Ullman	Whitley	Zablocki
Vander Jagt	Whittaker	
Vanik	Williams, Mont.	

NAYS—47

Abdnor	Hansen	Quillen
Andrews, N.C.	Harsha	Roberts
Archer	Ichord	Roth
Ashbrook	Jeffries	Rudd
Bafalis	Jones, Tenn.	Satterfield
Bauman	Kelly	Sensenbrenner
Boner	Lee	Shuster
Bouquard	Loeffler	Snyder
Collins, Tex.	Lott	Solomon
Crane, Daniel	Lujan	Steed
Daniel, Dan	McDonald	Stenholm
Daniel, R. W.	McEwen	Stump
Devine	Miller, Ohio	Symms
Dickinson	Montgomery	Young, Alaska
Fountain	Mottl	Young, Fla.
Grisham	Paul	

NOT VOTING—58

Addabbo	Ford, Mich.	Price
Albosta	Ford, Tenn.	Rahall
Anderson, Ill.	Fuqua	Richmond
Andrews, N. Dak.	Gaydos	Rosenthal
	Giaimo	Runnels
Ashley	Ginn	Santini
Beard, Tenn.	Hinson	Sebelius
Brooks	Holland	Synar
Brown, Ohio	Holt	Taylor
Burgener	Leath, Tex.	Treen
Burton, Phillip	Lehman	Van Deerlin
Clinger	Lent	White
Daschle	McClory	Whitten
Deckard	McCloskey	Williams, Ohio
Derwinski	Murphy, Ill.	Wilson, Bob
Dixon	Murphy, Pa.	Wilson, Tex.
Dodd	Murtha	Wydler
Edwards, Calif.	Nichols	Yates
Ferraro	Pepper	Zeferetti
Flood	Perkins	

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The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.
Mr. Ashley with Mr. Hinson.
Mr. Zeferetti with Mr. Beard of Tennessee.
Mr. Ginn with Mr. Andrews of North Dakota.
Mr. Murtha with Mr. Brown of Ohio.
Mr. Price with Mrs. Holt.
Mr. Richmond with Mr. Leath of Texas.
Mr. Van Deerlin with Mr. Burgener.
Mr. Santini with Mr. Clinger.
Mr. Whitten with Mr. McCloskey.
Mr. Yates with Mr. Lent.
Mr. Phillip Burton with Mr. Daschle.
Mr. Brooks with Mr. Deckard.
Ms. Ferraro with Mr. McClory.
Mr. Edwards of California with Mr. Derwinski.
Mr. Dodd with Mr. Sebelius.
Mr. Fuqua with Mr. Bob Wilson.
Mr. Lehman with Mr. Williams.
Mr. Nichols with Mr. Synar.
Mr. Murphy of Pennsylvania with Mr. Taylor.
Mr. Pepper with Mr. Wydler.
Mr. Giaimo with Mr. Albosta.
Mr. Ford of Michigan with Mr. Dixon.
Mr. White with Mr. Holland.
Mr. Charles Wilson of Texas with Mr. Rosenthal.
Mr. Gaydos with Mr. Runnels.
Mr. Murphy of Illinois with Mr. Perkins.
Mr. Rahall with Mr. Ford of Tennessee.

Mr. MILLER of Ohio changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 499, the Committee on the Judiciary is discharged from further consideration of the Senate bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Ms. HOLTZMAN moves to strike out all after the enacting clause of the Senate bill S. 643, and to insert in lieu thereof the provisions of H.R. 2816 as passed, as follows:

That this Act may be cited as the "Refugee Act of 1979".

TITLE I—PURPOSE

SEC. 101. The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The purposes of this Act are to provide a permanent and systematic procedure for the admission of refugees to the United States and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)) is amended by adding after paragraph (41) the following new paragraph:

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding at the end thereof the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

"SEC. 207 (a) Except as provided in subsection (b), the number of refugees who may be admitted under this section not exceed fifty thousand" and insert in lieu thereof "in fiscal years 1980, 1981, or 1982, may not exceed fifty thousand or in any fiscal year thereafter may not exceed seventeen thousand four hundred, unless the President (1) determines, before the beginning of the fiscal

year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns following, (2) transmits such determination to both Houses of Congress, and (3) a resolution not favoring the determination has not been approved by either House of Congress under subsection (f). Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

"(b) If the President determines, after appropriate consultation, that (1) an unforseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(2) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under such paragraph, be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

"(3) The provisions of paragraph (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to an increase in the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

"(3)(A) After the President initiates appropriate consultation prior to making a determination, under subsection (a), that the number of refugee admissions under such subsection in a fiscal year should exceed fifty thousand, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosures of the details of the proposal would jeopardize the lives or safety of individuals.

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission and allocation of refugees, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"(f)(1) If both Houses of Congress are not in session on the day a determination under subsection (a) (hereinafter in this subsection referred to as the 'determination') is received by the appropriate officers of each House, for purposes of this subsection, the determination shall be deemed to have been transmitted on the first succeeding day on which both Houses are in session.

"(2) If a determination is transmitted to the Houses of Congress, the determination shall take effect unless, between the date of such transmittal and the end of the first period of fifteen calendar days of continuous session of Congress after such date, either House passes a resolution stating in substance that such House does not favor such determination.

"(3) For purposes of paragraph (2)—

"(A) continuity of session is broken only by an adjournment of Congresss sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the fifteen-calendar-day period.

"(4)(A) This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subparagraph (B), and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House

"(B) For purposes of this paragraph, the term 'resolution' means only a resolution of either House of Congress the matter after the resolving clause of which is as follows: 'That the does not favor the determination of the President transmitted to the Congress, under section 207(a) of the Immigration and Nationality Act, on , 19 .', the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled.

"(C) A resolution once introduced with respect to a determination shall immediately be referred to the Committee on the Judiciary by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(D)(i) If the Committee on the Judiciary has not reported a resolution referred to it at the end of five calendar days after its referral, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same determination), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same determination.

"(E)(i) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(ii) Debate on the resolution referred to

in clause (i) shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

"(F)(i) Motions to postpone, made with respect to the discharge from a committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

"(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

"ASYLUM PROCEDURE

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

"(c) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) shall, if not otherwise eligible for asylum under such subsection, be entitled to the same status as the alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least two years, and

"(C) who has not acquired permanent resident status,

shall, at the end of such two years, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least two years after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date two years before the date of the approval of the application.".

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

SEC. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

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

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

SEC. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional

(2) by striking out "20 per centum" in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1153) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States."

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A) after "(5)";

(2) by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

(g) Section 5 of Public Law 95-412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1979".

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on the effective date of the amendment made by section 203(c)(3) to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date and to sections 207 and 208 of the Immigration and Nationality Act.

SEC. 204. (a) Except as provided in sub-

section (b), this title and the amendments made by this title shall take effect on October 1, 1979, and shall apply to fiscal years beginning on or after such date.

(b)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before the effective date of such repeal, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before the effective date of this title who is eligible for the benefits of section 5 of Public Law 95-412.

(2) An alien who, before October 1, 1979, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to a refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by him. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

(c)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than sixty days after the date of the enactment of this Act.

TITLE III—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 301. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS";

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

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

"SEC. 411. (a) There is established, within the Department of House, Education, and Welfare, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health, Education, and Welfare (hereinafter in this chapter referred to as the 'Secretary'), who shall report directly to the Secretary.

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies) programs of the Federal Government under this chapter which are designed to provide domestic assistance to refugees including—

"(1) initial resettlement (including initial reception and placement with sponsors) of refugees in the United States;

"(2) services to refugees and overall planning for their effective resettlement;

"(3) assistance or reimbursement to State and local governmental agencies to adjust to admissions of refugees; and

"(4) any other Federal grants, agreements, payments, or contracts with public or private agencies for the provision of any of the services described in paragraph (1), (2), or (3).

"AUTHORIZATION FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

"SEC. 142. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the training and instruction.

"(2) The Director shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the development and implementation of criteria relating to the sponsorship process and the intended distribution of refugees among the States and localities.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter in each of the States and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the Director. The Director shall make grants and contracts to those public or private agencies which the Director determines can best perform the services. Payments may be made under grants and contracts under this chapter in advance or by way of reimbursement.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for such coordination,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

"(7) The Secretary shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

"(8) The Attorney General shall provide the Director with the information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary of Labor and the Secretary of Education shall provide each member of the Committees on the Judiciary of the House of Representatives and of the Senate, and the Director with annual reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction.

"(10) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c)(2).

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1) For—

"(A) fiscal years 1980 and 1981 only, the Secretary of State is authorized, and

"(B) fiscal year 1982 and succeeding fiscal years, the Director is authorized,

to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. In making such grants to, or contracts with, private nonprofit voluntary agencies the Secretary of State (fiscal years 1980 and 1981) and the Director (for succeeding fiscal years) shall, consistent with the objectives of this chapter, take into account the different resettlement approaches and practices of such agencies. During fiscal years 1980 and 1981, the Secretary of State shall provide for the coordination of the provision of resettlement assistance under this paragraph in coordination with the provision of other assistance provided for by the Director under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

"(3) The Director is authorized to make arrangements (including cooperative arrangements within the Department of Health, Education, and Welfare, and with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary.

"(4) The Director shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who, at the time of arrival, are determined to have medical conditions requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records not later than the time of the refugee's arrival in the United States; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Director shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—Director is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies for projects specifically designed—

"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide health (including mental health) services, social services, educational and other services, where specific needs have been shown and recognized by the Director.

"(d) ASSISTANCE FOR REFUGEE CHILDREN.—(1) The Director is authorized to make grants, and enter into contracts, for payments to State and local agencies for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

"(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to refugee children (except as provided in subparagraph (B)) during the forty-eight month period beginning with the first month in which the refugee children are in the United States.

"(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to contract with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III)) the children's location, status, and progress.

"(e) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to refugees during the forty-eight month period beginning with the first month in which the refugees have entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an apropriate State or local employment service, and

"(B) on the refugee's acceptance of appropriate offers of employment,

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

"(4) If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplemental payments with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments, and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

"SEC. 413. (a)(1) The Director shall submit a report on activities of the Office under this chapter to each member of the Committees on the Judiciary of the House of Representatives and of the Senate not later than December 31, 1979, for the fiscal year ending on September 30, 1979, not later than each May 31 thereafter, for the six-month fiscal period ending on the preceding March 31, and not later than each November 30 thereafter, for the fiscal year ending on the preceding September 30.

"(2) Each such report shall contain—

"(A) an updated profile of the employment and labor force statistics for refugees admitted under the Immigration and Nationality Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States;

"(H) a summary of the information compiled and evaluation made under section 412(a)(8); and

"(I) a summary of the number of waivers granted by the Attorney General under section 207(c)(3) to refugees during the period for which such report is required and a summary of the reasons for granting such waivers.

"(b) The Secretary shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and their applicability to the United States,

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees, and

"(3) alternative resettlement strategies.

"(c) The Director shall keep the Committees on the Judiciary of the House of Representatives and of the Senate appropriately informed of important developments affecting the use of funds and exercise of functions authorized by this chapter.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 414. (a)(1) There are hereby authorized to be appropriated for the two-year fiscal period ending September 30, 1981, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated $200,000,000 for the two-fiscal-year period ending September 30, 1981, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 302. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by inserting after the item relating to title IV the following:

"CHAPTER 1—MISCELLANEOUS";

(2) and by adding at the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(A) by inserting "and" at the end of paragraph (1);

(B) by inserting "who are outside the United States" in paragraph (2) after "on behalf of refugees";

(C) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(D) by striking out paragraphs (3) through (6).

(2) Subsection (c)(1) of such section is amended by inserting "with respect to individuals who are outside the United States" after "urgent refugee and migration needs".

(3) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

(c) The Act of May 23, 1975 (Public Law 94–23), as amended, is repealed.

SEC. 303. (a) The amendments made by this title shall apply to fiscal years beginning on or after October 1, 1979.

(b) The limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before October 1, 1981.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

SEC. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time before or after the enactment of this Act, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) This section applies with respect to any alien in the United States (1) who had applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation has not been entered.

TITLE V—OFFICE OF REFUGEE POLICY

SEC. 501. (a)(1) There is established in the Executive Office of the President an office to be known as the Office of Refugee Policy (hereinafter in this title referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (A) to information, documents, and studies in the possession of, or conducted by, the Office or (B) to personnel of the Office.

(2) The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be compensated at the rate then payable under section 5314 of title 5 of the United States Code for level III of the Executive Schedule.

(b) The Director shall, under the direction of the President, be responsible for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the administration's overall refugee policy and the relationships of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

(7) making recommendations at least annually to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(8) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to refugee admission and resettlement in the United States.

The motion was agreed to.

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

A similar House bill (H.R. 2816) was laid on the table.

APPOINTMENT OF CONFEREES

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the Senate bill, S. 643, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York? The Chair hears none and, without objection, appoints the following conferees: Mr. RODINO, Ms. HOLTZMAN, and Messrs. DANIELSON, HALL of Texas, HARRIS, BARNES, ZABLOCKI, FASCELL, FISH, BUTLER, HYDE, and BUCHANAN.

There was no objection.

GENERAL LEAVE

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain United States citizens.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5079) entitled "An act to provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tenn., in 1982, 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 a bill of the House of the following title:

H.R. 5224. An act to continue through May 31, 1981, the existing prohibition on the issuance of fringe benefit regulations, and for other purposes.

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. 2043. An act to amend the Water Bank Act for the purposes of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes;

H.R. 2584. An act to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children;

H.R. 3398. An act to amend the Food and Agriculture Act of 1977 relating to increases in the target prices for the 1979 crop of wheat, corn, and other commodities under certain circumstances, and for other purposes; and

H.R. 3951. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital Region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, to authorize a Federal contribution to such Authority to provide assistance in meeting expenses of operation and maintenance of such system in order to reflect the special Federal relationship to such system, and for other purposes.

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

S. 1273. An act to restore to the Shivwits, Kanosh, Koosharem, and Indian Peaks Banks of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah, to restore or confirm, the Federal trust relationship, to restore to members of such Bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationship, and for other purposes;

S. 1654. An act to improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes; and

S. Con. Res. 56. Concurrent resolution authorizing the reprinting of the committee print entitled "Synthetic Fuels."

(By unanimous consent, Mr. WRIGHT was allowed to speak out of order.)

FURTHER LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Speaker, I take this time to share with the Members the

plans of the Speaker and of the leadership. After recognizing the gentleman from New York (Mr. MURPHY) who has a unanimous-consent request, the Speaker intends, and he has asked me to explain, that we should recess subject to the call of the Chair. There appears to be a good chance that the conference committee on the Chrysler authorization bill can conclude its labors and reach an agreement that could be brought back to the House sometime between 7 and 9 o'clock this evening. If it were ready before that, the Chair would call us back before that time. That being the case, and any additional votes being only counterproductive in that they would disrupt the meetings of that conference, it seemed plausible that unless there are unanimous-consent requests that can be attended now, it would be wise for us to recess subject to the call of the Chair. Following the request by the gentleman from New York (Mr. MURPHY), if there be no others, it would be my purpose to move that we recess subject to the call of the Chair.

Mr. RHODES. Mr. Speaker, would the majority leader yield?

Mr. WRIGHT. I yield to the distinguished minority leader.

Mr. RHODES. I thank the majority leader for yielding. I assume from what the majority leader said that the matter of the appropriation of the Chrysler bill has actually been taken care of and there is no problem anticipated as far as that is concerned.

Mr. WRIGHT. We anticipate no problem. The soundings we get encourage us to believe that there will not be any problem. We, unfortunately, cannot make that an ironclad promise, but when those two bills have been passed finally, the authorization for Chrysler and the appropriation bill to carry out that authorization, it would be our purpose that we would go into recess until for practical purposes the 22d of January.

Mr. RHODES. If the gentleman would yield further, may I inquire as to whether or not there would be any other business other than the usual resolutions which are necessary to go over for 4 days, and, if not, when those resolutions might be brought up?

Mr. WRIGHT. In response to the gentleman, I think it would be our purpose when we reconvene to offer such unanimous-consent requests and other necessary resolutions as would make it possible for the House to go into a series of pro forma sessions, meeting at third-day intervals without any rollcall votes, in order that it would be possible for us to summon ourselves back in the event of any need, unforeseen at this time, or any contingency that would require our action. We thought that infinitely better than to adjourn and require that the President of the United States should call us back into session, which could cause undue concern and panic among the American people.

Mr. RHODES. As the gentleman knows, I thoroughly agree with him and the Speaker on the course that they are taking. My inquiry was just as to the time which we might expect those resolutions to be presented to the House this evening.

Mr. WRIGHT. I should think any necessary resolution to permit the conduct of the business of the House during the recess between now and our reconvening for business in January would be presented when we reconvene subject to the call of the Chair.

Mr. RHODES. After the Chrysler matter.

The SPEAKER. After we have adopted the conferees' report.

Mr. RHODES. After the conference report has been adopted. I thank the Speaker.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement for those who have special orders that before the House goes into recess it could be very well that special orders could be disposed of. There are two or three special orders for 60 minutes and some requests for 15 minutes of special orders. It would be well that between now and 7 o'clock or until such time as the conferees report, the House could use that time on special orders.

AMENDING THE WATER BANK ACT AUTHORIZING THE ADJUSTMENT OF PAYMENT RATES RESPECTING INITIAL CONSERVATION AGREEMENTS AND DESIGNATING WETLANDS

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2043) to amend the Water Bank Act for the purpose of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That the third sentence of section 3 of the Water Bank Act (16 U.S.C. 1302) is amended to read as follows: "The Secretary shall, beginning in 1980, reexamine the payment rates at the beginning of the fifth year of any such ten-year initial or renewal period and before the beginning of any renewal period, in the light of the then current land and crop values, and make needed adjustments in rates for any such initial or renewal period as provided in section 5 of this Act. In addition, the Secretary shall, beginning in 1980, reexamine the payment rates in any agreement that has been in effect for five years or more in the light of current land and crop values and make any needed adjustments in rates.".

SEC. 2. The fourth sentence of section 3 of the Water Bank Act (16 U.S.C. 1302) is amended to read as follows: "As used in this Act, the term 'wetlands' means (1) the inland fresh areas described as types 1 through 7 in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (or the inland fresh areas corresponding to such types in any successor wetland classification system developed by the Department of the Interior), (2) artificially developed inland fresh areas that meet the description of the inland fresh areas described in clause (1) of this sentence, and (3) such other wetland types as the Secretary may designate.".

SEC. 3. Section 5 of the Water Bank Act (16 U.S.C. 1304) is amended by adding at the end thereof a new sentence as follows: "The rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation Acts, in accordance with section 3 of the Act.".

SEC. 4. Section 11 of the Water Bank Act (16 U.S.C. 1310) is amended by—

(1) inserting after "program," in the second sentence the following: "in each fiscal year through the fiscal year ending September 30, 1980,"; and

(2) adding at the end thereof two new sentences as follows: "In carrying out the program, in each fiscal year after the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $30,000,000. Not more than 15 percent of the funds authorized to be appropriated in any fiscal year after the fiscal year ending September 30, 1980, may be used for agreements entered into with owners or operators in any one State."

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Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Mr. FORSYTHE. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from New Jersey reserves the right to object.

Mr. FORSYTHE. Mr. Speaker, I reserve the right to object to offer my chairman the opportunity to explain the Senate amendment on the bill which passed the House earlier. I think they are good amendments but I think the House should know what we are doing.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. MURPHY of New York. Mr. Speaker, the Water Bank Act was enacted in 1970, to assist in the conservation of wetlands, identified as valuable migratory water fowl habitat. The act authorized the Secretary of Agriculture to enter into 10-year agreements with owners of wetlands types 1 through 5—consisting primarily of inland fresh meadows, marshes, and open water—with a view toward preserving these lands for migratory waterfowl purposes. The act authorized the Secretary to make annual payments not in excess of $10 million per year to owners of wetlands included in agreements.

H.R. 2043 passed the House on July 9, 1979, by voice vote under suspension of the rules. As it passed the House, it would expand the program to include types 6 and 7 wetlands—primarily shrub and wooded swamps—and coastal wetlands; it would require an adjustment in payment rates every 5 years instead of every 10 years as provided by present law; and it would increase the amount

authorized to be expended under the act in any one year from $10 million to $30 million beginning with fiscal year 1980.

Mr. Speaker, the Senate passed H.R. 2043, with an amendment, on Tuesday of this week. As it passed the Senate, other than making technical changes it would make the provisions of the bill effective with fiscal year 1981 instead of 1980, and it would limit the amount of funds that could be expended in any one State in any calendar year to 15 percent of the funds authorized to be appropriated in any fiscal year.

Mr. Speaker, based on past experience, it appears that no State would be adversely affected by the 15-percent limitation, and I strongly support the Senate amendment in its entirety.

Mr. FORSYTHE. Mr. Speaker, I withdraw my reservation of objection and urge adoption of the amendment and the bill.

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

There was no objection.

A motion to reconsider was laid on the table.

SURVIVOR BENEFITS FOR CERTAIN DEPENDENT CHILDREN

Mrs. SPELLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2584) to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, with the 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, line 10, strike out "and".

Page 2, strike out lines 11, 12, and 13, and insert:

(B) striking out "or recognized natural child who" in subparagraph (A)(ii) and inserting in lieu thereof "but only if the step child"; and

(C) by inserting "a recognized natural child, and (iv)" after "(iii)".

Page 2, strike out lines 19 to 21, inclusive, and insert:

(B) by inserting "or recognized natural child" after "child" in subparagraph (A); and

(C) by striking out ", foster child, or recognized natural child who" in subparagraph (B) and inserting in lieu thereof "or foster child but only if the child;".

Page 3, after line 7, insert:

SEC. 3. Section 8902(m)(2)(A) of title 5, United States Code, is amended by striking out all after "contract" the third place it appears and inserting in lieu thereof the following: "in a State where 25 percent or more of the population is located in primary medical care manpower shortage areas designated pursuant to section 332 of the Public Health Service Act (42 U.S.C. 254e)."

Page 3, after line 7, insert:

SEC. 4. Section 8344(c) of title 5, United States Code, is amended by inserting "or is elected as a Member," after "subchapter,".

Page 3, line 8, strike out "3." and insert "5. (a)".

Page 3, line 8, after "by" insert "the first section and section 2 of".

Page 3, after line 12, insert:

(b) The amendments made by section 3 shall apply to services provided after December 31, 1979, and before January 1, 1985, under any contract entered into or renewed after December 31, 1979.

Amend the title so as to read: "An act to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, and for other purposes.".

Mrs. SPELLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

Mr. RHODES. Mr. Speaker, reserving the right to object, can the gentlewoman from Maryland assure us the Senate amendments have been cleared with the minority?

Mrs. SPELLMAN. The gentleman has that assurance.

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

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR SPEAKER TO DECLARE RECESSES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare recesses and to call the membership back at the conclusion thereof.

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

Mr. EDWARDS of Oklahoma. Reserving the right to object, Mr. Speaker, I wonder if the majority leader could tell us if there is some sort of a time limit that the Speaker and the majority leader may have in mind beyond which we will not wait if it appears the conference committee will not finish its business this evening.

The SPEAKER. If the gentleman will yield, the Chair will state we have no time limit set. The Chair having spoken personally with members of the conference committee and staff members understands they expect to have a conference agreement by 6 o'clock, following which 2 hours of staff work will be needed before it can come to the floor of the House.

The Chair would hope that would be by 8 o'clock or 9 o'clock at the latest.

This will be the last item of business following which we will adjourn the House. The Chair wishes he could be more definite.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FURTHER LEGISLATIVE PROGRAM

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

Mr. STARK. Mr. Speaker, the Committee on the District of Columbia has just voted out a resolution of disapproval which should be coming to the Speaker's desk shortly from the committee. It is my understanding it is a privileged resolution and would have to be called up. If it was not called up today, the time for disapproval would expire.

It is quite likely that when we came back into session this gentleman would request that it be called up.

The SPEAKER. It is the understanding of the Chair that the chairman of the committee has been in conference with the Mayor and the City Council and they were trying to arrive at a compromise so that the matter would not have to come back. The Chair informed the chairman that he would recognize no one until such time as discussions were concluded.

Mr. STARK. Mr. Speaker, I believe, if the time sequence is right, that that has passed, that the City Council was able to do nothing. The committee just finished meeting before our last rollcall and did vote out the resolution of disapproval.

The SPEAKER. Apparently the measure is not controversial and would come up when there would be a full complement of Members on the floor.

Mr. STARK. I thank the Speaker.

THE RECORD OF THE 96TH CONGRESS: FIRST SESSION OVERVIEW

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

Mr. BRADEMAS. Mr. Speaker, the report card for the 1st session of the 96th Congress would show high marks for the three R's: in this case the three R's representing restraint in budgetary and fiscal matters, restructuring of Government programs and processes, and responsiveness both to a broad range of domestic concerns and to rapidly changing developments in the international arena. These were the major themes of the 1979 legislative year as the House of Representatives moved to deal with the major problems of energy, economy, and efficiency in Government.

As the first branch of Government, composed of the people's elected representatives, Congress holds the Nation's purse strings. The 96th Congress acted consistently this session to tighten those strings and restrain the momentum of Federal spending. The second budget resolution, in which Congress sets binding figures for Government revenue and outlays in the coming fiscal year, contained the lowest deficit in real terms in 6 years, clearly an important step on the road to a balanced budget.

In line with this budgetary restraint, Congress placed less emphasis on initiating major new spending programs and more emphasis on improving the operation of programs already in place. The goal is to make Government more efficient, cost-effective, and responsive to original policy mandates. This Congress has decided the way to reach that goal is not to invest more money in programs

that do not work, but rather to invest the time and energy into making sure programs do work. The results of this approach were seen throughout the year in action on important governmental reorganization plans in foreign affairs, trade and education, and in increased congressional oversight.

The 96th Congress by its record so far has shown it is not only responsible with the taxpayers' money, but responsive to their wishes. Legislators have combined a deliberateness in fiscal matters with a quickness to react in the face of emergencies or in response to strong public sentiment for change. Such timeliness has meant that millions of the poor and elderly will be protected this winter from the cold, that hundreds of thousands of Chrysler workers will retain their jobs, that the uprooted peoples of Indochina will begin to receive food and shelter.

ENERGY

The recent events in Iran have underscored, as no column of statistics or graphs could, how important it is for the United States to begin moving toward energy self-sufficiency in the coming years. Over the course of the last year the U.S. Congress has provided the Nation with a needed forum within which to explore, debate and pass judgment on a broad array of strategies for coping with the energy crisis: synthetic fuels, solar energy, fast-track procedures, conservation incentives, windfall profits tax.

Congress has already completed action on two measures that deal with the most immediate energy-related problems facing the country: low-income fuel assistance and gas rationing authority. Congress has provided $1.35 billion—added to $250 million already available—to help the poor and elderly pay their home heating bills this winter. Congress also acted this year to give the President the authority to develop a standby plan for gas rationing in the event of a severe supply shortage. Pursuant to the requirements of that bill, the administration this week outlined its proposals for such a plan and assigned voluntary gasoline reduction targets to each of the States. When implemented, these cutbacks are estimated to reduced 1980 gas consumption by as much as 5 percent compared with 1978.

The energy issue presents a unique challenge to Congress and the American people. It is an issue about which people feel a sense of urgency, but around which it is difficult to build a consensus. A concern in Congress has been to balance the desire for quick solutions with the need for reasoned approaches. If one is allowed to override the other, we will be left with only grand sounding programs that are impractical or dangerous or unsupported by the American people. Congress will continue throughout the second session to put in place the policies and programs needed to lead us to energy independence.

ECONOMY

The economy has been sending out mixed signals over the last few months: some economic indicators show signs of continued strength while others point to a weakening in the near future. Generally, economic activity has been stronger than the forecasts originally led us to expect, and this is particularly true in regard to employment. Under the policies of a Democratic President and a Democratic Congress working together, the country has witnessed a dramatic fall in the unemployment rate—from 8.3 percent on the day Jimmy Carter took office to the latest November figure of 5.8 percent. For over a year unemployment has remained low—in the 5.6- to 6-percent range. Last month the Bureau of Labor Statistics reported that more than 110 million persons age 16 and over were employed at some time during 1978—3.2 million more people at work than the year before.

The autumn of 1979 also saw record-high interest rates and dramatic action by the Federal Reserve Board to change monetary policy to curb inflation and strengthen the dollar. The full effects of the changes have not yet been felt. Consumer prices continue to rise about 1 percent a month—a yearly pace of 13 percent—largely resulting from ever-higher energy prices; people are saving less and buying more; industrial productivity is down. These developments have insured that the economy—and inflation—remain in the forefront of legislative dialog.

In the area where Congress can most directly apply pressure against inflation—the Federal budget—this Congress has followed the path of fiscal restraint. The restraint can be measured in a number of ways:

One measure is the size of the budget deficit. The figure contained in the second budget resolution of $29.8 billion is nearly $3 billion lower than the administration's adjusted budget, lower than the deficit approved for fiscal 1979, and less than one-half the size of the recession-high $66.5-billion figure during the last year of the Ford administration.

Another measure of restraint evidenced by this year's congressional budget is the rate of growth in total outlays. The second resolution set a $547.6 billion ceiling on spending—a real growth rate of only 1.7 percent over fiscal 1979. This compares with an average rate of 3.4 percent over the past 5 years. And what growth there is, is not due to increases for new spending programs, but primarily reflects increased demands for funds for income security, defense and energy.

A third measure of restraint is seen in the ratio of outlays to the gross national product. Under the fiscal 1980 budget, outlays are estimated to be about 21.9 percent of GNP. This is a decline from the average ratio of 22.4 percent of the last 4 years. Since each percentage point is currently worth about $25 billion, this decline is significant.

When the 1980 legislative session begins the House is expected to take under consideration proposals to limit Federal spending to specified percentages of GNP. The goal will be to find ways to bring spending under control and at the same time preserve the necessary flexibility to respond to changing economic conditions. Also in the second session, Congress will be looking at a variety of proposals involving changes in banking regulations and tax laws to encourage investment by businesses and saving by consumers as a way to ease pressure on prices and spur productivity.

Given the uncertain economic climate, Congress has been careful to avoid drastic shifts in policy that, in an attempt to meet yet undefined economic problems, actually work to hasten their arrival. Instead Democratic leaders and Members are working to make sure that they have in place the necessary programs to enable the Federal Government to move quickly to cushion most of the Nation from the full impact of a recession if and when it arrives. Specifically, the House has begun work on a major antirecession bill to provide targeted fiscal assistance and countercyclical aid to help State and local governments hit by the high joblessness and declining economic growth a recession brings. In addition the House has already approved a $2 billion standby local public works program to be triggered if unemployment reaches 6.5 percent nationwide.

This past week both the House and Senate have been at work in fashioning a fair and workable aid-to-Chrysler bill to assist the financially troubled corporation, with the help of Federal loan guarantees, in raising approximately $3.3 billion from public and private sources to avoid bankruptcy and enable it to retool to produce smaller cars. Bankruptcy of this company—the 10th largest in the Nation—would have devastating economic consequences both in the major auto industrial centers and throughout the Nation as Chrysler dealers and suppliers are affected. Unemployment could increase during 1980–81 by as much as 75,000–100,000. It is to avoid such a dangerous situation that could either trigger or worsen a recessionary period that Congress is taking action to help Chrysler.

GOVERNMENT

In the face of Government inefficiency or mismanagement, it is often easier to simply move onto a new project, rather than to correct the deficiencies in the existing one. This Congress has taken the more difficult path and applied itself, in consideration of authorizing and appropriating legislation, in committee hearings and in review of executive branch operations, to the task of making Government work—and making it work better than before.

THE BUDGET PROCESS

Approval last month of the second budget resolution for fiscal 1980 marked the fifth anniversary of the congressional budget process at work. This year, not only the numbers, but the process itself, came under scrutiny. In the spring Congress added new requirements that the Budget Committees report to both Houses on the best way to achieve a balanced budget in the next 2 years; and that the committees and the President must in the future submit balanced versions of the budget if their original proposals call for a budget not in balance. In this way Congress acted to insure that it has before it all the information necessary to systematically and accurately assess the likely benefits and

drawbacks of a balanced budget in the years ahead.

The House this year also approved a new procedure for consideration of the debt ceiling by linking it to the congressional budget process. This will allow for a more orderly method of acting on the issue on an annual or semiannual basis, and in the context of the Nation's fiscal priorities. By removing the debt limit issue from the politicized and often demagogic atmosphere of the past, Congress can prevent those repeated delays in passing debt legislation that threatened this country's financial reputation and stability.

DEPARTMENT OF EDUCATION

The House and Senate gave final approval to the creation of a new Department of Education to consolidate management and centralize responsibility for over 150 Federal education-related programs now scattered throughout the Federal bureaucracy. A single Cabinet-level department is expected to bring about more efficient management and eliminate duplication of effort among the various agencies. The administration estimates that the resulting speeding up of decisionmaking alone could save $100 million a year or more. Judge Shirley Hufstedler was sworn in December 6 as the Nation's first Secretary of Education, and under the law, now has 6 months to gear up her Department for business.

WELFARE REFORM

The House this session passed legislation constituting one of the major reform initiatives of the past few years: A revamping of the national welfare program. As passed by the House the bill would: simplify and standardize formulas, establish a nationwide benefit level for the first time to make sure that the poorest in every State receive some help, change eligibility rules to require coverage for needy two-parent families, increase the Federal share of welfare costs, increase the earned income credit and tighten program administration. Each of these provisions arose in response to, and is meant to correct, a specific program deficiency, such as: regional disparities in benefit levels, disruption of family stability, disincentives to work, lack of program coordination and undue administrative complexity. The resultant bill was a carefully crafted approach to program reform—one that preserves the Congress commitment to aid the most needy in society by insuring that tax dollars are spent wisely.

REORGANIZATION

The Congress gave its approval to two important reorganization plans this session: One to lend direction and coherence to national efforts in the field of foreign aid, the other to improve the U.S. ability to sell its products abroad.

The foreign aid reorganization brings all such programs under one umbrella organization, the International Development Cooperation Agency, which is to be the focal point for setting and coordinating development assistance policy and take over most of the functions now performed by the Agency for International Development (AID) in the State Department.

Under the trade reorganization, overall policy responsibility for international trade will be vested in a strengthened Office of the Special Trade Representative. The Department of Commerce will take over the day-to-day implementation of trade matters, including enforcement of antidumping laws. These structural changes are meant to complement and implement the precedent-setting multilateral trade negotiations agreement approved this spring under which nations agreed to reduce trade restrictions and improve trade conditions. A continuing trade deficit, dependence on foreign oil and a weakening dollar are all developments that highlight the need for new government machinery to improve U.S. trade performance.

CONGRESSIONAL OVERSIGHT

The Congressional Research Service reported this month that during the first session of the 96th Congress formal oversight activity of congressional committees and subcommittees increased by approximately 25 percent over such activity in the 95th Congress and by more than 50 percent over the 94th Congress. In a number of actions in this first session Congress has shown its determination to retain sole authority and responsibility for making the Nation's laws. Through selective use of legislative veto and sunset provisions, the House has moved to insure the accountability of Federal programs and reduce unnecessary or burdensome regulations. Pursuant to a Democratic Caucus directive, the Rules Committee has had under consideration various proposals that call for periodic review of Federal programs according to specified timetables, with possible termination of funding for those that have outlived or overrun their mandates. Action on these and regulatory reform proposals are expected next session.

In a related move the House approved a bill to strengthen its investigative arm—the General Accounting Office—that conducts oversight of executive branch programs and expenditures. Under the bill, GAO would be empowered to take a Federal agency to court if it did not furnish requested information, to audit unvouchered expenditures of executive branch agencies and to subpena records of Federal contractors. Also, Congress would be given a role in appointing GAO's head.

These are all examples of a congressional desire to exert more control over the direction and cost of Federal programs. Such fine-tuning of the machinery of Government is not often glamorous work, but it is the only way to insure that Government remains rational and accessible to the citizens in whose name it operates.

THE CONGRESS RESPONDS

Congress has shown its responsiveness along two dimensions: First, in its ability to act quickly to forestall or alleviate potential crises at home and abroad; and second, in its ability to perceive and respond to public sentiment along the range of issues that affect the day-to-day lives of millions of Americans.

ITEM: FOREIGN AFFAIRS

In a series of dramatic actions in the realm of foreign affairs Congress acted to shape and respond to new patterns of relationships among the nations of the world, and to meet the needs of people caught up in political upheaval or natural disaster.

TAIWAN

In the spring Congress approved a bill laying a new basis for the future conduct of U.S. relations with that island in light of the establishment of formal diplomatic ties with mainland China. In this act Congress also clearly set forth U.S. policy intentions and security interests with respect to Taiwan.

PANAMA

Congress this session also gave final approval to the Panama Canal Act, thereby clearing the way for the treaties to go into effect in October and marking the first step in the gradual turnover of the operation of the canal to Panama by the year 2000. As finally crafted by the House, and agreed to by the President, the law provides for the operation of the canal on a self-sustaining basis with maximum protection of U.S. Government property and control of expenditures by Congress. With this implementing legislation the U.S. signals both a commitment to its word and the intention to be a forceful partner in the canal's operation over the next 20 years.

THE MIDDLE EAST

The fiscal 1980 military foreign aid bill, approved by Congress in October, provides Israel with $1 billion in military sales credits—with payment of one-half forgiven—and contains a $1.9 billion economic support fund, most of it earmarked for the Middle East peace effort. This was in addition to a law passed earlier providing almost $1.5 billion in fiscal 1979 supplemental funds—to support a program level of $4.8 billion—to implement the peace treaty between Egypt and Israel.

In this same bill Congress also provided for increased aid to both Greece and Turkey, the two countries involved in the ongoing dispute over the Republic of Cyprus. Greece will receive $200 million, Turkey $450 million, and $15 million is provided for Cypriot refugees.

REFUGEE RELIEF

Congress cleared November 9 and the President signed into law 4 days later a bill providing almost $100 million in emergency relief aid for starving Cambodians. The law also authorizes over $400 million in additional aid over the next 2 years for the overall U.S. program for Indochinese refugees, such as the "boat people," and extends through fiscal 1981 authority for all domestic aid programs for resettlement and absorption of refugees admitted to this country.

CARIBBEAN HURRICANE AID

A new law provides $25 million for special disaster relief and reconstruction efforts in the Caribbean after the devastation following the wake of Hurricane David in August of this year.

UGANDA

After the overthrow of Idi Amin as dictator of this African nation, Congress moved to repeal a trade embargo and ban on economic aid that had been in effect during his reign of terror. The President signed the bill.

ZIMBABWE-RHODESIA

During the summer Congress passed a measure containing a requirement that the President lift economic sanctions against this country by November 15, 1979, unless he determined it would not be in the national interest. President Carter decided not to remove sanctions at that time on the grounds that to do so might have jeopardized the Rhodesian peace negotiations then still going on in London. This past Sunday, after the arrival of a British Governor to preside over elections to lead the country to black majority rule, the Carter administration announced it was ending 12 years of U.S. trade sanctions against Rhodesia.

CENTRAL AMERICA

House and Senate committees have approved a bill providing $75 million in emergency economic assistance to Nicaraqua to help alleviate the suffering caused there by the recent civil war and to help that nation's recovery proceed within the framework of democratic and peaceful processes.

TRADE

Congress gave final approval during the summer to the largest single trade agreement in U.S. history—one that will expand markets for U.S. products abroad and thus help create American jobs, improve our balance of trade, bolster the dollar and ease inflation. The pact, signed in the spring by the United States and 22 other nations after years of intensive multilateral negotiations, would reduce tariffs by about one-third over 8 years and make substantial reforms in those restrictive nontariff barriers that hamper the free flow of goods among nations.

In keeping with our changing relationship with the People's Republic of China, the House Ways and Means Committee last week approved an administration request to extend most-favored-nation trading status to China. Such status would mean reduced tariffs on Chinese imports and expanded trade opportunities. If the action is approved the Commerce Department reports that trade between the two nations could reach $5 billion a year by 1985.

ITEM: LOW-INCOME FUEL ASSISTANCE

In matters closer to home, Congress acted swiftly as winter approached and heating oil prices rose, to make available an overall $1.6 billion in assistance to help the poor and elderly pay their home heating bills.

ITEM: CAMPAIGN FINANCES

Amid growing public concern over the amounts and sources of funds spent by candidates for office, and with the firm support and direction of the Democratic leadership, the House took an important step to limit the influence of special interest money in House elections. The growth of interest-group political action committees (PAC's) over the last few years has been both phenomenal and disquieting. Their numbers have almost quadrupled since 1972, and the share of campaign funds they provide in House elections has almost doubled. The bill passed by the House would reduce the maximum allowable contribution from any PAC to a House candidate from $10,000 to $6,000, and impose, for the first time, a ceiling of $70,000 on the amount any candidate may accept from all PAC sources.

Earlier the House approved a bill to make a number of significant changes in current campaign finance law that would simplify reporting and recordkeeping for candidates and party committees, encourage voluntary and grassroots involvement by State and local parties in Presidential campaigns, and increase the Federal subsidy for the national party conventions.

ITEM: PUBLIC SAFETY

In the first major review of the pipeline safety program since its inception a decade ago, Congress cleared and the President signed into law, a bill providing for explicit and strengthened Federal authority to devise and enforce standards for the safe transportation of highly explosive liquid natural gas and petroleum through the Nation's 1.7 million-mile pipeline system.

The House this week acted to help in the detection and control of hazardous asbestos material in schools. The House-passed bill provides $30 million in grants over 3 years for school districts to inspect schools for the possible presence of asbestos, and provides $300 million in loans to remove the materials once found. Asbestos was commonly used in schools built between 1946 and 1972 and medical evidence now suggests a relationship between exposure to asbestos fibers and serious disease such as cancer.

In a funding bill for the Nuclear Regulatory Commission, the House included provisions to lift the current ceilings on fines that can be assessed against reactor operators for safety violations, to require NRC to report on which of the Nation's 70 operating reactors are not complying with current safety standards, to require the NRC to assess and report on emergency evacuation plans for areas around reactors, to add over $50 million to the authorization to carry out lessons learned from Three Mile Island, and to strengthen safeguards and penalties for acts of sabotage at nuclear facilities.

In a reauthorization bill for the safe drinking water program, now signed into law, Congress earmarked $24 million for cleanup of hazardous waste spills in public drinking water supplies.

ITEM: RAILROADS

Congress acted to provide timely aid to continue current operations of two failing railroads that serve the shipping needs of the Midwest and West. The action was taken to insure that growers of those areas served could get their goods—primarily grain—shipped to market and prevent severe economic disruption of that area's economy and higher prices for the consumer. In the case of the Milwaukee Railroad a new law provides loan guarantees to continue service on the line until the shippers and employees can attempt to put together a feasible plan for taking over the operation. In the other case, that of the Rock Island Railroad, Congress provided in the transportation appropriations bill for other railroads to implement "directed service" on the lines of that railroad.

Congress also authorized $2.2 billion over 3 years for the continued operation of Amtrak, including subsidies for passenger service and a commitment to aid Amtrak purchase new equipment to modernize its trains. In an effort to preserve trains with high ridership during an energy crisis, Congress voted to restore about half the route cuts proposed by the administration. The bill also required Amtrak to offer low-fare programs for the elderly and handicapped.

ITEM: SOCIAL SERVICE NEEDS

In a major redirection of the child welfare assistance program, the House voted to provide Federal adoption assistance for the first time to encourage States to find permanent homes for children of low-income parents who, for various reasons, cannot live at home—and not let them get caught up in the revolving door of temporary foster care homes. The adoption aid provision was part of a larger child welfare bill that also raised the ceiling for the State social services grant program and increased aid for abused, neglected and homeless children.

In recognition of the growing national problem of domestic violence, the House passed a bill authorizing a total $65 million in Federal support over the next 3 years to help States prevent domestic violence and treat its victims. The type of projects eligible for funding would make available to victims such services as child care, medical attention, emergency shelter, counseling, job training, and legal aid.

Earlier in the year Congress approved an additional $620 million for the food stamp program to avoid benefit cuts for recipients during the last fiscal year. That law also allowed the elderly, blind and disabled to deduct medical and shelter expenses in computing their eligibility for food stamps.

ITEM: CONSUMER INTERESTS

In other actions reflective of Congress moving to address important needs, the House last week passed a bill to offer seed grants to encourage State and local governments to experiment in developing new forums for the resolution of minor disputes that are not worth taking to court, such as those between neighbors, or a landlord and tenants, or consumer complaints.

In the area of consumer banking the House and Senate agreed to allow banks, savings and loans, and credit unions to temporarily continue offering certain services that, in effect, offer interest on checking-type accounts. An omnibus banking bill, now in conference, would make the authorization for such services permanent, and would extend authority nationwide for NOW accounts. Conferees also have under consideration Senate proposals regarding the phaseout of interest rate ceilings on savings accounts and the lowering of the minimum denomination of money market certificates.

A LOOK AHEAD

Restraint, restructuring and responsiveness will continue to mark the approach of this Congress toward its legislative work in the second session. For some of the measures due to come up next year the groundwork has already

been laid this session in committee, including a lobby reform bill, reported out by the Judiciary Committee last week, that sets out more stringent reporting and financial disclosure requirements for lobbyists; and a criminal code revision measure, the subject of Judiciary Committee hearings throughout the session.

The Senate has begun work on court reform legislation designed to ease the backlog of court cases and speed the administration of justice. Revision of the charters for the intelligence agencies has received committee attention in the first session and will likely be under consideration in the second.

Other revision plans scheduled to receive congressional attention include deregulation of the communications and trucking and railroad industries; reform of the drug laws to allow promising new drugs to be marketed earlier and dangerous drugs recalled promptly; and changes in the Food Safety Act to allow Federal regulators to consider both the risks and benefits of certain additives.

Congress might also take under consideration proposals for the stricter enforcement of antitrust laws such as restrictions on corporate mergers, and permission for retail purchasers to bring class action suits against manufacturers for price fixing.

The House this session passed the largest single conservation bill in history setting aside over 120 million acres in Alaska as parks, preserves, forests, and wilderness areas. If the Senate completes action on the measure, conferees next session will attempt to reconcile differences and forge legislation, that adequately preserves some of this Nation's most spectacular and precious resources, without endangering Alaska's economic health.

And, of course, continuing to fashion a comprehensive energy package and monitoring the economy's performance in the new year will continue to be dominant concerns of the 96th Congress.

CHARLES DELAURENTI, RETIRING MAYOR, RENTON, WASH.

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

Mr. LOWRY. Mr. Speaker, I rise today to commend Charles Delaurenti, an outstanding public servant from the Seventh District of Washington State. This commendation for Mr. Delaurenti, retiring mayor of the city of Renton, is made also on behalf of speaker of the house, Washington State, John Bagnariol, State Senator Bud Shinpoch and State Representative Avery Garrett.

Charles J. Delaurenti began his 38 years of public service to the city of Renton when he was elected to the city council in 1942. He was reelected to the council for each succeeding term until 1975, when he ran for, and was elected to, the office of mayor. During this lengthy term of service to his community, Charles Delaurenti has always been an effective and dedicated public servant and a warm and gracious host for the city of Renton. His genuine love for his fellowmen will be long cherished by all who have worked with him. Upon his retirement, we wish him happiness and hope that Charlie's" example of unselfish service to our community will be followed by others in the future.

ESTABLISHMENT OF CHILD CARE CENTER ON CAPITOL HILL

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

Mr. THOMPSON. Mr. Speaker, I am today introducing a resolution which would provide for the establishment of a child care center here on Capitol Hill to serve children of congressional employees and Members of Congress. Thirty-eight of my colleagues, including 13 from the Republican side of the aisle, have joined me in sponsoring this resolution. In the Senate, a similar resolution is being introduced by the Senator from South Dakota, the Honorable GEORGE MCGOVERN.

There are several reasons to move promptly on the establishment of a Congressional Child Care Center under congressional sponsorship. The most obvious and pressing is the fact that it is a service sorely needed by a substantial number of employees. A survey conducted last year determined that nearly 300 Hill parents, with 371 children under the age of 6, were potentially interested in enrolling their children in such a facility. Since then many new parents have joined their ranks.

Furthermore, Mr. Speaker, it is important for the Congress, as an employer of over 10,000 workers, to set an example for other public and private employers. We should respond to the burdens of the working parent, as inflation and other factors force more and more persons into the category. The working parent is fast becoming the predominate pattern either because of economic necessity, career commitment or both. For a great many one- and two-parent families, a full-time homemaker is no longer an option. Therefore, as a matter of public policy, employers should be encouraged to be sensitive and responsive to this growing social need.

Our children are national resources for the future. I believe the House can provide quality care to children, while setting an important example for public and private sector employers, because without initial financial support, it is almost impossible for a group of employees to do it on their own.

Assisting working parents in arranging for the care of their children is a legitimate concern of all employers. By establishing a Congressional Child Care Center, the legislative branch would be setting not only an important example for other employers, but would be making a major improvement in the ability of its own employees to fully respond to the needs of the Congress, their families and children.

There is considerable historical precedent for Federal involvement in the establishment and maintenance of child care centers. The roots go back to the Works Progress Administration of 1933 where day care was authorized to help families during the economic crisis. During wartime, as women were drawn into the labor force in record numbers, the Government—under the Lanham Act of 1942—appropriated $51 million to establish 3,100 centers to support the needs of working mothers. This wartime effort was renewed during the Korean conflict.

Recent new directions in civil rights and equal employment practices provide the strongest case for Federal involvement in child care for its own employees. The authority is derived from the Equal Employment Opportunity Act of 1972 and Executive Order 11478. The Civil Service Commisison was charged with implementing these mandates as they relate to Federal employment.

The clearest indicator of both the need for, and the appropriateness of child care centers is the fact that Federal employers have already established nine centers in the Washington area. While there is general agreement that ongoing operating costs to sustain a center should be the responsibility of the parents of the children served, Federal cooperation has included provisions for space, renovations, and in some cases support for initial staff and other start-up expenses. Thus, there appears to be substantial need for establishing and maintaining day care services under the auspices of the Federal Government. This authority is based not only on historical precedent and the EEO, but more specifically on recent authorizations given to both HUD and HEW.

A number of support services currently are available to Members and employees. Such services are generally available in any large institution or corporation. Without leaving the Hill, one can find cafeterias, carry-outs, vending machines, credit unions, and so forth. Most of these facilities are available, not out of a sense of altruism, but because the availability of such services helps employees to perform better and to spend more time on the job. This argument is even stronger in the case of child care.

Having a child care center located near the Hill offices would allow immediate access to one's children in the event of sickness or emergency. And with on-site care, there is an opportunity for parents to eat lunch with their children, and to share more time. This "breaks up" the time the child is away from the parent. The added time with one's child would of course be available to working fathers, thus strengthening the opportunities for fathering in our society. And all parents would share additional time with their children in traveling together between home and the workplace. Travel time is a good time for conversation and closeness between parent and child. And a Hill-based center would offer extended hours to cover the inevitable occasions when the work day runs past 5:30 p.m.

Finally, parents would be freed from the anxieties, tardiness and absenteeism associated with unreliable babysitting

arrangements, or nonparticipatory or commercial child care. They would save energy by abandoning the exhausting, twice-daily and frequently long-distance triangular commuting patterns between home, child care and work. In short, quality child care services located near the Hill would permit working parents peace of mind regarding their children's welfare, and allow them to focus their attention and energies on their office work.

The resolution would establish the Child Care Center under a revolving fund arrangement similar to the restaurant system, and "all operating expenses of the Center would be recovered through fees charged for child care services." Thus, the operation would be self-supporting.

An Advisory Board would be appointed, composed of Members of Congress, parents of children enrolled in the Center, and other individuals with expertise in child care or interest in the Center. The Board would make recommendations regarding the operation of the Center, including such matters as its management, curriculum and program of activities, personnel selection and management, fee structure, finance and budget, admissions policy, nutrition and health services and facilities and equipment. It is vital that parents have more direct input into the care of their children, and this Board insures them the means for expressing their views to the committee. As an additional safeguard, this Advisory Board would be required to conduct semiannual reviews of the operations of the Center, and to submit written reports which would be available for public inspection.

Although the operation of the Center, once it is established, is intended to be self-supporting, the revolving fund would finance the startup costs associated with the launching of such a service—renovation of a suitable facility, acquisition of equipment and material, and salaries for staff prior to the opening of the center.

We recommend the establishment of a revolving fund as a means of starting and operating the Center, because it involves less of a commitment of Federal funds than the approaches used by the other Federal agencies. More importantly, it can serve as a model which could be readily adapted by private employers. After expenditure for the initial startup costs, the fund would be repaid through fees collected from those using the Center.

Thus, the establishment of a child care center for congressional employees is a goal which is both economically and administratively feasible.

Finding a location for a child care facility is always an obstacle in establishing a new center. A hard-working group of Hill employees from the House and Senate have been meeting regularly in an attempt to deal with this and the other problems. They have identified a number of possible locations for the Center. The most promising is a facility recently vacated by another day care center, which is immediately available, and already suitable for child care. However, the space is sufficient to serve only 35 or so children, so it would suffice only as a temporary location, or as a supplemental facility. Using it would permit the Center to get started while continuing the search for more suitable space.

The planning committee has already progressed through a considerable mountain of paperwork, budgeting, planning, and preparation for a center. I plan to ask the Members of the House Administration Committee to consider this resolution early in the second session. I am optimistic that, with the prompt passage of this resolution and the continuing involvement of this group of parents and employees, we can have a center functioning by mid 1980.

Following is a list of the cosponsors and the complete text of the resolution:

H. RES. —

Resolution establishing the Congressional Child Care Center

Resolved, That (a) there is established in the House of Representatives and under the direction of the Committee on House Administration a Congressional Child Care Center (hereinafter in this resolution referred to as the "Center") to provide child care services for children of Senators, Representatives, and congressional employees.

(b) All operating expenses of the Center shall be recovered through fees charged for child care services provided by the Center.

SEC. 2. (a) The Chairman of the Committee on House Administration shall appoint a nonpartisan Advisory Board to carry out the functions described in subsections (c) and (d).

(b) The Advisory Board shall be composed of a minimum of 11 individuals (including a Chairman, so designated at the time of appointment) who—

(1) shall be chosen from among Senators, Repesentatives, parents of children enrolled in the Center, and other individuals with expertise in child care or interest in the Center; and

(2) shall serve during the Congress in which they are appointed, except that members may continue to serve after the expiration of their term until a successor is appointed.

(c) The Advisory Board shall make recommendations to the Committee on House Administration with respect to matters relating to the Center, including—

(1) management and operation;
(2) curriculum and program of activities;
(3) personnel selection and management;
(4) fee structure, finance, and budget;
(5) admissions policy;
(6) nutrition and health; and
(7) facilities and equipment.

(d) The Advisory Board shall conduct semi-annual reviews of the operations of the Center and shall submit a written report of each such review to the Chairman of the Committee on House Administration, who shall make such report available for inspection by the public.

SEC. 3. There is established in the Treasury a revolving fund within the contingent fund of the House of Representatives to be known as the Congressional Child Care Center Revolving Fund. Any amount received under subsection (b) of the first section in payment for child care services shall be transmitted to the Clerk of the House of Representatives for deposit in the revolving fund and shall be available for disbursement by the Clerk to offset operating expenses of the Center.

SEC. 4. The Committee on House Administration is authorized to acquire such facilities as may be necessary for the operation of the Center.

SEC. 5. Until otherwise provided by law, the contingent fund of the House of Representatives shall be available to carry out this resolution.

SEC. 6. As used in this resolution, the term "Representative" means a Representative in, and a Delegate or Resident Commissioner to, the Congress.

COSPONSORS OF RESOLUTION TO ESTABLISH CONGRESSIONAL CHILD CARE CENTER

Mr. Brooks, Texas; Mr. Buchanan, Alabama; Mr. J. Burton, California; Mr. Carr, Michigan; Mr. Conable, New York; Mr. Conyers, Michigan; Mr. Coughlin, Pennsylvania; Mr. de la Garza, Texas; Mr. Dixon, California; and Mr. Edwards, of Oklahoma.

Mr. Fazio, California; Mr. Fisher, Virginia; Mr. Ford, Michigan; Mr. Green, New York; Mr. Hawkins, California; Mrs. Heckler, Massachusetts; Ms. Holtzman, New York, Mr. Jeffords, Vermont; Mr. Jones, Tennessee; and Mr. Lewis, California.

Mr. Long, Louisiana; Mr. Lott, Mississippi; Mr. Markey, Massachusetts; Mr. Michel, Illinois; Ms. Mikulski, Maryland; Mr. Murphy, New York; Ms. Oakar, Ohio; and Mr. Pursell, Michigan.

Mr. Quayle, Indiana; Mr. Ratchford, Connecticut; Mr. Rose, North Carolina; Mr. Roybal, California; Mrs. Schroeder, Colorado; Mrs. Spellman, Maryland; Mr. Stark, California; Mr. Swift, Washington; Mr. Vander Jagt, Michigan; and Mr. Wirth, Colorado.

THE ANTIFAMILY MOVEMENT'S "7 PERCENT" DISTORTION

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

Mr. ASHBROOK. Mr. Speaker, almost every editorial or propaganda piece by a militant feminist or other antifamily activist declares that "the traditional family now includes only 7 percent of total families." From this, it is concluded that the family is dying, and "new alternatives"—antifamily alternatives—to the traditional family are needed.

The 7 percent these people are referring to are described in Janet L. Norwood's July 1977 article, "New Approaches to Statistics on the Family" in the Monthly Labor Review. Needless to say, it is distorted out of any relation to what she is discussing.

Miss Norwood said:

For illustrative purposes. (T)his typical family frequently is defined as consisting of a husband who works, a wife who is not in the labor force, and two children.

By torturing this definition, by saying that the "traditional family," one which has two children, a mother who is not working and a father who works, the antifamily movement has concluded that the family is dying out, since only 7 percent of them in America have exactly those characteristics.

It is true that only 7 percent of American families consist of exactly two children, a working father and a non-working mother. I doubt seriously whether, in all of our history as a nation, much more than 7 percent of our families had exactly those characteristics. According to this warped view, the family was dying out in the 19th century, when families had an average of four or five or even more children, because they had to have exactly two to be "traditional."

Married couples who want, but cannot

have, children still constitute a family. Widows and widowers with children constitute a traditional family life in the aftermath of the Civil War, but no one concluded that, for that reason, the institution of the family was dying out. But, using the antifamily argument, widows or widowers or childless couples or parents with one or three children are not "traditional" families. This is rank absurdity, but is an absurdity which reveals how desperate these groups are to find anything to justify their claim that the family is doomed.

According to the actual facts of the matter, as presented by Norwood so totally distorted for propaganda, the family is in very healthy shape. Of 56,245,000 total families in this country, 47,308,000 consist of husband and wife. This means that about 85 percent of our families fall into the only really traditional framework: a married couple, living together. The rest of the statistics do not tell us how many of the "Other families," those "headed by men" or "headed by women," consist of a widow or widower and his or her children—which is also a very traditional family, and what part of that 15 percent where husband and wife are not living together represent divorces, desertions, or all the other problems which the antifamily groups imply dominate our society.

But the point here is not to cite statistics, but to expose a contemptible distortion of the facts. To say that 7 percent of the population lives in a traditional family environment represents the most conscienceless kind of distortion, and completely discredits those who would stoop to such distortions.

INVESTIGATION OF COMBINED FEDERAL CAMPAIGN

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

Mrs. SCHROEDER. Mr. Speaker, as many Members know, my Subcommittee on Civil Service has been conducting a thorough investigation of the Combined Federal Campaign. We held 4 lengthy days of hearings, heard from 80 witnesses, received comments from over a thousand more, and negotiated with the interested parties. As a result of this effort, we are today sending a letter to the Office of Personnel Management recommending certain changes in the way CFC is run. I ask that a copy of the letter be included in the RECORD in full.

Our recommendations center around six propositions: First, we suggest that rank and file Federal employees should be intimately involved in running the campaign and that the Office of Personnel Management should reduce its involvement especially since after civil service reform they have much more authority over promotions. Second, we propose that more information be available to Federal employees who are asked to contribute. Third, we urge strong new protections against coercion in fundraising in the Federal workplace. Fourth, we recommend that many legitimate charities which have been excluded up to now be allowed to participate in CFC. Fifth, we identify the need for a change in the distribution of undesignated funds to allow would-be contributors to know what is going to happen to their donations. Sixth, we ask for better safeguards on the fiscal integrity of the program.

Openness, employee involvement and information, and volunteerism: these are the guiding lights of our proposals. They do not sound controversial; yet, the subcommittee has been subject to the most intensive lobbying campaign imagineable on this issue. The United Way of America, in particular, has unleashed a furious assault. I feel this is unfair because the recommendations were carefully crafted to protect the central role of United Ways in local CFCs. The cooler heads within United Way, with whom we compromised to meet their objections, were, evidently, overruled by paranoid zealots who rejected any change whatsoever in the Combined Federal Campaign.

It would have been easier to leave well enough alone and not recommend any changes. That course would have been irresponsible in light of what came out during our hearings. There are very serious problems in the Federal fundraising campaign and they must be corrected if the campaign is not to lose its base of support.

The letters follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., December 20, 1979.

Dr. ALAN K. CAMPBELL,
Director, Office of Personnel Management,
Washington, D.C.

DEAR DIRECTOR CAMPBELL: The Subcommittee on Civil Service of the Committee on Post Office and Civil Service of the House of Representatives held four days of hearings on the Combined Federal Campaign (CFC) during October, 1979. While the hearings convinced the Subcommittee that CFC is a highly efficient fund-raising operation which provides needed support to many legitimate charities on the local, national and international levels, the hearings also alerted the Subcommittee to serious problems existant in CFC. The major problems include the exclusion of many deserving charities, including some serving minority communities from the campaign; the use of an arcane and potentally misleading formula to distribute undesignated contributions; and the fact that coercion is neither isolated nor aberrant in CFC. The Subcommittee found that many charities and Federal workers are losing confidence in the Combined Federal Campaign.

The Subcommittee strongly endorses efforts by the Federal government, as an employer, to facilitate voluntary, charitable giving by civil servants. We are concerned that the deficiencies we found in CFC could weaken and jeopardize the program in the years ahead. For this reason, we request that you amend the Manual on Fund-Raising Within the Federal Service to achieve the general principles set forth below. Please report to the Subcommittee, by March 15, 1980, on what actions you have taken in response to this request.

Principle No. 1: There is no intrinsic reason that the central personnel management agency of government should co-ordinate the employee fund-raising effort. Because the Office of Personnel Management (OPM) has many more pressing duties, we recommend that OPM operate CFC in a manner designed to reduce its commitment of resources. OPM's responsibilities should be transferred, as far as practicable, to one national CFC committee and numerous local committees, made up exclusively of Federal employees. These committees should be broadly reflective of the workforce. Rank and file employees should be selected to these committees through procedures which provide for participation by all interested employees. These committees should make all the basic decisions about CFC operations, including some, which have a significant impact on civil servants, which are now made by the participating charities, such as determining the content of the brochure.

Principle No. 2: The Subcommittee believes that the more Federal employees know about the participating charities, the more likely they are to contribute. Participating agencies should, therefore, be permitted and encouraged to provide information to potential donors about themselves. Further, the brochure should be expanded to provide more information about each charity and grouping, including information about their program and finances.

Principle No. 3: The Subcommittee is most seriously concerned about the level of pressure placed on Federal employees during the campaign. We ask OPM to promulgate a clear definition of prohibited fund-raising conduct, based on the current decree filed in *Riddles* v. *Army* on March 19, 1979. This definition would constitute a regulation implementing merit system principles and would include: a prohibition on supervisors soliciting from their employees; full disclosure of the options for confidential giving or non-participation in CFC; provision for confidential giving directly to the payroll office; safeguards to assure that supervisors never see contributor lists; a ban on setting participation or dollar goals below the installation level; a ban on 100% participation goals; and publication of the names of officials to whom complaints of coercion should be directed. Although top management officials should be able to endorse the campaign, they should be prohibited from doing so in a coercive way. The Subcommittee has written the Special Counsel of the Merit Systems Protection Board and the Director, Office of Management and Budget, asking for assistance in stopping coercion. (Copies attached.) OPM should conduct research into other methods of coercion prevention, including mandatory confidential giving, to assess their impact on employee morale, perceptions of coercion, and participation. Finally, the practice of extending the length of campaigns or of holding supplementary campaigns is inherently coercive. The length of each campaign should, therefore, be strictly limited and only one campaign should be permitted in a year.

Principle No. 4: The Subcommittee found that numerous legitimate charities have been excluded from participation either by narrow regulations or by restrictive interpretations of them. OPM should modify the regulations on national entry to permit participation by groups which: address the needs of any deprived segment of society; focus on the problems of minority communities and, thus, do not have chapters in all parts of the country; have higher than usual overhead costs which could be reduced to a reasonable level after a few years in CFC. Moreover, the primary route of entry should be shifted to the local level. Local CFC committees should be empowered to admit local groups which demonstrate a moderate level of Federal employee support, probably through a petition procedure, and which meet certain minimum standards set by OPM. These minimum standards should require financial integrity, mandate broad disclosure, and ban illegal discrimination. To husband the time of local committee members, the minimum standards should be able to be applied without extensive investigation.

Principle No. 5: The problem of distributing undesignated contributions is one of balancing competing interests in meeting community, national, and international needs, disclosing adequate information to donors, and responding to the will of contributors. The current formula has two deficiencies: First, it may mislead donors into thinking that, for each dollar they designate to a specific charity, that charity's total receipts will increase by a like amount. Second, it poses a dilemma for those who find one charity morally reprehensive, since even if they designate to another group, they will be forcing more undesignated funds to the offensive charity. One solution is to treat undesignated funds separately from designated funds, so that the amount of designations will in no way alter the percentage of undesignated money each group receives. Employees should know, at the time they contribute, the exact percentage of undesignated dollars that will go to each group, so they can make an informed judgment as to whether to designate. Whatever new formula is devised should permit all eligible groups, including those newly admitted, to share in the undesignated funds. The formula should also provide participating charities with sufficient information to plan their activities.

Principle No. 6: Questions have been raised about the adequacy of fiscal controls on the route that contributed money travels from the donor's pocket to the recipient charity. The Subcommittee has asked the General Accounting Office to determine if greater safeguards are needed. Pending that, the Subcommittee believes that only independent, disinterested parties should serve as fiduciaries for local CFCs.

The Subcommittee supports strengthening the Combined Federal Campaign. Strengthening the campaign does not necessarily mean collecting more money. Rather, a strong campaign is one in which civil servants contribute because they want to help the less fortunate. A strong campaign is one that can raise funds without coercion, one that is open to all legitimate charities, and one that distributes its receipts in an open and comprehensive mannner. A strong campaign is one that serves the interests of Federal employees, their communities, their nation, and their world.

Sincerely,

PATRICIA SCHROEDER,
Chairwoman.
JIM LEACH,
MORRIS K. UDALL,
WILLIAM CLAY,
JAMES A. COURTER,
Members of Congress.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., December 20, 1979.

Mr. H. PATRICK SWYGERT,
Office of the Special Counsel, Merit Systems Protection Board, Washington, D.C.

DEAR MR. SWYGERT: The Subcommittee on Civil Service of the Committee on Post Office and Civil Service of the House of Representatives has recently completed an investigation of the Combined Federal Campaign (CFC). The Subcommittee received, during the course of the investigation, dozens of complaints from Federal employees alleging that they are subject to undue pressure during the campaign. Somewhat surprisingly, the Office of Personnel Management, which coordinates the campaign, claims to receive virtually no complaints about the way the campaign is operated.

One problem is that no clear definition of what is unduly coercive has been published. While there are certain activities which are universally repudiated, there are others—such as establishing participation and dollar goals—which subject civil servants to severe pressure but are widely condoned in the world of fund-raising. By means of a letter of December 20, 1979 (copy attached), to the Director of the Office of Personnel Management, the Subcommittee has requested that OPM promulgate a definition of coercion, following the guidelines established in the consent decree in *Riddles* v. *Army*. We expect this definition to be published by March 15, 1980.

Another problem is that there has been no mechanism to solicit, investigate, and take corrective action from complaints of coercion. The Subcommittee believes that undue pressure exerted on Federal employees for the purposes of fund-raising is a prohibited personnel practice within the definition of 5 U.S.C. 2302. We, therefore, request that you establish procedures to handle complaints emanating from the Combined Federal Campaign. Please inform the Subcommittee of what actions you take in response to this request.

Thank you for your assistance in this matter.

Sincerely,

PATRICIA SCHROEDER,
Chairwoman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., December 20, 1979.

Mr. JAMES T. MCINTYRE, Jr.,
Director, Office of Management and Budget, Washington, D.C.

DEAR DIRECTOR MCINTYRE: The Subcommittee on Civil Service of the Committee on Post Office and Civil Service of the House of Representatives has just completed an investigation of the Combined Federal Campaign (CFC). The Subcommittee received, during the course of this investigation, dozens of complaints from Federal employees that they are subject to undue pressure during the course of the campaign.

One problem is that no clear definition of what is unduly coercive has yet been promulgated. In a letter of December 20, 1979 (copy attached) to the Director of the Office of Personnel Management, the Subcommittee has requested that such a definition be formulated and published by March 15, 1980.

Another problem is that there is no mechanism to protect against coercion. The Office of Personnel Management investigates actual charges of coercion, but receives very few since employees do not regard OPM as sympathetic to their interest. Furthermore, merely responding to complaints does not identify systemic problems.

For this reason, the Subcommittee requests that you request each Inspector General or similar agency official to inspect Combined Federal Campaigns within their agencies for undue or unfair pressure. In making this inspection, the Inspectors General should be guided by the forthcoming OPM definition of coercion, which should closely parallel the consent decree in the case of *Riddles* v. *Army*. The Subcommittee requests that an annual summary of the reports of these inspections be submitted to the Office of Personnel Management and this Subcommittee for review.

Thank you for your assistance in this matter.

Sincerely,

PATRICIA SCHROEDER,
Chairwoman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., December 20, 1979.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: The Subcommittee on Civil Service of the Committee on Post Office and Civil Service of the House of Representatives has recently completed an investigation into the Combined Federal Campaign (CFC). Four days of hearings during October of 1979 served as the centerpiece of this investigation. The record of this hearing should be available within a week.

One annoying charge that surfaced during these hearings related to the fiscal integrity of the Combined Federal Campaign. The pledging and payroll deduction system, coupled with the distribution formula, results in a two-track accounting system, whereby the payroll office deducts contributions and sends them to a central receipt office which distributes the money to the participating charities. Obviously, this central receipt office serves a key fiduciary role. Nevertheless, the Subcommittee learned that one of the interested charities often serves as the fiscal agent. This dual role presents the appearance of a conflict of interest. For this reason, the Subcommittee has asked the Office of Personnel Management to require that independent, disinterested fiscal agents be used exclusively. (Please see attached letter of December 20, 1979 to OPM.)

On behalf of the Subcommittee, I request that the General Accounting Office study the fiscal controls on the Combined Federal Campaign to see if greater safeguards are needed. The Subcommittee has asked the Office of Personnel Management to implement your recommendations in this area. I think you will agree with me that it is vitally important that Federal workers have confidence that their contributions to the Combined Federal Campaign are protected.

Thank you for your assistance in this matter.

Sincerely,

PATRICIA SCHROEDER,
Chairwoman.

PHASEOUT OF REGULATION Q

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

Mr. BARNARD. Mr. Speaker, today I am introducing the Thrift Equality and Deregulation Act of 1980. The main purpose of this legislation is to phase out regulation Q, which governs interest ceilings on bank deposits, and to grant thrifts expanded powers to meet the changes in their markets caused by changing economic conditions and the elimination of a one-quarter of 1 percent differential in the interest they can offer for deposits accounts.

This bill is necessary for a variety of reasons, but the most important is the widespread shifting of funds from deposits covered by regulation Q, and limited sharply in the amount of interest that they can offer, to accounts and savings instruments that approach the market rate of interest. This disintermediation is resulting in high increases in costs to financial institutions, and a real loss to the small saver, who cannot afford savings instruments that offer close to market rate of interest because of high minimum deposit requirements.

In addition, my bill grants savings and loans, mutual savings banks, and credit unions some additional powers, including NOW accounts, to enable them to meet a changing marketplace. For several years now, it has been the aim of financial institution legislation to eliminate the artificial advantages—and disadvantages—that have appeared in the past because of peculiarities in the market that no longer exist or are no longer needed. My bill will allow the thrift institutions adequate leeway to determine

what their market will be in the coming decades, and to adjust their operating policies to meet their goals.

In the past several months, there has been much discussion about the "ratcheting up" plan to eliminate regulation Q. This approach would gradually raise the interest ceilings by one-half of 1 percent a year for 10 years, with the idea that before the end of the decade, the interest ceiling will be above market interest, and irrelevant. However, there are two major problems with this approach. The first is that the most widely mentioned version would place a 2-year freeze on the interest ceiling, subject to action by Federal regulators, and thus will not help the small saver during that time. In addition, during a time when the earnings of financial institutions are already being squeezed by a threatening economy, it would raise their costs primarily for the shortest term deposits, which are the most expensive to maintain.

My approach combines this method, which is fair in that it is gradual and predictable, and adds to it the phased elimination of all interest ceilings on deposits starting with those with the longest initial maturities. Using this approach, the small saver will get some relief in his savings account, but also will have the incentive to shift some funds to longer term deposits, which will offer him a higher return sooner.

This approach will aid him, and also reduce the cost of the elimination of the interest ceiling for financial institutions, as these accounts are less expensive to maintain. An added advantage of this approach is that it reduces the long-time problem of thrifts, which have had to back very long-term investments with volatile, short-term deposits.

However, it is not sufficient to simply eliminate the regulation Q ceilings and leave it at that. For the last 13 years, one of the ways funds have been attracted into the housing market has been the one-quarter of 1 percent advantage that thrift institutions have had in the interest that they could offer for deposits. Eliminating interest ceilings, and allowing the market rate of interest to be offered in all cases, necessarily eliminates this differential.

It will be replaced in my bill by expanding the powers of thrift institutions, which will now have to compete directly with commercial banks for funds. These powers, which include the ability to make up to a certain proportion of consumer loans, the ability to invest in commercial paper and open-ended investment funds, and the ability to engage in trust activities, will give them the added flexibility that savings and loans will need in the future to adjust to changes in their markets.

Mutual savings banks will also get some added powers, as they will be able to make a certain proportion of their loans and investments without the present restrictions, and will be able to accept desposits from any source.

Credit unions will have the usury ceiling on their loans, which in current economic conditions is making it unprofitable to make loans, replaced with a more flexible cap that ties it to the rate for 5-year obligations of the Treasury. In addition, they will have more flexibility in dealing with their central liquidity facility.

Finally, all financial institutions will be able to offer NOW accounts, which pay interest on certain demand deposits; a step that has been endorsed by votes in both Houses of Congress.

Some of these grants of powers, and specifically the elimination of interest ceilings are not without certain safeguards, which will allow the regulators to reimpose or control certain elements in the event that economic conditions or the viability of depository institutions demands it.

Mr. Speaker, this bill is not the last word in this effort, but is offered with the hope that the ideas it contains will be debated and considered in the context of a complete examination of all options. I believe it is a sound, workable approach to this problem, and look forward to discussing it with my colleagues.

H.R.—

A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Thrift Equality and Deregulation Act of 1980."

TITLE I—ELIMINATION OF INTEREST CE'LINGS

SEC. 101. As used in this Act the term—

(a) "depository institution" means—

(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(4) Any member bank as defined in section 1 of the Federal Reserve Act;

(5) any insured institution as defined in Section 408 of the National Housing Act; and

(6) any insured credit union as defined in Section 101(7) of the Federal Credit Union Act.

(b) "negotiable order of withdrawal account" means an account on which payment of interest or dividends is made on a deposit and the depositor is allowed to make withdrawal by negotiable or transferable instrument for the purpose of making payments to third parties as authorized by Section 2 of Public Law 93–100, as amended.

(c) "share draft account" means an account on which payment of interest may be made on a deposit maintained with an insured credit union as defined in Section 101(7) of the Federal Credit Union Act with respect to which the credit union may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, and the depositor is allowed to make withdrawals by negotiable or transferable instrument for the purpose of making payments to third parties. Such account shall consist solely of funds in which the entire beneficial interest is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or other similar purpose and not for profit.

(d) "individual retirement account" shall have the same meaning as such terms are defined in Section 408(a) of the Internal Revenue Code of 1954, as amended.

(e) "qualified retirement plan" means any trust forming part of a stock bonus, pension or profit-sharing plan of an employer for the exclusive benefit of employees or their beneficiaries created in accordance with Section 401 of the Internal Revenue Code of 1954, as amended.

SEC. 102. The limitations on the maximum rates of interest or dividends for each category of deposits (including time and savings deposits, deposits made by qualified retirement plans and individual retirement accounts) share draft accounts or negotiable order of withdrawal accounts maintained in a depository institution which were established pursuant to the provisions of law which are referred to in Section 7 of Public Law 89–597, shall remain in effect and be governed exclusively in accordance with the provisions of this Act.

SEC. 103. (a) Except as provided in Section 5, the limitations on the maximum rates of interest or dividends referred to in Section 102 shall be increased by at least one-half of one percentage point on July 1, 1980, and on each succeeding July 1 through July 1, 1985, subject to Section 102 of Public Law 94–200.

(b) If the Board of Governors of the Federal Reserve System, in consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration Board, determines that economic conditions warrant or that such action is necessary to avoid a threat to the economic viability of depository institutions it may postpone or reduce an increase required in this section. When the Board of Governors of the Federal Reserve System makes such a determination and postpones or reduces an increase, it shall immediately report the reasons for such action to the Congress.

(c) Whenever the Board of Governors of the Federal Reserve System, in consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration Board, determines that it is economically feasible or desirable to accelerate the increases in the maxmum rates of interest or dividends as provided in this section, the Board of Governors of the Federal Reserve System shall immediately report such determination to the Congress.

(d) During the period commencing July 1, 1980 and terminating on July 1, 1985, no new category of deposits or accounts may be approved by the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board or the National Credit Union Administration Board if the maximum rate of interest or dividends payable thereon is not at least equal to the maximum rate applicable to deposits or accounts of comparable maturities then in effect.

SEC. 104. (a) The limitations on the maximum rates of interest or dividends referred to in Section 102, payable on (1) all time deposits having initial maturities of six years or more, (ii) all individual retirement accounts and (iii) all accounts maintained by or on behalf of qualified pension plans be eliminated on or before July 1, 1980.

(b) The limitations on the maximum rates of interest or dividends referred to in Section 102, payable on all time deposits having initial maturities of four years or more shall be eliminated on or before July 1, 1981.

(c) The limitations on the maximum rates of interest or dividends referred to in Section 102, payable on all time deposits having initial maturities of two and one-half years or more shall be eliminated on or before July 1, 1982.

(d) The limitations on the maximum rates of interest or dividends referred to in Sec-

tion 102, payable on all time deposits having initial maturities of 1 year or more shall be eliminated on or before July 1, 1983.

(e) The limitations on the maximum rates of interest or dividends referred to in Section 102, payable on all time deposits having initial maturities of ninety days or more shall be eliminated on or before July 1, 1984.

(f) The limitations on the maximum rates of interest or dividends referred to in Section 102, payable on all savings accounts, negotiable orders of withdrawal accounts and share draft accounts shall be eliminated on or before July 1, 1985.

SEC. 105. On or after July 1, 1985, the Board of Governors of the Federal Reserve System, in consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, may prescribe limitations on the maximum rates of interest or dividends on deposits or accounts which may be paid by depository institutions only upon a finding that an extreme economic emergency exists and such action is necessary to maintain the economic viability of depository institutions. Any such finding shall be described in detail in a prompt report to the Congress. In no case shall any limitation prescribed under this section remain in effect for more than one year.

SEC. 106. The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall reduce all minimum denomination requirements of all time deposits within five years after the date of enactment of this Act, except that if the Board of Governors of the Federal Reserve System, in consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, determines that economic conditions warrant or that such action is necessary to avoid a threat to the economic viability of depository institutions, it may postpone the reduction required by this section but in no event later than July 1, 1990. When the Board makes such determination and postpones a reduction, it shall promptly report to the Congress the reasons for such action.

SEC. 107. (a) Effective July 1, 1985, Section 19(j) of the Federal Reserve Act, Section 18(g) (except the first sentence) of the Federal Deposit Insurance Act, and Section 5B(a) of the Federal Home Loan Bank Act are repealed.

(b) Effective July 1, 1985, Section 102 of Public Law 94-200 is repealed.

(c) Effective July 1, 1985, the prohibition on the payment of interest on demand deposits contained in Section 19(j) of the Federal Reserve Act and Section 18(g) of the Federal Deposit Insurance Act are repealed.

(d) Section 7 of Public Law 89-597 is repealed.

TITLE II—NEGOTIABLE ORDERS OF WITHDRAWAL ACCOUNTS

SEC. 201. (a) Section 19(i) of the Federal Reserve Act is amended by striking out the matter in the first sentence before the first proviso and inserting in lieu thereof the following: "No member bank shall, directly or indirectly, by any device whatsoever, pay any interest on any deposit which is payable on demand, and a demand deposit shall not include a negotiable order of withdrawal account:'.

(b) the first sentence of Section 19(j) of the Federal Reserve Act is amended to read as follows: "The Board may from time to time, after consulting with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the payment and advertisement of interest on deposits, including limitations on the rates of interest or dividends that may be paid by member banks on time and savings deposits.".

(c) The first section of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end thereof the following new paragraphs:

"The term 'depository institution' means—

"(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

"(2) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

"(3) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

"(4) any insured credit union as defined in section 101 of the Federal Credit Union Act;

"(5) any member as defined in section 2 of the Federal Home Loan Bank Act; and

"(6) any insured institution as defined in section 408 of the National Housing Act.

"The term 'negotiable order of withdrawal account' means an account on which payment of interest may be made on a deposit with respect to which the depository institution may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable or transferable instrument for the purpose of making payments to third persons or otherwise. Such account shall consist solely of funds in which the entire beneficial interest is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or other similar purpose and not for profit.

"The term 'share draft account' means an account on which payment of interest may be made on a deposit with respect to which the credit union may require the member to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the member is allowed to make withdrawals by negotiable or transferable instrument for the purpose of making payments to third persons or otherwise. Such account shall consist solely of funds in which the entire beneficial interest is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or similar purpose and not for profit.".

SEC. 202. (a) Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding at the end thereof the following new subsections:

"(r) The term 'depository institution' means—

"(1) any insured bank as defined in this section;

"(2) any mutual savings bank as defined in this section;

"(3) any savings bank as defined in this section;

"(4) any member as defined in section 2 of the Federal Home Loan Bank Act; and

"(5) any insured institution as defined in section 408 of the National Housing Act.

"(s) The term 'negotiable order of withdrawal account' means an account on which payment of interest may be made on a deposit with respect to which the depository institution may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawals by negotiable or transferable instrument for the purpose of making payments to third persons or otherwise. Such deposit or account shall consist solely of funds in which the entire beneficial interest is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or other similar purpose and not for profit.".

(b) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors shall by regulation prohibit the payment of interest or dividends on demand deposits in insured nonmember banks (including insured mutual savings banks) and for such purpose it may define the term 'demand deposit', except that the term as so defined shall not include negotiable order of withdrawal accounts; but such exceptions from this prohibition shall be made as are now or may hereafter be prescribed with respect to deposits payable on demand in member banks by section 19 of the Federal Reserve Act, or by regulation of the Board of Governors of the Federal Reserve System.".

(c) The second sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the payment and advertisement of interest on deposits, including limitations on the rates of interest or dividends that may be paid by insured nonmember banks (including insured mutual savings banks) on time and savings deposits.".

SEC. 203. Section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits or shares that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 408 of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks.".

SEC. 204(a) Section 2 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1462) is amended by adding at the end thereof the following new subsections:

"(e) The term 'depository institution' means—

"(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

"(2) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

"(3) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

"(4) any member as defined in this section; and

"(5) any insured institution as defined in section 408 of the National Housing Act.

"(f) The term 'negotiable order of withdrawal account' means an account on which payment of interest may be made on a deposit with respect to which the depository institution may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable or transferable instrument for the purpose of making payments to third persons or otherwise. Such deposit or account shall consist solely of funds in which the entire beneficial interest

is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or other similar purpose and not for profit.".

(b) Section 5(b)(1) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(1)) is amended by adding at the end thereof the following: "The preceding sentence does not apply to negotiable order of withdrawal accounts.".

TITLE III—SAVINGS AND LOAN ASSOCIATION AMENDMENTS

SEC. 301. Section 5(c)(4) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(E) CONSUMER LOANS AND CERTAIN SECURITIES.—An association may make unsecured loans for personal, family, or household purposes, and may invest in, sell, or hold commercial paper, corporate debt securities, and bankers acceptances, as defined and approved by the Board, but the aggregate amount of such loans and investments at any time may not exceed 10 per centum of the assets of the association.".

SEC. 302. Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting the following new paragraph after paragraph (5) and renumbering subsequent paragraphs accordingly:

"(6) REAL ESTATE LOANS MADE BY NATIONAL BANKS.—Notwithstanding any of the foregoing provisions of this section, an association shall be permitted to invest in, sell, or otherwise deal in loans or investments secured by liens on residential real estate to the same extent and in the same manner and amounts without limitation as national banks pursuant to the provisions of section 24 of the Federal Reserve Act.".

SEC. 303. Section 5(b) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(3) An association may, if permitted by the Board and subject to such regulations as the Board may prescribe, act as a trustee, executor, administrator, guardian, or in any other fiduciary capacity.".

SEC. 304. Section 5 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(n) TRUST POWERS.—

"(1) AUTHORITY OF BOARD.—The Board is authorized and empowered to grant by special permit to an association applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with associations are permitted to act under the laws of the State in which the association is located.

"(2) GRANT AND EXERCISE OF POWERS DEEMED NOT IN CONTRAVENTION OF STATE OR LOCAL LAW.—Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with associations, the granting to and the exercise of such powers by associations shall not be deemed to be in contravention of State or local law within the meaning of this section.

"(3) SEGREGATION OF FIDUCIARY AND GENERAL ASSETS: SEPARATE BOOKS AND RECORDS; ACCESS OF STATE BANKING AUTHORITIES TO REPORTS OF EXAMINATIONS, BOOKS, RECORDS, AND ASSETS.—Associations exercising any or all of the powers enumerated in this section shall segregate all assets held in any fiduciary capacity from the general assets of the association and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this section. The State banking authorities may have access to reports of examination made by the Board insofar as such reports relate to the trust department of such association but nothing in this section shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such associations.

"(4) PROHIBITED OPERATIONS: SEPARATE INVESTMENT ACCOUNTS; COLLATERAL FOR CERTAIN FUNDS USED IN CONDUCT OF BUSINESS.—No association shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the association awaiting investment shall be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Board.

"(5) LIEN AND CLAIM UPON BANK FAILURE.—In the event of the failure of such association the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the association.

"(6) DEPOSITS OF SECURITIES FOR PROTECTION OF PRIVATE OR COURT TRUSTS; EXECUTION OF AND EXEMPTION FROM BOND.—Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law. Associations in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of the State.

"(7) OFFICIALS' OATH OR AFFIDAVIT.—In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such association may take the necessary oath or execute the necessary affidavit.

"(8) LOANS OF TRUST FUNDS TO OFFICERS AND EMPLOYEES PROHIBITED; PENALTIES.—It shall be unlawful for any association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

"(9) CONSIDERATIONS DETERMINATIVE OF GRANT OR DENIAL OF APPLICATIONS; MINIMUM CAPITAL AND SURPLUS FOR ISSUANCE OF PERMIT.—In passing upon applications for permission to exercise the powers enumerated in this section, the Board may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: Provided, That no permit shall be issued to any association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers.

"(10) SURRENDER OF AUTHORIZATION; BOARD RESOLUTION; BOARD CERTIFICATION; ACTIVITIES AFFECTED; REGULATIONS.—Any association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the Board, after satisfying itself that such association has been relieved in accordance with State law of all duties as trustee, executor, administrator, guardian or other fiduciary, under court, private or other appointments previously accepted under authority of this section, may in its discretion, issue to such association a certificate certifying that such association is no longer authorized to exercise the powers granted by this section. Upon the issuance of such a certificate by the Board, such association (A) shall no longer be subject to the provisions of this section or the regulations of the Board made pursuant thereto, (B) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (C) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this section. The Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the trust powers granted by this section.".

SEC. 305. Section 5(1) of the Home Owners' Loan Act of 1933 is amended in the first paragraph by inserting after the words "Federal Savings and Loan Association" the following: "and any State stock savings and loan type institution may transfer its charter to a Federal stock charter provided it has never existed in mutual form".

SEC. 306. Section 5A(b) of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve, and (4) to such extent as the Board may so approve, shares or certificates of any open-end management investment company which is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and the portfolio of which is restricted by such investment company's investment policy, changeable only if authorized by shareholder vote, solely to any of the obligations or other investments enumerated in the preceding clauses (1) through (3) of this subsection. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the "liquidity requirement") may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less, or in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable. The Board shall prescribe rules and regulations to implement the provisions of this subsection.".

SEC. 307. (a) Section 5(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464

(b)) is amended by adding at the end thereof the following:

"(4) In accordance with rules and regulations issued by the Board, mutual capital certificates may be issued and sold directly to subscribers or through underwriters, and such certificates shall constitute part of the general reserve and net worth of the issuing association. The Board, in its rules and regulations relating to the issuance and sale of mutual capital certificates, shall provide that such certificates—

"(A) shall be subordinate to all savings accounts, savings certificates, and debt obligations;

"(B) shall constitute a claim in liquidation on the general reserves, surplus, and undivided profits of the association remaining after the payment in full of all savings accounts, savings certificates, and debt obligations;

"(C) shall be entitled to the payment of interest prior to the allocation of income to reserve and net worth accounts; and

"(D) may have a fixed or variable rate of interest.

The Board shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves, and other net worth accounts.".

(b) Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)), is amended by adding at the end thereof the following: "Mutual capital certificates, subordinate to the rights of holders of savings accounts, savings certificates, and the Corporation, shall be deemed to be reserves for the purposes of this subsection in accordance with rules and regulations prescribed by the Corporation. The Corporation shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves and other net worth accounts. In the event an insured institution fails to maintain the reserves required by this title, no payment of interest on such certificates shall be made except with the approval of the Corporation.".

TITLE IV—MUTUAL SAVINGS BANK AMENDMENTS

SEC. 401. (a)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may make loans and investments without regard to any other limitation under Federal or State law, except that—

"(A) not more than 20 per centum of the assets of such a bank may be so loaned or invested; and

"(B) 65 per centum of such loans and investments must be made within the State where the bank is located or within 50 miles of such State.".

(2) Notwithstanding the amendment made by subsection (a), the Federal Home Loan Bank Board shall limit the percentage of assets which a Federal mutual savings bank may loan or invest pursuant to the provisions of such amendment to 5 per centum during the first two years following the date of enactment of this Act, to 10 per centum for the next succeeding two years, to 15 per centum for the next succeeding two years, and to 20 per centum upon the expiration of eight years after such date of enactment, except that the Board may lengthen or shorten any such two-year period where necessary or appropriate in the event of a more rapid phase-out of interest rate controls or to avoid economic dislocation.

(b)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may accept demand deposits from any source.".

(2) Notwithstanding the amendment made by subsection (a) of this section, the Federal Home Loan Bank Board shall (A) provide by regulation for a smooth and orderly transition with respect to the implementation of demand account authority; (B) provide for a phase-in of such demand accounts if, in the judgment of the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, such a phase-in is necessary in order to assure the stability and soundness of all depository institutions, provided that by January 1, 1990, or at such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, such phase-in must be completed; and (C) delay the implementation of such demand account authority, but not later than January 1, 1990 or such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, if the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, determines that the granting of such authority would result in a serious impairment of the financial soundness and stability of depository institutions in general. In such event, the Board shall report to the Congress on the reasons for such delay within 30 days of its determination.

(c) This section takes effect upon the enactment of section 107 of this Act.

TITLE V—FEDERAL CREDIT UNION AMENDMENTS

SEC. 501. Section 107(5)(A)(vi) of the Federal Credit Union Act is amended by striking out subsection 5(A)(vi) in its entirety and inserting in lieu thereof the following new subsection:

"(vi) the rate of interest, inclusive of service charges as defined by the Board, shall not exceed the greater of either 12 per centum per annum or 5 per centum per annum in excess of the average constant maturity yield for the previous month paid on five year obligations of the United States Treasury.".

SEC. 502. The Federal Credit Union Act is amended—

(1) in section 107(5)(A)(i)—

(A) by inserting ", including a cooperative," immediately following the word "dwelling"; and

(B) by inserting immediately after the word "Board" the following: ", except that a loan on an individual cooperative unit shall be adequately secured as defined by the Board";

(2) in section 304(b)(2) by striking out "those" and inserting in lieu thereof "participating";

(3) by striking out section 305(b)(3) and inserting in lieu thereof the following:

"(3) shall share in dividend distributions at rates determined by the Board. However, rates on the required capital stock shall be without preference; and";

(4) in section 307(15) by striking out the words ", to the extent or in such amounts as are provided in advance in appropriation Acts"; and

(5) in title III by striking out the word "Administrator" each place it appears and inserting in lieu thereof "Board".

(6) in section 107(5)(A)(vi) of the Federal Credit Union Act, (12 U.S.C. 1757), is amended to read as follows: "(vi) the rate of interest (except as may be authorized by the Board for Agent members of the Central Liquidity Facility in carrying out the provisions of title III) not exceed 1 per centum per month on the unpaid balance inclusive of all service charges".

TITLE VI—FEDERAL DEPOSIT INSURANCE AMENDMENTS

SEC. 601 (a)(1) The following provisions of the Federal Deposit Insurance Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof "$50,000":

(A) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(B) The first sentence of section 7(1) (12 U.S.C. 1817(1)).

(C) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(D) The fifth sentence of section 11(1) (12 U.S.C. 1821(1)).

(2) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the effective date of this section.

(d)(1) The following provisions of title IV of the National Housing Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof "$50,000":

(A) Section 401(b) (12 U.S.C 1724(b)).

(B) Section 405(a) (12 U.S.C. 1728(a)).

(2) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the effective date of this section.

(c)(1) The second sentence of section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended by striking out "$40,000" and inserting in lieu thereof "$50,000".

(2) The amendment made by this section is not applicable to any claim arising out of the closing of a credit union for liquidation on account of bankruptcy or insolvency pursuant to section 207 of the Federal Credit Union Act (12 U.S.C. 1787) prior to the effective date of this section.

(d) The amendments made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act.

PERSONAL EXPLANATION

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

Mr. WEISS. Mr. Speaker, I was unable to be present in the House on December 11 and 12 and was granted official leave for this time period under a unanimous-consent request of the House.

The following explains how I would have voted on the rollcall votes which I missed during my absence:

Rollcall No. 716, December 11, a vote on an amendment to the Dispute Resolution Act (S. 423) which sought to delete language that provides for the establishment of the Dispute Resolution Advisory Board in the Justice Department. The Dispute Resolution Act creates a 4-year grant program to assist localities in establishing dispute resolution systems to settle criminal and civil disagreements that generally do not require an actual court proceeding. The Dispute Resolution Advisory Board would play a fundamental role in advising the Attorney General on the types of dispute resolution projects which should receive grants. The amendment failed to pass by a vote of 170 to 208. Had I been present I would have voted against the amendment.

Rollcall No. 717, December 12, a vote on a motion to delete language in the conference report on Strategic and Critical Materials Transaction Authorization Act (H.R. 595) that allows the sale of 5 million troy ounces of silver from the national and supplemental stockpile.

Silver in the stockpile is in surplus and release of it will help meet the demand that currently is in excess of the existing supply—without adversely affecting our defense needs. The motion was agreed to by a vote of 272 to 122.

I was paired generally on this vote and had I been present I would have voted against the motion.

Rollcall No. 719, a vote on an amendment that reduced the annual authorization for the Dispute Resolution Resource Center and Dispute Resolution Advisory Board under S. 423 from $3 million to $1 million. The Dispute Resource Center would be a key participant in assisting localities set up dispute resolution systems. The amendment passed by a vote of 238 to 156. If I had been present, I would have voted against this amendment.

Rollcall No. 720, a vote on a motion to recommit S. 423 with the instructions that the annual authorization level for grants be reduced from $15 to $10 million. The motion was agreed to by a vote of 203 to 197. I was paired generally and had I been present I would have voted against the motion.

Rollcall No. 721, a vote on final passage of S. 423. S. 423 passed by a vote of 207 to 195. I was paired generally on this vote and would have voted in favor of final passage had I been present.

Rollcall No. 723, a vote on an amendment in the nature of a substitute to the Domestic Violence Prevention and Services Act (H.R. 2977) which sought to rewrite the entire proposed legislation reducing the domestic violence programs contained in H.R. 2977 into a single block grant program and cutting the amount of money available for helping to reduce instances of family and other domestic violence. The substitute failed by a vote of 148 to 247. If I had been present I would have voted against the substitute.

Rollcall No. 724, a vote on an amendment to H.R. 2977 which sought to give State legislatures veto power over any grant funds approved by the Secretary of HEW for domestic violence programs under a State authored plan. The amendment was not agreed to by a vote of 142 to 251. If I had been present I would have voted "no" on this amendment.

Rollcall No. 725, a vote on final passage of H.R. 2977, which passed 292 to 106. I was paired generally on this vote and had I been present, I would have voted in favor of final passage.

Mr. Speaker, I was unable to be present in the House on December 13 and 14 and was granted official leave for this time period under a unanimous-consent request of the House.

The following explains how I would have voted on the rollcall votes which I missed during my absence:

Rollcall No. 726, December 13, a vote on the rule (H. Res. 505) to allow the House to consider the Chrysler Corporation Loan Guarantee Act of 1979 (H.R. 5860) under a proceeding allowing all amendments to be offered and providing for 2 hours of general debate. House Resolution 505 passed by a vote of 391 to 5. I was paired generally on this vote and had I been present would have voted in favor of the rule.

Rollcall No. 728, a vote on an amendment in the nature of a substitute to the Asbestos School Hazard Detection and Control Act of 1979 (H.R. 3282) which sought to eliminate the grant program established under the bill and replace it with a program permitting States to use up to 1 percent of their Federal elementary and secondary education funds for projects to locate and attempt to remedy asbestos related health hazards in schools. This substitute is contrary to the intent of legislation in this important area, because it relies on an existing program which was not created to deal with asbestos hazards in schools. The substitute failed by a vote of 133 to 262. Had I been present I would have voted against this substitute.

Rollcall No. 729, a vote on the final passage of H.R. 3282. H.R. 3282 passed by a vote of 336 to 63. I was paired generally on this vote and had I been present I would have voted in favor of final passage.

Rollcall No. 730, a vote on the final passage of the conference report version of the Law Enforcement and Assistance Administration Authorization (S. 241). The conference report version passed by a vote of 304 to 83. I was paired generally on this vote and had I been present I would have voted in favor of final passage.

Rollcall No. 731, December 14, a vote on approving the Journal of the House proceedings of the previous day. This vote is a procedural vote and merely involves the approval of the House that the record of the proceedings was made without an error. The Speaker of the House had approved the Journal, and a recorded vote was requested routinely by the Republicans. The Journal was approved by a vote of 255 to 14 with 14 voting "present." I would have voted in favor of approving the Journal if I had been present.

Rollcall No. 732, a vote on a motion to order the previous question on the rule (H. Res. 506) to allow the House to consider the State and Local Fiscal Assistance Act amendments (H.R. 5980) under a proceeding allowing all amendments to be offered and providing for 1 hour of general debate. A vote on the previous question is a vote on ending debate. If the vote is against ordering the previous question the rule could be open for amendment. Generally a motion on the previous question is made when the rule prohibits amendments. This motion was a tactic launched by opponents of H.R. 5980 to delay its consideration. The motion passed by a vote of 271 to 83 with one voting "present." I would have voted in favor of the motion had I been present.

Rollcall No. 733, a vote on passage of House Resolution 506. This resolution passed by a vote of 240 to 115. I was paired generally on this vote and if I had been present I would have voted in favor of passage of the resolution.

Rollcall No. 734, a vote on a motion to table a motion to reconsider House Resolution 506. A motion had been offered to reconsider House Resolution 506 which passed under rollcall No. 733. Again, a recorded vote was requested on a motion that is primarily routine by opponents of H.R. 5980. The motion to table, if agreed to, stops an effort to delay the approval of House Resolution 506 and thus facilitates the consideration of H.R. 5980. The motion to table was approved by a vote of 242 to 107. If I had been present I would have voted in favor of the motion to table.

Rollcall No. 735, a vote on a motion for the House to resolve itself into the Committee of the Whole House (the form in which the House routinely considers most legislation). The motion passed by a vote of 272 to 79. If I had been present I would have voted in favor of this motion.

Rollcall No. 738, a vote on a technical amendment offered by the House Government Operations Committee to H.R. 5980. The amendment allows the use of the time periods 1975 through 1978 (calendar years) in place of the time periods fiscal years 1976 through 1979 as the basis for determining the excess unemployment factor under title V of H.R. 5980. The amendment was approved by a 245-to-97 vote. I would have voted in favor of the amendment if I had been present.

Rollcall No. 739, a vote on an amendment that lowers the targeted fiscal assistance authorization contained in H.R. 5980 from $250 to $150 million. The amendment was adopted by a vote of 184 to 153. I was paired against this amendment and had I been present I would have voted "no."

INNOVATIVE PROGRAM PROVIDES MEALS FOR NEEDY SENIOR CITIZENS

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

● Ms. HOLTZMAN. Mr. Speaker, in New York City, an estimated 330,000 senior citizens are not getting enough to eat. They are representative of elderly Americans throughout the country who are going without food because their fixed incomes cannot match the costs of soaring inflation.

This is an important problem—in a time when many important problems vie for solution and few dollars are available. It calls for innovative programs in which limited funds are stretched as far as possible.

We had such a program in New York City last summer. In a small pilot project I suggested, 150 senior citizens had a hot lunch every day for a month at a total cost of less than $4,000.

It had been clear that part of the problem was a lack of senior citizen food programs. Every senior center serving free meals in my district is filled to capacity; some have waiting lists of 3 years. And many elderly persons are far from any center.

We needed to offer them free food, in accessible places, at little cost to the taxpayer. The answer: Piggyback the proj-

ect onto the existing summer feeding program for needy youngsters.

The approach was a model of cost effectiveness and good sense: The schools were already open to feed youngsters and had the necessary facilities and equipment. The city's human resources administration (HRA) and board of education, who ran the program, had the trained staff and systems of inspecting cleanliness and quality of food and service.

It was a model of accessibility: Schools are found all over the city.

And it was a great success. An HRA evaluation showed that the program attracted those who wanted and needed it most: All participants were over 60, two-thirds had no spouse, almost half lived alone.

Sixty percent had never been to a senior center, mainly because none was nearby. The importance of easy access was clear: 92 percent walked to lunch sites.

And the value of this hot, freshly prepared meal was emphasized by the many who said that they would not otherwise have eaten lunch at all and that this was their only nutritious meal all day.

There were heartwarming spinoffs. Some elderly participants delivered lunches to homebound senior citizens. Others came to lunch with grandchildren enrolled in the program for needy youngsters. The children welcomed their elderly lunchmates; some brought flowers to them.

I visited the schools in East Harlem, Bedford Stuyvesant, and East Flatbush where the pilot project took place. I spoke with the elderly, with the school staffs, and with city officials. And I saw that this small project was a success for everyone involved.

The senior citizens gave the food high ratings. Many pleaded with me personally to have the program operate year round. A full 95 percent favored its continuation, a position shared by the HRA and the board of education.

I think the program should be expanded in the summertime to all schools serving lunches to needy youngsters. I think it should be extended throughout the school year, by piggybacking it onto regular school lunch programs.

And I believe it can serve as a model for others attempting to meet an important need with limited resources.●

THE HAITIAN REFUGEE PROBLEM

The SPEAKER pro tempore (Mr. KAZEN). Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 60 minutes.

Mr. LELAND. Mr. Speaker, I would like to ask unanimous consent to allow the gentleman from Texas (Mr. GONZALEZ) to make a statement, and subsequent to that I would proceed with my special order.

The SPEAKER pro tempore. The gentleman has the floor for 60 minutes. The gentleman may yield to the gentleman from Texas.

Mr. LELAND. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

KING CRIME

Mr. GONZALEZ. Mr. Speaker, I wish to state that for weeks now I have been commenting on the unresolved case of the murder of Federal District Judge John W. Wood, the attempted murder of assistant district attorney for the western district, James Kerr.

I am happy to report that I have had a direct communication from the Director of the FBI, Mr. Webster, and I wish to elaborate on that.

Mr. LELAND. Mr. Speaker, the House today considered and passed H.R. 2816, the Refugee Act of 1979, a bill that will significantly improve our efforts to deal with the important problem of political refugees from all over the world. As a member of the Congressional Black Caucus Task Force on Haitian Refugees, I am particularly concerned with the plight of Haitian refugees who have been arriving in great numbers. Most come in rickety, unseaworthy boats analogous to their more famous brethren from Indochina. Only the welcome for the Haitians is far less generous that we have extended to the Indochinese.

The Statue of Liberty, perhaps the most famous monument in America, contains the inscription:

Give me your tired, your poor
Your huddled masses yearning to breathe free
The wretched refuse of your teeming shore
Send these, the homeless, tempest-tossed to me . . .

I feel that we have forgotten those inspiring words. The Haitians whom we have turned away from our shores are receiving precisely the opposite message—the land of liberty does not want this particular huddled mass yearning to breathe free, these homeless, tempest-tossed refugees fleeing repression in search of liberty.

Our colleagues have gathered today out of a deep concern for the inequitable treatment we have so far extended Haitian refugees. Each Member who joins us in the colloquium today will doubtless focus on his or her areas of concern. For my part, I would like to address the general issue of U.S. foreign policy in the Caribbean and the role it plays in producing and maintaining repressive political regimes.

Mr. Speaker, at this time I would be delighted and happy to yield to Members participating with us today.

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

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to compliment my colleague, the gentleman from Houston, Tex. I think the gentleman touches on a very little noted situation which has implications down the line for the United States. Unfortunately, this has been the history of our experience in our country.

Haiti looms on the horizon of most of us as at one time perhaps Vietnam and other exotic names that unfortunately in the course of years of blood and sweat and tears have become household words to us.

The nature of the immigration that the distinguished gentleman from Texas refers to may be one reason why, as I understand it, this is predominantly a colored nation and a colored immigration; whereas say the Cuban has a different type of demographic aspect and the Cuban experience has been unique with the United States. No people I know who have come to the United States as the gentleman described so poignantly, the Haitians, has cause to develop a very precise and appropriate foreign program, such as in the case of the Cuban refugee, where our country has really gone to very great lengths to provide a systematic rather costly program that is still on an ongoing basis.

Haiti, like Santo Domingo, remains relatively unnoticed, like the other smaller nations in this area, Puerto Rico, for example—now, we are not paying too much attention to Puerto Rico, yet it is boiling. The murder of naval personnel should have been a firebell in the night to every one of us.

The subject matter that the gentleman touches upon, I think, is of great concern. It is pregnant with the possibility of explosive development where we could have an intervention on the part of Cuba. This happening on the eve of all the other things that are happening in all parts of the world I think would complicate everything. It is well that this subject matter be brought up and that we concentrate on it.

I want to again thank the gentleman from Texas for doing it.

Mr. LELAND. Mr. Speaker, I want to thank the gentleman from Texas for bringing out the meaning of the breadth of what this issue represents.

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

Mr. LELAND. I would be glad to yield to my colleague, the gentleman from California (Mr. COELHO).

Mr. COELHO. Mr. Speaker, I want to commend the gentleman from Texas for bringing this issue to the attention of our colleagues. A lot of times we ignore some of these situations because the U.S. Government does not necessarily identify this as an anti-Communistic situation, so we have a tendency to overlook some of these problems.

Mr. Speaker, today we have undertaken a major revision of our immigration law in order to better respond to the needs of world refugees. While I firmly believe that we must recognize that there are limits as to what we, as one country, can do to help the 14 million refugees in the world today or the potential 117.5 million refugees of tomorrow in terms of resettlement in this country, I believe that once we have determined how many people we can realistically accept, we must screen all applicants in a fair and even handed manner. Our decisions should be dictated by the oppressive conditions existing in a particular country, not by political considerations, foreign policy concerns, special interest pressures, or press and other media coverage.

I am pleased, therefore, that we have fashioned a definition of refugee that

is broader, more inclusive, more international in outlook and more impartial than the definition in our present immigration law. I trust that upon passage of this legislation the Department of State and Immigration and Naturalization Service will clearly understand the intent of Congress and handle claims for stays of deportation and claims for refugee status in a uniform manner.

I join with several of my colleagues today in saying that we believe this new definition of refugee makes it possible and, indeed, imperative to take another look at the status of Haitian refugees. The Refugee Act of 1979 defines refugees as those inside or outside of their country of nationality who are subject to "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

Under this definition, the status of Haitians as refugees is not a question of opinion or a question of the popularity or political power of Haitians in the United States; it is a question of fact.

The same holds true for persons who have fled from Iran—members of the Bahai faith, Jews, Assyrian Christians, and those people associated with the Shah. Iran is covered under the Middle East definition of refugee in present law, but for political reasons the State Department until the taking of hostages in early November, was very concerned about repairing our relations with the Khomeini regime, and was reluctant to render a determination that the Government there persecuted people. I am aware of one case wherein a very close asssociate of the former Shah—a man near the top of the list of the individuals the revolutionary government in Iran wants killed wherever they might be—has been waiting since May for the Immigration and Naturalization Service to look at his application for political asylum. His life is clearly in danger, but INS insists that the case will be given no priority. On the other hand, the Soviet danseur in New York was given asylum within hours after he requested it. Where is the equity in such a policy?

Haitians come here across a dangerous sea fleeing the oppression of a tyrant. But while we recognize that there is a repressive regime of authoritarian nature in Haiti, because it also has a so-called free enterprise system and is not socialist, the Immigration and Naturalization Service and the Department of State have decided to examine the motives of the people to see whether they are fleeing because of poverty or for political reasons. This discrete analysis is not made for the Cubans, the Vietnamese, or the Soviets. Certainly all of the people who fled from Cuba did not do so because of oppression of the Government. Many fled because they wanted a more prosperous life in the United States. Did the Soviet danseur flee because of a desire for political expression or artistic expression and/or economic reward? Are all of the Vietnamese fleeing because of political oppression or primarily for economic reasons because their urban lifestyle has been transformed to a rural one?

The plight of Haitians and other refugees in the United States is real, and cannot be ignored. The Refugee Act of 1979 is a tool by which we can move to adjust their status, and we should move toward that speedily. With the passage of this act, there is no longer any excuse for delay or double standard.

□ 1700

Mr. LELAND. Mr. Speaker, I thank the gentleman from California (Mr. COELHO) for his contribution. The gentleman has brought a very meaningful and interesting breadth to this whole question, as did the gentleman from Texas (Mr. GONZALEZ). The importance of this question is not prominent in the minds of the American people, and especially of this body. I would hope that these words would go forth to add to the understanding of our people.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I am glad to yield to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Speaker, the Congressional Black Caucus recognizes that the plight of Haitian refugees has indeed reached a critical stage. As chairperson of the Congressional Black Caucus Task Force on Haitian Refugees, I along with my four colleagues have been working toward obtaining political asylum for 8,000 to 10,000 Haitians who are seeking political asylum in the United States.

Hundreds of our Haitian brothers and sisters have fled a repressive society only to encounter a sense of injustice and a double standard under the administration of law in the United States. The discriminatory processing of asylum applications by Haitian nationals has resulted in the denial of minimum due process protections. INS officials have consistently violated the due process rights of these people as well as the requirements of applicable U.S. regulations and statutes and the United Nations Protocol relating to the status of refugees.

For example, last year, asylum interviews and deportation hearings involving Haitian refugees were conducted at a rate as high as 150 per day while the normal rate of hearings is only 10 per day. Consequently, many attorneys were not able to even attend proceedings involving their Haitian clients.

This mass scheduling of hearings for Haitian nationals denied their attorneys any reasonable opportunity to document and prepare the asylum applications. Despite the discriminatory fashion in which information was gathered in these proceedings, INS used this information in evidentiary hearings, which also have been mass scheduled. The result of these hearings determines whether a person will receive refugee status, that is, political asylum. Clearly the use of "tainted" information in these asylum proceedings is a violation of American legal principles. The continuation of practices which violate the due process rights of Haitian nationals is merely an attempt to get rid of the Haitian problem as soon as possible. This action is clearly evidenced by INS' attempt to have overturned on an expedited basis a court order barring deportation until a lawsuit on behalf of the Haitians is resolved.

This lawsuit, brought by the National Council of Churches against the Department of Justice, challenges the mistreatment of Haitian refugees as violations of minimum due process protections and the U.N. protocol. The National Council of Churches has also filed a complaint with the Organization of American States charging the United States with human rights violations in their treatment of Haitian refugees. I ask that a copy of their complaint be inserted in the RECORD.

Two other practices against Haitians seeking political asylum are of special concern to the task force. We are appalled by the policy of "voluntary return" which has resulted in over 600 Haitians being involuntarily returned to Haiti without being accorded even a minimal opportunity to assert their claim for political asylum. Recent evidence shows that these returnees have been singled out for imprisonment, and in some cases, execution in Fort Dimenche upon their return to Haiti. Also, the denial of work permits has caused extreme human hardship and suffering. In fact, Dade County officials testified on December 4 before Attorney General Civiletti that the major health problem in the Haitian refugee community in Florida is starvation. Ineligible for Federal assistance, many Haitian refugees have been forced to seek locally provided social services, which has imposed a severe fiscal burden on Dade County in the Miami, Fla., area.

One of the major obstacles in gaining political asylum for these people is the belief by many people in this administration that Haitians are "economic refugees and not "political" refugees. Let me say that the caucus sees these people as political refugees entitled to the same protections as refugees from other areas in the world. Further, the recent events in Haiti indicate that political repression is a fact of life for every Haitian. A new press law, which prohibits any criticism of the President, his family, foreign governments which are doing business in Haiti or the popular culture of Haiti, has been condemned by the Inter-American Press Association. Also, the beating and imprisonment of opposition leader, Silvio Claude, the breakup of a human rights meeting and the ensuing attack on an American Embassy official are all signs that political repression has never really ended in Haiti. In fact, these events suggest that political repression will intensify in the coming years. I ask that a November 27, 1979, New York Times article on these recent events be included in the RECORD.

The task force has had numerous meetings with State Department officials, White House staff, and INS officials regarding the treatment of Haitian refugees. Continual frustration with the resolution of this issue has brought the caucus to the conclusion that granting refugee status, that is, political asylum,

is the only practical, just, and humanitarian way to resolve the plight of these 8,000 to 10,000 black "boat people."

These feelings have been communicated to the President, and we have asked for meetings with Chairman Zbigniew Brzezinski of the National Security Council. We also joined with hundreds of other individuals and organizations in making a presentation to the Select Commission on Immigration and Refugee Policy on December 4 of this year in Miami. A recent editorial in the Miami News, which I ask to have included in the RECORD forcefully summarizes our position, and the outrage of many black Americans and others regarding the treatment of Haitian refugees. Indeed, I would also like to submit for the RECORD two letters to President Carter from the CBC and approximately 125 black leaders in Florida calling for equal treatment for these black "boat people."

I want to thank the gentleman from Texas for these special orders on Haitian refugees. I wish to assure my colleagues that the Congressional Black Caucus will continue its efforts toward obtaining political asylum for our Haitian brothers and sisters.

The articles follow:

[From the New York Times, Nov. 27, 1979]

HAITIAN DISSIDENTS FEAR HARSHER LINE—ATTACK ON RALLY RAISES QUESTIONS OVER DUVALIER'S COMMITMENT TO LIBERALIZATION POLICY

(By Jo Thomas)

PORT-AU-PRINCE, HAITI, November 25.—After protests by the United States and other countries whose diplomats were slapped or beaten along with hundreds of other people at a recent human rights rally, Haiti's Government said this week that it would set up a human rights section in its Department of Foreign Affairs.

But the Government has announced no investigation into the disruption of the Nov. 9 rally by about 60 men armed with clubs.

According to journalists, intellectuals and diplomats here, the incident and the Haitian Government's limited response to it are two of many recent signs that President Jean-Claude Duvalier is having second thoughts about liberalizing political life.

"Spring is over," said a journalist who had hoped Mr. Duvalier's policy of "liberalization," which spawned two political parties and for a while allowed greater freedom of the press, might be the first step toward democracy. Instead, the Government now has in place the machinery for a crackdown, although it has not been used.

"BULLWHIP THEORY" OF GOVERNMENT

This machinery includes a potentially repressive press law and a closer alliance between the President and the Volunteers for National Security, which is an outgrowth of the Tenton Maccute, the personal militia of the President's father, Francois Duvalier, who died in 1971. The President has also named two powerful hard-liners to his Cabinet.

"It's the bullwhip theory of government," said a diplomat. "You hang the bullwhip on the wall, and you hope that you don't have to use it."

Mr. Duvalier, according to sources here, appears apprehensive that more freedom of expression in a country that has had no political parties until recently might allow such an outpouring of pent-up grievances that his Government would be threatened.

He also may be worried about the possibility of a military coup; in a speech on Nov. 18, Haitian Armed Forces Day, he surprised his listeners by emphasizing that the army should not be political.

THEY FEAR FOR THEIR LIVES

Although there is still far more freedom than there was even five years ago, some who have been active recently in politics or journalism say they now fear for their lives. Sylvio Claude, founder of the Haitian Christian Democratic Party, has not been seen or heard from since his arrest Aug. 20, although he is believed to be alive. On Nov. 8 Gregoire Eugene opened an office for his Haitian Christian Democratic Party of June 27, a different group to that of Mr. Claude's but closed it the next day because those around him feared for his safety.

"We're waiting a little for conditions to improve," Mr. Eugene said in an interview yesterday. "Everyone is waiting to see what will happen, but no one can say."

According to people who attended the Nov. 9 meeting, the disruptions began just after Gerard Gorgue, president of the Haitian Human Rights League, began the opening speech. The 60 or so attackers, many of them middle-aged, began shouting "Jean-Claude Duvalier!" and then started beating members of the audience. Some who reached their cars were dragged out and beaten some more.

AMERICAN IS BEATEN

Ints M. Silins, an American political officer who had gone to observe the rally but was unable to enter because the auditorium was packed with about 3,000 people, stood outside with diplomats from Canada, West Germany and France. Mr. Silins said he entered the auditorium after a young woman begged him to do so. He said he then saw Mr. Gorgue being beaten.

"I went up, and he grabbed my wrist, and I tried to pull him out," Mr. Silins said. "Now the thugs were breaking up the furniture and knocking down loudspeakers."

Mr. Silins said Mr. Gorgue pointed to his wife, who was lying on her back being beaten with the metal legs of chairs. "There was blood on her dress," he said. "We helped her stand, and the girl who had come to get me helped her walk off."

Mr. Silins and Mr. Gorgue walked toward the exit, with Mr. Gorgue still holding on to Mr. Silins' wrist. Mr. Silins was then hit on the shoulder and slapped on the head, and Mr. Gorgue was beaten more. Mr. Gorgue's daughter received a deep puncture wound in her arm.

ANONYMOUS COMMANDOS

In a letter to a newspaper, Jacques Mesidor, the Superior of the Silesian Fathers, in whose auditorium the rally was held, called the attackers "anonymous commandos," and no one here seemed certain who they were or who sent them. The Haitian Government has expressed its regrets that the incident occurred and last week announced that its new human rights section would be responsible for its human rights on both a national and international level. No details were given.

Despite a new press law making it a crime to publish anything provocative, the Haitian press has reported the Nov. 9 incident in detail. The press law, criticized by the Inter-American Press Association, has not yet been put in force.

The significance of the Cabinet appointments of Gen. Claude Raymond, chief of the Presidential Guard under Francois Duvalier and later Army Chief of Staff, and Herve Boyer, Ambassador to Rome under Francois Duvalier, have yet to be seen. There is some feeling that their appointments present the possibility of a more authoritarian government.

At the moment, those who had hoped to see President Duvalier's policy of liberalization continued are simply waiting to see what happens, and they are waiting with some apprehension. "We have to watch the situation step by step," said one. "We are walking with death."

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST,
New York, N.Y., June 22, 1979.

The CHAIRMAN,
Inter-American Commission on Human Rights, Organization of American States, Washington, D.C.

DEAR MR. CHAIRMAN: The National Council of Churches has been actively involved in the past several years with the situation of Haitian refugees seeking political asylum in the United States. What we have witnessed in the United States' treatment of the Haitians is a gross denial of justice and fair treatment which contravenes constitutional principles and abrogates domestic statutes and international obligations to which the U.S. Government must adhere.

The National Council of Churches' attempts to secure redress for these grievances through domestic remedies thus far have met with no success. We now submit the attached complaint to the competence of the Inter-American Commission on Human Rights setting forth actions taken by the U.S. government which violate its commitment under international law, specifically the American Declaration of the Rights and Duties of Man.

Sincerely,

WILLIAM L. WIPFLER.

COMPLAINT ALLEGING A VIOLATION OF HUMAN RIGHTS IN THE UNITED STATES OF AMERICA

Chairman, Inter-American Commission on Human Rights, Organization of American States, Washington, D.C. 20006. United States of America.

The Undersigned: The International Human Rights Law Group, United States Citizens, 1700 K Street, N.W., Suite 801, Washington, D.C. 20006, U.S.A. on behalf of National Council of Churches, United States Citizens, 110 Maryland Avenue, N.E., Washington, D.C. 20002, wish to communicate to the Inter-American Commission on Human Rights, for the purposes established in its Statute and Regulation the following:

This complaint is being filed against the government of the United States of America on behalf of approximately 8,000 Haitian nationals who currently are seeking refuge within the United States. The procedures employed by the United States in handling the claims of these Haitian refugees violate regional and international commitments which the U.S. has undertaken. The United States of America is subject to the jurisdiction of the Inter-American Commission on Human Rights by virtue of the fact that the United States is a member of the Organization of American States (OAS). As a member of the OAS, the United States is obligated to guarantee those rights which are enumerated in the American Declaration of the Rights and Duties of Man (adopted at the Ninth International Conference of American States in 1948). The United States is also a signatory to the American Convention on Human Rights, which entered into force on July 18, 1978, and which may be considered to give more precise expression to many of the rights set forth in the Declaration.

Pursuant to Article XXVII of the American Declaration of the Rights and Duties of Man, the United States is bound not only to act in accordance with its domestic laws in granting asylum to those seeking it, but must also act in accordance with international agreements. The U.S. is therefore obligated under the Declaration to act in accordance with the Protocol Relating to the Status of Refugees (Appendix 1), which entered into force with respect to the U.S. on November 1, 1968, and which incorporates

Article 2 through 35 of the United Nations Convention Relating to the Status of Refugees (Appendix 2).

FACTUAL BACKGROUND

The human rights situation in Haiti has been the subject of almost constant attention by the Commission, including a report in 1963 (Doc. 5–8), investigations specifically concerning the treatment of Haitian nationals returned to Haiti from the Dominican Republic in the late 1960's (see the Reports of the work accomplished by the Commission at its 14th through 21st sessions, and especially Doc. 2–16, Rev.), under consideration by the Commission as a result of its visit to Haiti in August 1978.

With respect to Haitians deported or excluded from the United States and returned to Haiti, Amnesty International has issued two statements in recent months expressing serious concern for the safety of these persons. In August 1978, Amnesty International requested "the United States Government not to deport any of these persons to Haiti without fully assuring itself that they will not face imprisonment or persecution on their return." (Appendix 3)

The Amnesty statement based its concern on a number of factors. It stated:

There has been no reduction in numbers nor reorganization of the notorious security militia and other military personnel who have been responsible for illegal arrest, maltreatment and other breaches of constitutional guarantees. In the past year Amnesty International has received reports that arrests have been carried out without due legal safeguards. Furthermore, the "loi Anti-Communiste", adopted on 28th April 1969, is still in force, and provides that persons found to have made "any declaration of belief in communism, verbal or written, public or private," or propagated "communist or anarchist doctrines by conference, speeches, conversations . . . by leaflets, posters, newspapers . . ." will be charged with crimes against the state, tried in military court, and, if convicted, mandatorily punished by death penalty.

After further investigation, a subsequent Amnesty International statement in December 1978 concluded that "many Haitian returnees and their relatives may be liable to arrest, detention, and persecution in Haiti," and it specifically rejected representations by the Haitian government that no one returned from the U.S. had been arrested (Appendix 4).

Significantly, a visit to Haiti in April 1979 by an American journalist to trace the fate of eleven Haitians who had been returned by the INS to Haiti many months before disclosed that families of the returnees had never heard from them and still believed that they were in the United States. (see Appendix 6, statement of Michelle Bogre) Given the very close family ties that characterize Haitian culture, the fact that the returnees had not contacted their families during an extensive interval can only raise grave questions as to their whereabouts and safety and affirms Amnesty's December statement.

Between December 1972 and November 1977, an estimated 3,500 Haitians arrived in the United States, many of whom applied for political asylum because they feared persecution if they returned to Haiti. Since that time, the number of Haitians arriving in the U.S. has increased substantially. This increase is due partly to the fact that, in June 1978, the government of the Bahamas announced its intention to begin deporting Haitians; a substantial number of the Haitians expelled from the Bahamas subsequently came by boat to Florida.

Another major factor responsible for the increase in known Haitian refugees is the recent emergence of a number of Haitians who have been long-time undocumented residents of Florida. Many of these people came into the Immigration and Naturalization Service's office in Florida to obtain work authorizations as a result of an agreement made with the National Council of Churches by INS General Counsel David Crosland on November 8, 1977, which stated in part: "INS will provide written authorization to work on request to all Haitians presently in Florida, whether detained or not, who have previously sought political asylum and have asylum claims pending." In the next few months, as many as 3,000 undocumented Haitian refugees requested authorization to work in response to this new policy. In contravention of this commitment the INS began in August 1978 to institute deportation proceedings in almost all of these cases, using records of names and addresses obtained from those who had sought work authorization. There are presently over 8,000 exclusion and deportation cases involving Haitians pending before the INS in Southern Florida.

CURRENT SITUATION

Immediate refoulement

The most serious violation of the rights of the Haitian boat people (whether they are fleeing Haiti directly or as a result of the threat of expulsion from the Bahamas) has been the practice of INS officials to threaten those Haitians detained while attempting to enter the U.S. In numerous instances, INS officials have intimidated them into accepting so called "voluntary departure" and immediate return to Haiti.

Coercive interrogations, misleading advice and threats of reprisals in Haiti if political asylum is claimed in the U.S. have been used by the INS to effectively deny the Haitians the opportunity to claim asylum and refugee status. For example, one Haitian refugee relates the following experience:

One of the Immigration employees-translator . . . said that Immigration had decided to deport all of us, right away. He said that those who return voluntarily will have no problem with the government in Haiti, because they would be accompanied by United States representatives. If we would not return voluntarily, we would have no protection upon arrival in Haiti. That is, no U.S. representative would be sent with us. But, no matter what, we would be deported. He said that we already know what would happen to us if we did not return to Haiti voluntarily. That is, that we knew what the Haitian government would do to us if we arrived without U.S. protection. Tony said that not even God could help us to stay in the United States.

(See appendix 6, statement of Acceus Serrant; see also statement of and supporting materials relating to Lucien Calixte, Enel Mogene and Camelien Ceide). The extremely poor prison conditions in which the Haitians are often placed contributes to the constant pressures placed upon them to "voluntarily" return to Haiti, despite the U.S. obligation not to return any person to a country where he or she faces persecution.

The use by the INS of at least one Haitian interpreter, identified as "Tony Heider," who has been recognized by Haitian refugees as a personal friend of President Duvalier's, understandably has intimidated the Haitians and prevented them from openly expressing the political motives for their flight from Haiti because of fears of reprisals directed either against themselves or against relatives living in Haiti. (See Appendix 6, statement of Lucien Calixte.)

Violations of due process rights

By August 1978, the INS significantly increased the rate of proceedings against Haitian refugees in the Miami area in response to that increased number of Haitian cases that were initiated using information derived from the work authorization applications and those that resulted from the departures from the Bahamas. The number of hearings was accelerated from an average of 5 to 15 per day during the first half of 1978 to an average of 60 per day in August. By mid-September, the daily average was over 100 and occasionally exceeded 150 hearings per day, although these figures have decreased since that time. Many of these cases have involved applicants seeking political asylum within the United States.

This escalated rate of hearings, as well as the procedural irregularities in the hearings and other INS proceedings, has served to undermine severely minimal due process protections for the Haitians. Those Haitians who have valid claims for political asylum are being denied the opportunity to have a fair hearing and full consideration of the merit of their claim. (For example see Appendix 6, statements of and supporting materials relating to Prospar Bayard, Theodore Cadet.)

As documented in the attached report on "The Haitians in Miami: Current Immigration Practices in the United States," Appendix 5, presented in December 1978 by the Lawyers Committee for International Human Rights, the International Human Rights Law Group, and the Alien Rights Law Project of the Washington Lawyers Committee for Civil Rights Under Law, lawyers in the Miami area are faced with severe problems in adequately representing their clients. (See Appendix 6, statements of attorneys Ira Kruzban, Frank Murray.) The simultaneous scheduling of numerous deportation hearings and asylum interviews frequently resulted in individual attorneys having to represent as many as fifteen or even twenty clients in many different places all at one time. The problem is further compounded by the fact that the asylum interviews are neither recorded nor fully transcribed. Rather, a summary of each answer given by the person is first translated then typed out, providing an entirely inadequate and often misleading record which forms the evidentiary basis for future hearings and proceedings. Several refugees who have protested these procedures or have invoked their right to remain silent during court hearings have been imprisoned. (See Appendix 6, statement of and supporting materials relating to Augustin Sennecharles.)

These actions taken by the INS, involving the application process for political asylum and the timing and procedures in deportation and exclusion cases, have impaired substantially the rights of Haitians seeking political asylum in the United States and violate the international human rights obligations undertaken by the United States.

SPECIFIC ALLEGATIONS

Examples representative of the general situation which is the subject of this complaint are set forth in Appendix 6. While there are variations in the specific cases of each individual case, there is a common pattern in the circumstances of all of those individuals on whose behalf this complaint is brought.

The United States, through its agent the Immigration and Naturalization Service, has engaged in the following activities:

1. In violation of the basic humanitarian principles underlying the prohibition against "refoulement" contained in an Article of the Convention relating to the Status of Refugees, arbitrarily returned Haitian nationals to Haiti under the guise of "voluntary departure" by means of threat, intimidation, and the employment of Haitian translators believed to be informers for the Haitian Government.

2. Employed a procedural scheme which a) arbitrarily dismissed an overwhelming percentage of asylum applications as clearly lacking in substance, stating that the applicant has failed to identify "any dates, places, or occurrences that can be independently identified by the Service" and b) hampered or discouraged any realistic effort to substantiate the facts alleged.

3. Denied Haitian refugees the effective assistance of counsels by denying lawyers the right to ask clarifying questions at interviews, to challenge the typed record of the proceedings, or otherwise to participate actively in the interviews; by simultaneously scheduling interviews and hearings in buildings which are several blocks apart; and by increasing the frequency of hearings so as to severely limit the time available to counsel for adequate and effective representation.

4. Harassed attorneys and others who represent Haitians, thereby undermining their work and impeding their ability to provide effective representation. (see Appendix 6, statements of Stephen D. Levine, Rulx Jean-Bart)

5. Arbitrarily arrested and imprisoned, without reasonable or sufficient basis for such imprisonment, Haitians seeking refugees in the United States.

VIOLATIONS

The discriminatory acts complained of in paragraphs 1 through 6 above and set forth in greater detail in the statements collected in Appendix 6 deprive Haitian nationals seeking asylum in the United States of their rights to equal protection and to life and liberty, in violation of Articles I and II of the American Declaration of the Rights and Duties of Man and Article 22(8) and 24 of the American Convention on Human Rights.

The acts complained of herein deprive these Haitian refugees of their right to due process, in violation of Articles XVII and XXV of the American Declaration of the Rights and Duties of Man and Articles 7 (2) and (3), 8(1), and 25 of the American Convention on Human Rights.

Acts complained of herein violate the Convention relating to the Status of Refugees, which is incorporated by reference in Article XXVII of the American Declaration of the Rights and Duties of Man, as follows: discrimination against these Haitian nationals, the basis of their country of origin, in violation of Article 3 of the Convention; denial of effective access to U.S. courts, due to harassment and other actions which interfere with legal representation, in violation of Article 16; return of Haitian refugees to Haiti, where their lives or freedom are threatened on the basis of political opinion, in violation of Article 33; and failure to facilitate the assimilation and naturalization of Haitian refugees in violation of Article 34.

EXHAUSTION OF DOMESTIC REMEDIES

Under the provisions of Article 9(bis)(d) of the Statute of the Inter-American Commission and Article 54 of the Commission's Regulations, the Commission may examine certain denunciations alleging violations of human rights only after internal legal procedures and remedies have been exhausted. Article 46(1)(a) of the American Convention on Human Rights provides more specifically that such remedies must be exhausted "in accordance with generally recognized principles of international law."

However, the present complaint concerns a "general" rather than an "individual" case of alleged violations, insofar as it raises a broad policy and factual questions concerning the administration of the statutes and regulations of the United States with respect to all Haitian refugees. In light of the Commission's consistent practice with respect to "general" cases (see Case No. 1684, reported in the Annual Report of the Commission of 1972 (Twenty-eighth Session), pp. 16–20), the applicants hereby request that the Commission waive the requirement in Article 9 (bis)(d) of its Statute relative to the exhaustion of domestic remedies.

Further, it is a well-established tenet of international law, that, in order for the rule of exhaustion of domestic remedies to apply, purported remedies must be both adequate and effective to redress the alleged grievance, i.e., a complainant is not required to pursue remedies which are in fact futile. Neither the laws of the United States nor the regulations promulgated by the INS, as applied, offer the possibility for effective redress of the complaints of the Haitian national on whose behalf this communication is being made.

Further, Haitians who have been coerced to "voluntarily" return to Haiti clearly have no domestic U.S. remedies to pursue. Accordingly, the exhaustion requirement has been met with respect to those already deported or returned to Haiti.

Due to the de facto denial of due process and the right to counsel, as well as the discriminatory manner in which Haitian deportation and exclusion cases are presently being handled, no effective administrative or judicial remedies are available to prevent the imminent deportation or exclusion of Haitian nationals who may have legitimate claims to political asylum or refugee status under either U.S. or international law. In any event, once domestic remedies have been exhausted, the Haitian refugee seeking political asylum in the U.S. is subject to immediate deportation and is placed in imminent peril of violations to his personal security and safety upon refoulement to Haiti. Thus, the right and opportunity to seek redress from the Commission would be forever precluded. Awaiting exhaustion of judicial proceedings in this particular case cannot reasonably be required.

A recent stay of deportation hearings expired on April 16, 1979, and the authors of this communication request that the Commission take immediate interim action to ensure that Haitian nationals presently within the U.S. and seeking asylum are not returned to Haiti and thereby be subjected to serious danger to their liberty and their lives.

Insofar as the human rights violations and prospective violations alleged herein include violations of Article I, II, and XXV of the American Declaration of the Rights and Duties of Man, it is requested (1) that this communication be considered by the Commission in accordance with the provisions of Article 53 through 57 of the Commission's Regulations and Article 9(bis) of the Commission's Statute and that (2) the Commission undertake an on-site investigation to study the violations alleged herein.

The names of the authors of this complaint need not remain confidential; however, we do request that, for the present, names appearing in Appendix 6 of the complaint remain confidential.

AMY YOUNG-ANAWATY,
Esquire, Executive Director, International Human Rights Law Group.

WILLIAM WIPFLER,
Director, Human Rights Office, National Council of Churches.

AN URGENT PLEA FOR HUMANE AND EQUAL TREATMENT FOR HAITIAN REFUGEES—THE INVISIBLE BOAT PEOPLE

DEAR PRESIDENT CARTER: We consistently supported your express commitment to the protection of human rights throughout the world. We share your belief that the protection of these rights must be a cornerstone of our country's foreign policy. We have been encouraged by your efforts and actions to provide refuge to those fleeing political persecution—including Soviet Jewry and Cuban, East European and Indochinese refugees. We believe that the United States must continue to provide leadership to the international community in seeking to resolve the plight of the homeless.

In view of your commitment to human rights, we are gravely concerned by our government's continued failure to accord equal treatment to Haitian Refugees now seeking asylum in the United States.

Since 1972, approximately 8,000 Haitian Refugees have fled their homeland in search of freedom from persecution. They have risked their lives in flimsy sailboats traversing hundreds of miles of dangerous ocean. Many have drowned. All have suffered greatly.

For many years, Amnesty International has reported on the widespread violation of human rights in Haiti.

"For the overall period of the Duvalier dynasty—since 1959—the Federation Haitienne des Syndicats Chretiens, in Caracas, Venezuala, estimated that there were more than 3,000 people executed and tortured to death." (Amnesty 1975–76)

"AIUSA's (Amnesty, USA) findings are consistent with the observations of Haitian emigrants, journalists, and others in recent months that the apparatus of repression established under Francois Duvalier remains in place under Jean-Claude Duvalier." (Amnesty, 18 December 1978)

In our view these Haitian Refugees are "Boat People." Like the Vietnamese, whether black or any other color, they should be treated equally. The Haitians are, it seems, the invisible boat people, languishing on our shores, uncertain of their fate, in desperate fear of forced return to Haiti.

We must assume, for now, that the plight of these Haitian Boat People has not fully been brought to your attention.

It is with hope and determination that we call upon you now to carefully review the treatment which these people have received by officers of the Immigration and Naturalization Service. We trust, we fervently hope, that you will lead this nation to respond to their cries as it has responded to the cries of the Vietnamese Boat People and refugees from other lands. We embrace the words and deeds of Pope John Paul II and join his call for an end to the subordination of human rights to the abstract political interests of nations.

We thus call upon you to demonstrate your capacity for leadership, and this nation's commitment to the dignity of all mankind, regardless of race, religion, class or the ideology of their homeland, and to direct the Attorney General to grant political refugee status—political asylum—to those 8,000 Haitian Refugees who have fled to the United States on or before June 30, 1979, and seek political asylum.

In this, we join a diversity of religious, civil rights, labor, and political organizations—including the National Council of Churches, the Archdiocese of Miami, the Haitian Fathers of Brooklyn, the Congressional Black Caucus, the National Urban League, the National Alliance of Postal and Federal Employees, the United Food and Commercial Workers International Union, and the Platform Committee of the Florida Democratic Party—which have called for equal treatment for the Haitian Boat People.

Please hear the pleas, see the despair and honor the dignity of these people. Please offer them justice. Thank you.

DECEMBER 3, 1979.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recent events in Haiti have heightened the concern of the Congressional Black Caucus Task Force on Haitian Refugees for the safety and well-being of Haitian Refugees deported by the United States.

We are shocked by testimony given in federal court proceedings by former members of the Haitian Military Apparatus, which established the Haitian refugees have been summarily executed upon their return to Haiti.

In short, we are outraged that this group of "Black Boat People" has been denied the humane and equitable treatment accorded others fleeing political persecution. Our refugee policy must not be tainted by racial, ideological, or class prejudices.

We therefore call upon you to fulfill the

promise of your laudable human rights campaign and direct the Attorney General to exercise his parole authority to adjust the status of the over 8,000 Haitian refugees now located in south Florida.

Thank you for your attention and past courtesies.

Sincerely,

SHIRLEY CHISHOLM,
Member of Congress.

□ 1710

Mr. LELAND. Mr. Speaker, I thank the distinguished gentlewoman from New York for participating in this colloquy today.

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

Mr. LELAND. I yield to my esteemed colleague, the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. I thank the gentleman very much for yielding.

Mr. Speaker, I would like to thank the distinguished gentlelady from New York with whom I have the honor of working on the Congressional Black Caucus Task Force on Haitian Refugees.

My colleague from New York, who is the chairperson of our Task Force on Haitian Refugees, has told the truth in love about our country's deplorable and disparate treatment of Haitian refugees fleeing from a regime which by any standard is in violation of the most basic political, social, and economic rights.

Our distinguished chairperson is facing this reality with courage for she has brought this shameful situation to the attention of our highest officials, including the President of the United States.

What needs to be done now is for our Nation to correct itself and receive Haitian refugees with the same open arms that we receive those fleeing from oppression all over the world, by granting the Haitians asylum.

In recent months, we have seen—as we should—a growing concern on the part of our Government for the plight of Indochinese refugees. This concern has led President Carter to double the quota for this classification of refugees. The Congress most recently, in response to the administration's request for additional refugee assistance, appropriated $207.3 million for additional assistance to Indochinese refugees.

Remarkably, both the authorizing and appropriation bills passed the appropriate committees in less than a week's time. Soon after, the House passed these bills by voice vote.

This alacrity is not only missing in regard to Haitian refugees who are black, but is also absent when it comes to meeting the needs of America's poorest citizens.

We, on the Task Force on Haitian Refugees, are very serious and will be working to build a coalition of conscience that focuses upon the callous, inhumane, and frankly racist treatment afforded Haitian refugees by the U.S. Department of State and the Immigration and Naturalization Service.

It is interesting to note that both of these departments are still largely segregated. For example, a statistical report completed in 1974 showed that blacks comprised only 2.5 percent of the Foreign Service Corps. This low percentage is particularly evident in policymaking positions. More important than skin color has been the insensitivity and cavalier attitudes that are all too often found among Government officials who deal with countries such as Haiti.

The State Department, with the forced resignation of Ambassador Young, faces a crisis of credibility within our country, particularly among those of us who supported Ambassador Young's foreign policy initiatives which were reflective of a concern for the poor and oppressed.

In May of 1979, the U.S. State Department sent an all-white team to Haiti to investigate the fate of Haitian refugees forcibly returned by our Government. Their report has been labeled a "whitewash" by many groups familiar with the human rights picture in Haiti. Perhaps even more disturbing was the methodological basis for the report. In Federal court proceedings in Miami, a former director of Research for Amnesty International testified that the report was methodologically flawed and provided no basis for sound policy determination.

The sample of returned refugees interviewed was unrepresentative: Those interviewed were only those willing to come forward voluntarily; no attempt was made to visit prisons; the mission was conducted with the full knowledge and permission of the Haitian Government; many interviews were conducted openly and lasted only 15 minutes. Therefore, it is safe to say these environmental conditions rendered it extremely problematic that candid responses could be illicited.

The report has a schizophrenic quality in its assertions. For example, while the report appears to picture Haiti as safe for returnees, the report also states that Haitian Government officials explicitly acknowledge that certain returnees could be subject to persecution on political grounds.

I find it outrageous that the U.S. Department of State and the U.S. Immigration and Naturalization Service would utilize such a flawed report in attempting to justify a callous government policy of deportation for Haitian political refugees.

The Immigration and Naturalization Service is also known for its exclusion of minorities from policymaking positions and indeed the resignation of Commissioner Leonel Castillo confronts the Service with the same crisis of credibility that is faced by the State Department.

The present capability of the Immigration and Naturalization Service to administer our laws fairly when it comes to people of color from the Third World is suspect. The treatment of Haitian refugees is a case in point. The Congressional Black Caucus Task Force on Haitian refugees is now publicly reinforcing Chairperson CHISHOLM's letter of July 24, 1979, to President Carter in which she requested the President to intervene to bring about due process and humane treatment for the Haitian refugees.

The Congressional Black Caucus Task Force will be continuing to work on this issue with others such as the Haitian refugee project, the Haitian Fathers of Brooklyn, the American Committee for the Protection of the Foreign Born, the National Council of Churches, the National Alliance of Postal and Federal Employees, the National Urban League, the Archdiocese of Miami, the American Civil Liberties Union and the A. Philip Randolph Institute.

We join Senator DICK STONE of Florida and our distinguished colleague and man of conscience, Congressman WILLIAM LEHMAN, in calling for parole and asylum for those Haitian refugees here in our country. We will be insisting and monitoring our Government's conduct to insure due process for these Haitian refugees, who may flee to our shores in the future and we are committed to a new refugee act which will allow us to have a human rights policy which is free of ideological, racial, or class bias. Our Nation's honor and its interests demands no less.

Mr. LELAND. Mr. Speaker, I certainly thank my colleague from the District of Columbia.

Mr. Speaker, I would like to thank my distinguished colleagues for the timely and telling remarks they have made concerning the deplorable plight of Haitian refugees both in this country and upon their return to Haiti.

I would like to address the more general issue of U.S. foreign policy toward Haiti and the Caribbean basin. In spite of good intentions and financial support promoting development programs, I believe that our policies have exacerbated the Haitian refugee problem and actually contribute to economic and political instability throughout the region.

Beyond our immediate concern for Haitian refugees and the reprehensible, political and economic conditions within Haiti, the United States has ample reason for being concerned with the present and future of the entire Caribbean basin including Central America. Many of us are aware of the importance of the Caribbean as a major transshipment point for oil from the Middle East, and as a producer of agricultural goods and raw materials such as sugar, coffee, and bauxite. Of course, we need not mention its obvious tourist attractions.

Politically the region is also important. Twenty years ago only three independent nations existed in the area, but today there are 13 and the number will most likely approach 20 in the next few years. Most of these nations have been run for years by self-perpetuating political machines whose leaders have used a thin veneer of constitutionality to mask widespread corruption and repression. The people of those newly, or soon to be, independent nations have suffered for centuries under the yoke of colonialism, which has maintained them as permanently underdeveloped colonies. The principle economic function of the region has been to provide cheap raw materials and labor to the developed world and as a playground for the affluent. For centuries the Caribbean has produced much for the world economy but, they have progressed little because of it.

In the Caribbean the United States is viewed by many as an accomplice in this process, more interested in maintaining underdevelopment than overcoming it.

While our vast material accomplishments may be coveted, many Caribbeans simultaneously feel that their cheap resources and labor have subsidized our high standard of living. From their alienated perspective, our military assistance has been primarily used to install and prop up regimes that promote and maintain these same conditions. President Carter's response to the Soviet brigade in Cuba last September is simply another step in this direction. The creation of a Caribbean task force concerned with security is viewed in the Caribbean as another use of the "big stick" without even the compensation of a carrot.

However, the times are changing. The Caribbean nations are no longer passive colonies. Many in the region are rising up and demanding a new course toward autonomous development. Jamaica has recently adopted an independent posture trying to tightrope between socialism and capitalism. Guyana is similarly following suit, while Grenada witnessed a coup earlier this year and has become noted for similar rhetoric. Who knows what direction the other mininations of the Caribbean will assume?

Central America has been in the news recently because of the Sandinista-organized overthrow of the Somoza regime. El Salvador remains on the brink of revolution; and Guatemala's stability is based on its extraordinary repression.

All the countries in the Caribbean basin are dramatically underdeveloped. The masses struggle daily to make a living, unable to be concerned with politics and confrontations between communism and free enterprise. Their principal concerns are simply making it from one season to the next, eking out a subsistence and hoping that life will improve for their children.

Fortunately, there are some countertendencies in our foreign policy to which we can all proudly point. We have finally approved a Panama Canal Treaty that will eventually return control of the canal to the Panamanians. The House is now considering $75 million in aid for the new Nicaraguan Government. More generally, the present administration's human rights policy has undoubtedly improved life for many people throughout Latin America and the Caribbean. And recently, the State Department has helped establish a Caribbean group of 30 countries and 15 international organizations to expand and coordinate the flow of aid to the region.

I applaud these efforts, but I say more must be done. In general, our policy in the Caribbean basin may be characterized as two-faced—a sometime concern for genuine long-term development and promotion of human rights, counterbalanced by narrow-minded security concerns promoting highly repressive, dictatorial political regimes.

The case of Haiti indicates that provision of foreign aid is simply insufficient. We have been pouring money into Haiti, with few apparent results. The country remains the poorest in the Western Hemisphere. In this one instance, I agree with the conservative adage that problems cannot be solved simply by throwing money at them hoping that repressive and corrupt governments will put it to constructive use. And indeed, frequently the money has been spent for good causes such as building infrastructures like roads and dams, without which further development would be impossible.

But I would go beyond this simple-minded statement that money cannot solve social problems and add that we must examine the nature of the problem; that is, the nature of economic underdevelopment in Haiti and its relationship to the United States. For it is even more evident that simply ignoring problems, or assigning the solution to your neighbor, is less likely to resolve them. In particular, all too often our foreign assistance money goes toward military spending and other means of reenforcing the respressive machines and control of elites who helped create and maintain the conditions of inequality and denial of human rights.

We must come to realize the intimate and inextricable connections between economics and politics. Haitian refugees, indeed all refugees, are both economic and political refugees. Many are individually persecuted by the infamous political police, the Tonton Macoutes. But all Haitians are affected by a corrupt, violent regime that maintains and magnifies economic inequalities by political means. Our foreign policy toward underdevelopment and refugees from the Third World must recognize this connection and positively link economic development to the universal extension of human rights.

I am firmly convinced that a foreign policy toward the Caribbean, and the Third World in general, that ties human rights to economic development is in the best long-term strategic and economic interests of the United States and to world peace in general.

We need to immediately address the humanitarian needs of the Haitian refugees in the United States and treat them with the same profound concern we have so freely extended to the Indochinese and other refugee groups.

But our concern cannot stop there. We must develop a positive and effective foreign policy toward the Caribbean that will strike at the joint roots of economic underdevelopment and political repression; one that will extend political and economic rights universally.

TESTIMONY OF IRA J. KURZBAN

For the past seven years, since the first group of Haitian boat people arrived in this country in search of political freedom and human dignity, several myths have surrounded their plight. Pernicious in their nature and purpose, these myths have been used to distort the refugees' dilemma and to encourage opposition to their quest for political asylum. More importantly, these myths have formed the theoretical basis for our government's improper treatment and unfavorable characterization of Haitian refugees. The four major myths which I wish to address and dispel are:

1. That Haitians seeking asylum in the United States are "economic refugees," and not "political refugees;"

2. That Haitians are immigrating to the United States in large numbers and any grant of asylum to Haitian refugees who are presently here would encourage mass migration to the United States from Haiti;

3. That Haitian refugees who are presently in the United States are taking jobs away from United States citizens and permanent residents; and

4. That Haitian refugees pose a novel legal problem for the Immigration Service.

I. HAITIANS ARE POLITICAL REFUGEES

Any analysis as to whether or not Haitian refugees can remain in the United States because they are "political" and not "economic" refugees cannot proceed only upon a factual presentation of the conditions in Haiti and the fate of refguees who are deported to Haiti, but also requires an understanding of how the terms—economic and political—are defined in law. The use of the terms "economic and political" are largely misleading, particularly when considered in light of the applicable immigration laws and judicial precedents.

The Courts, for example, recognized long ago that economic deprivation alone provides a sufficient basis for granting refugee status. See *Dunat* v. *Hurney*, 297 F.2d 744 (3rd Cir. 1962), *Kovack* v. *INS*, 401 F.2d 102 (9th Cir. 1969). In *Dunat*, the Court granted political asylum under Section 243(h) to a Yugoslav citizen who was deprived of his right to a livelihood. In doing so the Court found that:

"Economic proscription so severe as to deprive a person of all means of earning a livelihood may account for . . . persecution." *Dunat*, 297 F.2d at 753.

Likewise, the Courts have recognized that "illegal departure" from the country of origin or "the seeking of asylum" are sufficient grounds for granting political asylum. See *Sovich* v. *Esperdy*, 319 F.2d 21 (2nd Cir. 1963), *In the Matter of Janus and Janek*, I.D. No. 1900 (July, 1968).

Thus, the juxtaposition of "economic" and "political" refugees may have to do with Weberian ideals or political * * *.

More importantly, the actual conditions of Haitian refugees in fleeing Haiti and the fate of those refugees who have been forceably returned to Haiti after seeking asylum in this country, establish unequivocally a compelling legal and moral justification for granting the Haitians refugee status. Included with this paper are thousands of pages of documents, newspapers, articles and testimony transcripts as to the political conditions in Haiti and the fate of those Haitians who have been forceably deported or otherwise returned to Haiti from the United States.

This testimony and documentations establishes that:

1. All Haitians who are deported or returned from the United States are placed in the Casserne Dessaline and other political prisons in Haiti (testimony of Ray Joseph and testimony of Sept. 23rd, pp. 70–100).

2. Returning refugees are arrested by and on the order of the Haitian secret police and the Duvalier family (testimony of September 23rd, pp. 25–49, pp. 70–100).

3. Some of the persons arrested solely for the "crime" of fleeing Haiti or claiming political asylum abroad, have died in these political prisons (testimony of Marc Romulus, and Patrick Lemoine).

4. Many of the refugees who were returned have disappeared (Affidavit of Michele Bogre, page 48 supplementary documents).

5. As recently as February, 1979, there were Haitian refugees in the National Penitentiary in Haiti, whose only crime was their flight to the United States and thier deportation back to Haiti (testimony and transcript at pp. 70–100).

6. The Duvaliers have instituted new restrictions on the press in the past two months which were denounced by the Inter-American Press Association as making "freedom of the press impossible in Haiti," (Article from Haiti observateur at page 153 of documentary supplement).

7. Haiti's new censorship law makes it a crime to "insult" Jean-Claude Duvalier, his mother or other Haitian authorities (N.Y. Times 12/12/79). The attempt to seek

asylum in the United States by Haitians can be considered an "insult" to the Duvaliers under this law.

8. Less than one month ago, on November 9th, 1979, a peaceful human rights demonstration was violently broken up by members of the Haitian secret police and an American diplomat was beaten up (Washington Post, article of 11–11–79 at page 150 of documentary supplement).

9. On November 13th, 1979, Duvalier fired eight of his fourteen cabinet ministers and replaced them with military personnel and old line loyalists of his father, Francors Duvalier. This is the first time that military personnel were placed in the cabinet. (Washington Post, article of 11–15–79 at page 151 of documentary supplement).

Finally, careful analysis of the claims of Haitians seeking political asylum in the United States reveals that the vast majority have fled Haiti not because of poverty but rather because of political repression. Two recent cases are revealing.

On October 11, 1979, Edouard Franck an accountant for HASCO—the major Haitian sugar company—fled Haiti. He fled because he was a membor of the Christian Democratic Party—a party now outlawed by the Duvalier family. Franck was arrested by the S.D. (secret police), mistakenly released, and then sought again by the S.D. He managed to leave the country before being recaptured. Other members of the party were not as fortunate. Sylvio Claude, the president of the party was arrested on August 29, 1979. His whereabouts or whether or not he is presently alive is unknown.

A second case is that of Hubert Lubin, a school teacher in Haiti. Lubin fled Haiti in March, 1978 not because of his economic status—which by prevailing standards in Haiti was comfortable—but rather because he was beaten in front of his students by members of the Ton-Tons Macoutes when he made certain statements which were critical of the Duvalier family.

II. THE NUMBER OF HAITIAN REFUGEES SEEKING ASYLUM IN THE UNITED STATES IS INSIGNIFICANT IN COMPARISON TO OTHER REFUGEE GROUPS

Any assertion that Haitian refugees have sought asylum in the United States in significant numbers is clearly contradicted by the number of refugees in proceedings before the INS. There are approximately nine thousand refugees presently seeking asylum in proceedings before the INS. Although these numbers may not directly reflect the actual number of Haitian refugees in this community they can be assumed to closely approximate the Haitian refugee population, because of the INS' previous policy of issuing work permits. From December, 1972 to January, 1978, approximately three thousand refugees fled Haiti and arrived in South Florida. By the end of June, 1978, another fifteen hundred refugees had arrived in the United States as a result of their forced expulsion from the Bahamas. When the forced expulsion ended the Haitians' mass migration from the Bahamas ended.

Further, between November, 1977 and August, 1978, the INS instituted a policy of issuing work authorizations to any Haitian who appeared at the INS offices. This resulted in the number of Haitians known to INS increasing from approximately forty-five hundred to eighty-five hundred by October/November, 1978. As the numbers changed dramatically during this short period, and as the issuance of the work authorizations was understood by the refugee community to mean they could stay in the United States, it can be assumed that most, if not all, the Haitians who were not known to INS came forward at that time. Thus, the nine thousand figure may accurately approximate the actual number of Haitian refugees in South Florida.

However, even the highest approximation of Haitian refugees in South Florida—over twenty-five thousand—is still insignificant in comparison to all other refugees who have been admitted to this country. For example, from 1972 until the present—the time frame during which Haitian refugees have fled to the United States—approximately two hundred and thirty thousand Indochinese refugees have been admitted into the United States and given a full panoply of social services. Moreover, over six hundred thousand Cuban refugees have been given lawful status in the United States.

Further, in one month of this year, July, 1979, approximately six thousand Nicaraguan refugees arrived in South Florida and it is estimated that well over thirty thousand Nicaraguan refugees are presently in the United States.

However, the spectre of the "open floodgates" has been raised against Haitians by the Immigration Service. It is assumed by many that South Florida will be flooded by a new wave of Haitian refugees if those who are presently here are granted political asylum. This assumption, though, rests upon the mistaken belief that flight from Haiti is determined by U.S. immigration policy. This clearly ignores the physical and financial limitations which Haitians must overcome to get to the United States. The journey is over eight hundred miles in rough seas under difficult weather conditions.

In addition, there are political barriers which prevent Haitians from immigration to the United States in great numbers. It is a crime, for example, to leave Haiti without the proper documentation. Further, our own country gives substantial military assistance to Haiti in the form of naval and electronic equipment for border patrol purposes. In 1976, we provided military assistance to Haiti for equipment which could be utilized for border patrol purposes. See Institute for Policy Studies Report. (Vol. II Documents—part VI "X")

We too often forget that the large numbers of Cuban and Indochinese refugees in the United States were attained not simply by the flight of refugees from those countries, but rather by the active assistance, through airlift operations, of our government.

Without airlifts, and with the presence of physical, economic and political barriers to migration, the granting of political asylum to those refugees who are presently in the United States will not increase the flow of Haitian refugees to this country.

III. HAITIANS DO NOT TAKE THE JOBS FROM AMERICAN CITIZENS

Without belaboring this point, I would simply point to the conclusion of Dade County's Task Force report on Haitian Refugees, wherein the Task Force concluded:

"Allowing [Haitians] immigrants to seek work . . . does not appear to displace residents in the employment market."

Rather, a policy of permitting Haitian refugees to work would result in:

"Menial, needed work, performed at minimum cost to local employers; a net addition to overall community productivity and an improved quality of community life; residents substantially not prevented from finding acceptable employment; and a significant group of relatively unemployable persons who successfully avoid being public charges."

This position was recently confirmed in a law suit brought in federal court in this district. In *National Council of Churches v. Egan*, the court found:

"The employment of Haitians will not have a negative impact on the employment opportunities for American citizens or permanent resident aliens."

The court, in ordering the INS to return work permits to Haitian refugees found that the government's revocation of the work permits has caused Haitian refugees in South Florida:

"To suffer malnutrition, substantial and overcrowded housing, mental and physical illness and the breakdown of the family unit."

Thus, it appears that the issuance of work permits to Haitian refugees does not have an adverse effect on American workers. Rather, it has an overall positive impact because it provides workers for jobs that American citizens would not fill and simultaneously permits those who are unemployed or underemployed to avoid becoming public charges.

IV. HAITIAN REFUGEES DO NOT POSE A UNIQUE LEGAL PROBLEM

Haitian refugees seeking political asylum in the United States do not pose a unique legal problem for the Immigration and Naturalization Service. The statement by immigration authorities that there is no mechanism within the Immigration and Nationality Act for paroling or granting political asylum to Haitian refugees as a group because Congress has not passed any special act for Haitians, as they have for Cuban and Indochinese refugees, is both misleading and incorrect. Between 1959 and 1961, for example, prior to the Cuban Adjustment Act, over twenty thousand Cuban refugees were admitted into the United States without the benefit of a Congressional Act. More recently, the INS, through the Attorney General, has maintained Chilean and Argentine Parole Programs, through which persons fleeing these noncommunist countries have obtained refugee status without any special Congressional legislation.

It has also been incorrectly asserted that Haitians are not admissible because the Immigration Act only provides for admissibility of refugees from communist countries. Although the INS under § 203(a)(7) does provide for conditional entry to persons fleeing from a communist or communist dominated country or a country in the Middle East, other sections of the Act, principally § 212(d)(5) and § 243(h) give the Attorney General the express authority to parole or grant asylum to persons irrespective of their country of origin. Further, there exists no limitation in the Act itself under these sections as to the number of refugees that the Attorney General may parole or grant asylum to, or whether or not he can parole or grant asylum to large numbers of persons simultaneously or individually. Thus, the legal mechanism clearly exists for granting asylum or parole as a group to Haitian refugees in this community.

In conclusion, we are calling upon the Commission to issue an interim report recommending to the President that parole and asylum be granted to all Haitian refugees presently in the United States who seek asylum in this country.

The myths that surround the problems of Haitian refugees must be dispelled. The rule of law must prevail. The only practical solution to the fate of the approximately nine thousand Haitian refugees presently in Immigration proceedings, many of whom have been here as long as five or more years, is to grant them political asylum.

● Mr. CONYERS. Mr. Speaker, the Haitian people have experienced a great deal of suffering and tragedy as a nation. The world's first black republic, Haiti was subjected to repressive rule, massive poverty and the absence of development programs, and exploitation by the more powerful nations surrounding it.

From 1957 until 1971 the regime of Francois "Papa Doc" Duvalier wielded power by means of terrorism and violence. The assumption of power by his son, Jean-Claude Duvalier, in 1971 meant the virtual continuation of the regime of terror. During this whole

period, the United States ignored the conditions in Haiti.

Since 1972 some 8,000 Haitian refugees have come to the United States seeking political asylum. There can be little doubt about their legitimate claims in seeking such status. Yet the U.S. Government, through the Immigration and Naturalization Service (INS), has consistently denied them recognition of their claims. Over 600 Haitian refugees already have been sent back under the so-called policy of voluntary return, a policy that effectively coerced them to return.

The others have been subjected to harassment and the denial of the most basic protections of due process. Just as the United States for so many years ignored the conditions existing in Haiti, the Government today refuses the Haitian refugees the equality of treatment accorded to other groups of refugees.

In the past year INS has stepped up its campaign to deport the Haitian refugees. Many have not been told of their rights to legal counsel and the availability of free counsel. Mass deportations hearings involving hundreds of refugees at a time have been held. Attorneys for the refugees, too few in number to represent adequately their clients, have also been intimidated by INS, including obstruction of their role in counseling their clients during the deportation proceedings.

The discriminatory treatment of Haitian refugees has to stop. The Attorney General, who has the authority to grant the Haitians political asylum, at a minimum should move to stay all proceedings against the refugees until the situation is thoroughly reviewed and the pending lawsuit challenging existing proceedings is disposed of in the courts. In the meantime, the Attorney General should instruct INS to provide the refugees with all legal protections, including facilitating their communication with the Haitian Refugee Center in Miami.

To do anything less under the circumstances and given the tragic history of the Haitian people would be utterly contrary to our professed commitment to human rights in the world.●

● Mr. LEHMAN. Mr. Speaker, I am pleased to be able to participate in this special order on Haitian refugees. Their problems with U.S. Government authorities first came to my attention in 1975. Slowly but surely, progress has been made in presenting their case to the American people.

Five years ago, few Americans were aware of their plight or interested in seeing to it that the Haitians received just treatment in our country. Today, numerous religious, civil rights, and labor organizations have expressed their support for granting political asylum to the Haitians who have come to the United States and applied for political asylum before June 30, 1979.

In the Miami area, many individuals and organizations have spoken out on behalf of the refugees. The Archbishop of Miami, the Most Reverend Edward A. McCarthy, testified earlier this month before the U.S. Select Commission on Immigration and Refugee Policy. He pointed out the blatant discrimination contained in our laws, and observed, "It is only natural that this experience should spawn well-founded suspicions that the treatment received by the Haitians is the result of institutional racism." The archbishop then urged the United States to grant political asylum to those Haitians who have applications pending.

Metropolitan Dade County officials have also voiced their concern for the Haitians. The county, of course, faces a heavy financial burden because there are no Federal funds available to provide essential human services to the Haitians. The Federal Government has prevented most Haitians from working and thus force them to rely on the mercy of private voluntary organizations and local government for assistance in obtaining food, shelter, and health care.

It is not simply self-interest, however, that has led county and State political leaders to call for allowing the Haitians to remain. For many, it may not be a particularly popular political decision. It is, however, the right decision. It is humane and just. Among these persons are Dade County commissioners, State representatives, and Democratic Party chairman for the State and the county. Local labor leaders have also endorsed this move for equal justice.

I would also like to take note of the editorial positions of our local media. While most have not yet gone so far as to call for asylum, they have expressed their outrage at the manner in which the Haitians have been treated and demanded that decisive action be taken. WPLG television has called the delay in clarifying the status of Haitians "inhuman." The Miami News called the situation "inhumane." The Palm Beach Post described the U.S. policy on the Haitian refugees as a "foolish policy which ought to be changed," and the Miami Times has supported asylum for the refugees. Recent developments within Haiti caused the Miami Herald to express its doubts about whether President Duvalier has indeed moved away from the despotism for which his father was known.

As a member of the House Subcommittee on Foreign Operations, I have a responsibility to see that our foreign aid money is spent to improve the lives of the poor people of the world and not to prop up a dictatorial and abusive regime. Haiti is greatly in need of assistance. It is one of the poorest nations in the world and I am reluctant to take any steps which would inflict greater suffering on the Haitian people. I intend, however, to look most carefully at the recent developments in Haiti which seem to indicate a return to the repressive era of Papa Doc.●

● Mrs. COLLINS of Illinois. Mr. Speaker, it is only recently that the Nation has been provided with information regarding the situation of Haitian refugees in this country. The tragedy of these brave people who have faced a hostile sea, potential political reprisals against themselves and their families is really just emerging.

As my colleague, Congresswoman SHIRLEY CHISHOLM, who heads the Congressional Black Caucus Task Force on Haitian Refugees has pointed out, these refugees face even greater hazards and hardships when they arrive at our shores. Many are poor and uneducated; they are fleeing a regime which violates their human rights; yet they arrive here to be imprisoned, denied due process, denied the opportunity to work and, finally, denied the status of a political refugee in most cases.

The Haitian boat people must be treated with dignity and justice. They must not be discriminated against because they are black and poor. They must be given asylum and the opportunity to work even as their asylum claims are being heard.

The process under which asylum claims have been heard are a shame and a sham. Where once 10 asylum claims were heard each day, now about 150 are heard in a day. There is no reasonable opportunity to present a refugees' case, even where a lawyer is present. Asylum hearings and deportation proceedings are conducted simultaneously and lawyers are neither permitted to ask clarifying questions or contest the summary of the interviews; 99 percent of Haitian refugees are denied asylum.

Why does this Nation distinguish between the oppression of Eastern European nations and the oppression of right-wing regimes? Why can we suddenly find a means to admit thousands of Vietnamese refugees, but keep passing the buck between legislative and executive branches on the Haitian refugees?

Mr. Speaker, the United States must again be the beacon of hope for the immigrants fleeing oppression in Haiti as it has been the beacon of hope for those fleeing oppression around the world in the past. I urge, the Congressional Black Caucus urges, that the Congress and the President, immigration officials and the courts, act to protect and preserve the rights and the lives of the courageous Haitian boat people.●

□ 1720
GENERAL LEAVE

Mr. LELAND. Madam 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 my special order.

The SPEAKER pro tempore (Mrs. CHISHOLM). Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1730
BEGINNING OF A NEW AGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. RUDD. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Arizona.

Mr. RUDD. Madam Speaker, last week the President broke all precedent by announcing prior to January his planned

defense budget for fiscal year 1981 and the next 5 years.

Defense Secretary Harold Brown testified this month before the Senate Armed Services Committee that the President will propose a 5.6-percent real increase in the defense budget for 1981, and an average 4.85 percent real growth in defense spending over each of the next 5 years.

The President's rationale for this increased effort to modernize our defense forces is certainly accurate.

Secretary Brown stated it this way in his Senate testimony—

Both the magnitude of the FY 1981 defense budget and the FY 1981–85 defense program and the nature of their elements have been established through analysis of our genuine defense needs in light of the Soviet Union's steady and substantial buildup of its forces. . . .

Implicit within [this program] is a long-term commitment to steady, sustained (and sustainable) increases in the defense program and the funding needed to support it. The underlying need for such increases is exemplified by two facts. The amount that the United States is spending now on national defense is smaller in real terms than what we were spending in 1963. Real Soviet spending for defense, however has nearly doubled in that time. . . . [W]e cannot allow the trend to continue without risking military inferiority. . . .

Not only has the military balance between us deteriorated, but the Soviets have now built a war machine far beyond any reasonable requirements for their own defense and security. . . .

Our problem is not the product of some sudden and massive effort on the part of the Soviet Union. . . . [T]he problem is the result of more than a decade of steady, resolute, and comprehensive growth on the part of the Soviet Union that we simply have not matched. Just as the effects of this disparity have taken years to accumulate, so they will take years to eliminate.

In his public unclassified statement before the Senate, Secretary Brown talked about the United States having "approximate equality of miiltary power" with the Soviet Union. But in his classified statement accompanying his testimony, he presented a somewhat different, more pessimistic picture.

In his classified statement, the Secretary admitted that the United States has already slipped into a position of relative inferiority to the Soviet Union in the areas of strategic nuclear forces and theater nuclear forces.

I and others have stated this fact, based upon the available evidence, many times. But to my knowledge this is the first time that any U.S. Government official has made such an admission.

Secretary Brown stated in his classified presentation that, even with a 5 percent real growth in defense spending over the next 5 years, the United States will not regain equality with the Soviets in strategic forces until 1982–86, depending upon the future alert status of U.S. Forces, and that we will not regain equality with the Soviets in theater nuclear forces until 1990.

This U.S. military inferiority to the Soviet Union in nuclear forces is compounded dramatically by the almost universal agreement expressed to me in a recent official visit to NATO that our conventional forces—at least in Europe—are also unable to match Soviet and Warsaw Pact Forces.

Madam Speaker, this assessment of Secretary Brown is certainly a very accurate summary of our current compelling defense needs.

As the Secretary noted, this shift to Soviet military superiority is not something that just happened suddenly. It is a situation that has developed steadily and openly over the past 10 years or more through massive Soviet military buildup while U.S. Forces were being cut back.

The question that immediately arises, in light of the President's rationale for his belated emphasis on addressing our vital defense needs, is why did the administration actively oppose just such efforts of myself and others over the course of the past year to provide 5-percent real growth in the defense budget?

Why has the administration repeatedly taken actions to stop and cut back modernization and buildup in our own U.S. military forces, in order to counter the Soviet military threat which Secretary Brown has now so accurately described?

The President's elimination of the B–1 bomber, his sharp cutbacks over the past 3 years in U.S. shipbuilding and combat aircraft replacement, his decision to stop production of the neutron antitank weapon, his slowdown on development of the MX missile, and other similar actions have all contributed to placing the United States in a militarily inferior position vis-a-vis the Soviet Union.

Where was the President and his administration when help was needed not only to increase defense spending for fiscal year 1980 to provide for 5-percent real growth, but just to maintain defense spending at the almost static pace recommended by the President's own budget?

When the House Budget Committee took up the fiscal year 1980 defense budget last spring, a proposal was immediately made to cut $5 billion from the President's own supplemental fiscal year 1979 defense request and his proposed fiscal year 1980 defense budget.

These cuts were justified on the grounds that the Iranian revolution had altered some U.S. military sales agreements made with the previous government—meaning that several ships that were being built for Iran would now have to go into the U.S. fleet instead—and on grounds that U.S. aircraft procurement was allegedly insufficient to warrant the administration's proposed new aircraft carrier.

Those of us who tried unsuccessfully to stop these House Budget Committee defense cuts received absolutely no support from the administration in defending the President's own fiscal year 1979 and fiscal year 1980 defense requests.

Where was the President when we needed him to corroborate our documentation that planned U.S. shipbuilding over the next 20 years was woefully insufficient, and that more funds were needed to build naval vessels to replace worn out equipment?

Where was the President when we argued that if aircraft procurement was insufficient to justify a new carrier, the money should be added or reprogramed to buy the necessary combat aircraft to go on the carrier rather than cutting the carrier money from the fiscal year 1980 budget altogether?

The administration openly opposed our efforts to provide 5-percent real growth in the defense budget over the course of the past year's work on the 1980 Federal budget.

The President and his administration officials now say that we actually need such a 5-percent real growth in defense spending, after action on the 1980 defense budget has been completed.

The administration stood by silently while many of us in Congress fought unsuccessfully to prevent cuts in the President's 1980 defense budget.

Now the President wants to rectify that action by adding defense funds that his administration previously stated were unneeded and unwanted.

This brings into serious question the motivation and timing of the administration in presenting its 5-year defense plan at this time, before official presentation of the fiscal year 1981 budget in January.

No reasonable, knowledgeable person denies that our defense posture is in serious trouble, and that immediate attention must be given to modernizing and increasing our military capabilities around the world.

But why has this administration, only now, jumped on the bandwagon to improve our declining military situation?

Is this action motivated only by a desire to gain passage of the questionable SALT treaty, which is in trouble in the U.S. Senate?

Is the President's call for greater defense spending in response to the public mood following events in Iran, and in the face of his own reelection effort which is about to get underway?

This administration's record on defense is clear.

The President has consistently stopped or cut back needed new weapons programs and defense modernization efforts, in order to channel budget dollars into other areas.

He has thus contributed measurably to the military inferiority that Secretary Brown has now acknowledged.

The motivation and the timing of the President's call now for greater attention to U.S. defense needs is therefore apparently political.

The real national interest demanded such attention and efforts to improve our defense situation long before now.

But the President's budget priorities were directed to expanding domestic Federal programs and starting new programs, in order to satisfy various interest groups that were important to him politically.

Now that the Nation's attention has been dramatically focused on our Government's inability to quickly resolve international crisis, brought on by lack of respect for U.S. strength and resolve, and our own diminished military capabilities, the President's political antennae have signaled a need to emphasize our defense needs.

The President's action to correct our military deficiencies during his term in

office, and to provide the kind of leadership needed to safeguard our national security, will be judged by the American people in the coming months.

I personally welcome the President's new-found concern over the vital defense needs of the United States and the American people. My only disappointment is that this concern on the part of the President was lacking when action was needed over the past 3 years to correct the problems now acknowledged by the President himself and Defense Secretary Brown.

The President has my unqualified support in his stated desire to rebuild our forces for defense.

Mr. CORCORAN. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Madam Speaker, people all over this country are becoming more and more painfully aware that America has an energy problem of most serious proportions. Nuclear waste management is one of the particular parts of that problem which caused me to seek membership on the Interstate and Foreign Commerce Committee during my second term in the House of Representatives. Although the United States has been engaged in the military and commercial use of nuclear power for more than 30 years, we do not have a comprehensive national policy for storing nuclear wastes.

I will not go into the reasons for our deficiencies in this respect now, because my views have already been expressed in previous debate on the subject here in the House. However, I rise to comment on this problem because it relates to an inspection tour I am taking to Western Europe between the first and second sessions of this Congress. Through the cooperation of the Atomic Industrial Forum and European officials at various nuclear waste facilities in Europe, I will be visiting several nuclear power and waste facilities in England, Scotland, France, and Germany—January 2 to 16, 1980. My purpose in joining this inspection tour is to learn why these countries appear to be so far ahead of the United States in providing for interim and permanent storage of their nuclear wastes. I intend to learn, from the onsite inspections and discussions with government and industry officials, why these people appear to be technologically advanced in this regard.

Since the Energy and Power Subcommittee, on which I serve, is currently considering urgently needed legislation submitted to Congress by the Carter administration on nuclear waste management, I would hope that my findings on the European experience with nuclear wastes could help me be successful in participating in the resolution of the outstanding policy questions presented to the Congress by the problems associated with nuclear waste storage.

Like everything else, there is a cost involved in this trip, probably $2,000, but I think it is an investment worth making. This expense has been authorized by the Committee on Interstate and Foreign Commerce, and it will be funded by the Department of State.

Madam Speaker, I will report to the House on my findings about European programs for nuclear waste management and their application to the United States when the second session of Congress convenes.

Mr. TAUKE. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Madam Speaker, if the Department of Energy has its way, Archie Bunker will soon become a Government spokesman, the current disco dance craze will be turned into bureaucratic propaganda and the emotion-ridden forum of TV game shows will be exploited for Government gain.

I was appalled recently to learn that DOE officials told State energy personnel that the DOE is considering the idea of launching a multimillion-dollar campaign to promote energy conservation. The intent behind the proposal is good—to dramatically bring to the attention of Americans the very real need to conserve energy. However, the modus operandi is somewhat misdirected, ill-advised, and impractical.

The proposal lacks even the smallest modicum of dignity—calling upon taxpayers to foot the cost for an episode of "Archie Bunker's Place," in which the plot would center around the hilarious adventures of the main characters placing a solar collector on the roof of Archie's tavern; the recording and distribution of what is hoped to be a "Top 10" disco hit extolling the virtues of energy conservation and solar energy; and finally, providing solar collectors as prizes to excited game show contestants.

What is equally troubling and even more appalling is that Congress has never authorized funds for such a project. Not 1 cent has been earmarked by Congress for these proposed activities.

It is not surprising that Energy Department officials are somewhat reluctant to discuss the details of the proposal. However, they will state that the effort is two-pronged with phase 1 consisting of traditional Government-sponsored and paid public affairs advertising, an effort which would cost about $50 million and be paid through the agency's general operating budget.

Phase 2 would incorporate the successes of commercial television and disco music—at a cost of $7 million to $10 million. DOE representatives will not state where it will obtain funds to finance this portion of the plan. They only say that "reprogramed money" will be used—funds originally targeted for one project, but now rechanneled into a major media blitz.

Rather than spending tax dollars on commercialized gimmicks, would it not be wiser for the DOE to channel those funds to help State energy officials meet the energy conservation goals outlined in the emergency energy conservation and gas rationing plan recently signed into law by the President?

Bolstering State efforts through Federal initiatives would accomplish more in the long run than throwing tax dollars away on glamorized, high-powered, Hollywood-style ideas.

Mr. GINGRICH. Madam Speaker, we have in this session faced a number of symptoms of economic decay, the problem of Chrysler, of inflation, the energy crisis, the recession which has been oft predicted. Yet each of these problems in and of themselves are only symptoms of a much deeper underlying disease which is ravaging this country and this economy.

Today, as we end a quarter century of Democratic Party domination of this Congress, it seems particularly appropriate to take stock of the problems we face, of the situation we find ourselves in, and of this country's economic future. With the Iranian situation as it has developed, it is particularly appropriate that we look at our ability to survive as a country, our ability to resolve our own problems, and our ability to regenerate opportunity and economic strength rather than to continue to decay into such weakness that we are further buffeted by the winds of change throughout the world.

Despite the problems, despite the inflation, despite the unemployment, despite the great crisis which has struck our 10th largest manufacturing corporation, I think we are, in fact, at the beginning of a new age. I think the sign for the future is not one of despair, of decay, of collapse, but rather one of real hope, real optimism, of real change. I would suggest as we end this quarter century of domination by the Democratic Party that we are at the beginning of a real cultural, intellectual, and political struggle over the future of this country.

On the one hand, the philosophy which currently dominates of defeatism, of sharing the pain of decay, of a guaranteed running out of resources and then sharing the scarcity, this philosophy perhaps best is epitomized this week by an effort to punish people into changing their behavior by imposing a 50-cents-a-gallon gasoline tax on top of already increasing prices, an effort to punish the American people into behaving the way that some political philosophers, some senior officials believe is appropriate. It is the ultimate dead end of a philosophy increasingly alienated from the American dream and the American public. Dead end is intellectually symbolized by the Phillips' Curve, a fancy economic structure which suggests you can only stop inflation if you are willing to put people out of work, and you can only have employment if you are willing to inflate your money.

□ 1740

It is a curve that by its very nature suggests that there is no way out of the trap, that pain is inevitable, that work is a chimera. Yet, we know in a negative way that the Phillips' Curve does not work, because in 1974 and 1975 we managed to have both inflation and unemployment. We know in regard to history that the Phillips' Curve does not work because there have been periods when we had full employment without inflation. In fact, we have had some occasions of full employment with deflation, declining real cost.

I would suggest that what we are seeing the beginnings of, what we are seeing growing and emerging across the country, in colleges and academic journals,

in the business community and among people who just apply commonsense and their understanding of American history to our current situation, is an increase of hope, a belief that, far from running out of resources, the most important resource in this country, in any country, is the human spirit, the willingness to invest, the willingness to accept challenges. We have an emerging philosophy which says that it is possible by fundamental reform to recreate an atmosphere in which people want to invest money to build factories, to employ people, to create jobs, and by building those factories and employing those people we can produce goods and resources. We can solve the energy crisis through more energy, through new systems of production, through more efficient techniques in using it; and in the process of solving the energy crisis we create new jobs, and through those new jobs we can improve our quality of life and the standard of living.

Now, we know that is not happening now. The Tax Foundation reports that between 1978 and 1979 the typical American family making the median income lost ground to the tune of $317. That is in 1969 constant dollars—$317 less in 1979 than in 1978. In today's dollars, they lost $631 from higher taxes and higher inflation. Their pocketbook was squeezed from two different angles—squeezed first by inflation, which meant that each dollar was worth less; and second, by higher taxes which took a bigger bite as the income went up to try to keep pace with higher prices. So, an average family looking around a year later, in 1979, had 631 fewer dollars to spend.

That meant that if we funded new systems of energy or new systems of conservation, the typical American family would have had fewer dollars to invest in them. If we had better health care, they had 631 fewer dollars to buy it. If there was a better place to go, a more decent environment, a better national park, they had less money and less resources to go there.

The monthly economic report of the Budget Committee reports that during the last congressional budget period, from October 1978 to October 1979, real spendable earnings were down 5.1 percent. That is, the real money available to the average working American family dropped 5 percent. We just recently adopted a new budget. If that continues, another drop of 5.1 percent, a typical family earning the median income last year would then see their standard of living drop an additional $964. This is cumulative. As we get sick, we get more vulnerable, we get more disease, and we get weaker, so that last year's loss of $631, added to the projected next year's loss of an additional $964, becomes $1,595 in lost real income in 2 years.

Now, our colleagues who run this Congress, the Democratic leadership, who have been in control for a quarter century, would have us believe that that was necessary, that it was inevitable, that we live in hard times, that Chrysler just happened, that American jobs are being lost overseas for reasons beyond our control; that we should not blame the incumbents. It is not the Speaker's fault, or the majority leader, or the chairman of the Budget Committee, or the chairman of the Ways and Means Committee; the taxes just occur, that none of this is anyone's fault. That is a position which is anti-Democratic, against the American system, against the Federalist Papers, against the Constitution. It is making a mockery of voting, which suggests that our behavior up here is of no meaning.

The truth is that the economic sickness which dominates America, which is squeezing jobs out of our cities, which is destroying the hopes of our minorities, which is crippling our young, that economic disease is a direct result of the policies adopted in the last quarter century; and that it is not the Ayatollah Khomeini to blame for our problems, or the Saudi Government. It may be the Ayatollah O'Neill or the Ayatolla Wright. It is the leadership which has run this Congress for a quarter century, the people who pass the laws, create the jobs, and run up the deficits.

We offer, and will pursue in 1980 with increasing energy, a program which we believe must recharge a program of cutting taxes, of cutting spending, of cutting the deficit, of increasing our take-home pay, of creating a new spirit, of changing the regulatory and tax system so that companies can again employ people; so that they can take people off of unemployment and give American workers factory jobs, factory equipment at least as good as the Germans and the Japanese. We want the steelworkers of Youngstown; we want the glass workers of upstate New York; we want the automobile worker in Detroit, to have a chance to have a job that pays well, that has safe equipment, and that has factories as modern as any in the world, and that requires the kind of changes we will be offering.

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

Mr. GINGRICH. I yield to my colleague from New York.

Mr. KEMP. Mr. Speaker, I appreciate my colleague yielding. He mentioned steelworkers and factory workers throughout the country, and the proposals that the gentleman and others are suggesting within the Republican Party to advance ideas of restoring high levels of employment with price stability. I share that goal and the belief that it is both possible in terms of the economics and it is also palatable in our democracy.

The vast majority of the American people want this Congress, want the parties, to pursue policies that would advance these ideas, because it would restore the type of hope, the sense of mobility, the sense of buoyancy again that once was the characteristic of America and its economy. I think it does tie into the democracy, because certainly democracy literally cannot survive if it does not have the type of growth in its economy that is necessary to fulfill people's needs, their wants, their abilities, to survive economically in terms of jobs and bread and butter and some of the things the gentleman mentioned such as hope and upward mobility.

Mr. Speaker, I would ask the gentleman if he is going to pursue his special order to its conclusion, or might I address the House for a few moments?

Mr. GINGRICH. I would be glad to yield to the gentleman.

Mr. KEMP. I would like to take the well, and would be happy to yield back after I finish a short comment on the gentleman's special order.

Mr. GINGRICH. Certainly.

Mr. KEMP. Mr. Speaker, I appreciate my friend from Georgia yielding, and particularly appreciate his leadership on behalf of bringing to the attention, not only of our colleagues in the House but the American people, that there are ideas that we can pursue.

Mr. Speaker, as my friend from Georgia, has eloquently pointed out the Republican Party has a major disagreement with the current administration and with the Democratic Party majority in Congress. We believe that with proper economic policy we can have full employment without inflation; they do not. I am pleased to join my colleagues in this special order to explain that the Republican Party is offering policy alternatives which can increase productivity and employment, and reduce inflation, at the same time.

The economic policies of the administration and this Congress have clearly failed. Inflation has raged above 13 percent during the first 11 months of this year. Productivity has dropped. Employment is slowing. Chrysler has come to us for a bailout, and others will follow. The housing industry, steel industry, thousands of large and small businesses across the country are teetering on the brink of collapse. Others have already gone under.

It is hard to find anyone in Washington today who will admit anymore to believing that unemployment and recession are the answer to inflation. But all of our policies are still based on that assumption. The budget recommended by the administration and adopted by this Congress over the united objection of the Republican Party can be summarized in one sentence: In order to get inflation back down to 10.6 percent next year, Federal policy will be to throw more than 1 million Americans out of work.

The idea that higher tax rates, unemployment and wage-price controls are necessary to stop inflation is based on the notion that spending is what causes production, employment and growth—Federal spending, private spending, deficit spending—but that it also unfortunately causes inflation. So the answer to inflation is to restrain Federal spending, and private spending (through higher taxes and wage-price controls) and slow down the economy.

But across the Potomac, a couple of hundred million Americans are under the impression that economic growth is what happens when hard work, thrift and ingenuity are rewarded, and none of these virtues ever caused inflation. We believe that Americans understand the nature of inflation and growth better than our economic policymakers.

Inflation means too much money is being created by the Government, and too few goods and services are being produced by Americans. To stop inflation, we must hold down the administration's cre-

ation of money, which is occasioned by Congress' excessive spending. But that is only half the story. We need higher production, more growth and more jobs—not less. Efforts to control wages and prices and to raise tax rates on Americans are literally counterproductive—they are disincentives to production and inflationary in themselves. Congress and the administration are not doing their job of stopping inflation; Americans are ready and willing to produce, if only the Government will let them.

This is how the Republican Party views the economic situation, and this is the nature of our recommendations:

First, we need across-the-board reduction in all income tax rates, which are a tax on all individual productivity: work, saving, investment, enterprise. We must also make it the law to index or adjust the income tax brackets every year for inflation to stop inflation from pushing everyone into higher tax brackets and index capital gains tax or abolish it.

Second, we need to stop our outdated tax law from forcing businesses to overstate profits and pay too much in taxes, by understating the true cost of depreciation and inventory replacement. We must adopt measures to adjust each of these for inflation, by accelerating asset depreciation and permitting replacement cost accounting.

Third, we need to restore some sanity to the field of Federal regulation. Although the Government consistently fails to regulate what it ought to—a constant value for the dollar—it is overregulating everything else in sight. There is no excuse for any control on wages, prices, interest on saving, energy, or anything else. When such controls are binding, they cause shortages—shortages of gasoline, shortages of U.S. crude oil, shortages of saving—and when they are not binding, they cause surpluses of aggravation and inefficiency. In the field of health and safety regulation, Congress should rewrite the laws and demand that regulatory agencies base their policies on cost-benefit analysis; and Congress should limit the cost of compliance with Federal regulations through some sort of annual regulatory budget.

Finally, we need to get the money supply under control, by making it clear to the Federal Reserve that it has only one task—stabilizing prices, both the price of domestic goods and services, and the price in dollars of other strong currencies. The Fed should ignore interest rates and measure its success by two criteria—appreciation of the dollar against the German mark and Swiss franc, and the slowing of the U.S. producer price index. The Federal Reserve will be materially helped in doing its job of stopping inflation if the Congress does its job of limiting spending and restoring incentives for production, employment, and productivity.

This is the Republican economic program—measures to restrain the creation of money, and ease up on tax and regulatory policies to encourage production. With this formula we believe we can once again have full employment without inflation. We challenge the Democratic Party to outline the reasons it believes we cannot have a strong economy and a strong dollar, and to outline the policies which flow from that belief. Then let us put them both to a vote on this floor, and before the American people in November.

In reality, this is not a Republican idea, it is the American idea, but we propose to offer it to the American people in 1980.

Mr. GINGRICH. Mr. Speaker, I thank my colleague for his eloquent speech.

Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, I thank my distinguished colleague, the gentleman from Georgia.

I am most appreciative for myself, my family, and all of the constituents in my California district for the dissertation of the distinguished gentleman from New York, and for the gentleman from Georgia affording him that opportunity and for the scholarship that the gentleman from Georgia has brought to this House in his very first term.

I would expect brilliance like this to come out of the gentleman from New York (Mr. KEMP), who has been here what, 10 or 20 years, but for a new Member to bring such focus to a difficult issue, because it is not a glamorous issue, it is not an issue until you do some homework, that you find any enjoyment sinking your teeth into; and I say in all sincerity that I hope my party, now a minority party, has the wisdom to consider the distinguished gentleman from New York as a national standard bearer on either slot, or whatever we put up for chief executive office of this country in the next year.

I would like to add my words to the distinguished efforts of the two gentlemen here tonight. It is not anything that they have not said over and over again, but obviously a decent and honest approach to crushing inflation, which robs so viciously from the last defensible citizens of our Nation, the elderly and the poor, deserves being said over and over again.

In a 1919 book, entitled "The Economic Consequences of the Peace," the gentleman from New York (Mr. KEMP) has regaled me with passages from this book over and over again in my 3 years here. The famed British economist, some think ill-famed, John Maynard Keynes, observed:

> By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens. There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency.

Mr. Speaker, as much regard as I have for a distinguished Member of the U.S. Congress from New Hampshire, the great Daniel Webster, I do not think he himself would mind us taking down his beautiful words emblazoned in gold over the Speaker's head, retire them to the Speaker's lobby for a period of maybe a decade and put up instead this clear, clarion warning by Keynes that we are destroying our country in an immoral way when we debauch its currency.

Policymakers in the Carter administration concede, as both gentlemen have pointed out, that inflation is America's public enemy No. 1; but their general approach to the problem is jawboning business and labor. They imply that the American worker is somehow responsible for the intolerable levels of this inflation of ours. This is horribly misleading.

The chief domestic culprit is the Federal Government. Values of goods are not rising; the value of the dollar is being eroded. America's currency is being debased through massive Federal spending, financed by printing more and more money. This printing press currency is backed by nothing but Government credit. The sad thing here is that every Member of this House is aware of this now, but they have not come to grips with it.

Those that came here when most of our votes were by voice vote only, when we did not have to record our votes and see our names go up in lights and answer back to rating services that are delivered into our districts as to how we are unable to synch up our rhetoric of responsibility, with everybody generously for all of the best motives trying to fund every good and hairbrained and necessary and unnecessary and maybe not the proper money to accomplish some good scheme that comes down the pike.

The truth is that inflation is a monetary problem, principally caused by an expansion in the supply of money without a corresponding increase in the volume of production. With more and more money chasing fewer and fewer goods, the private sector, business, labor, farmers, and consumers, bid up the prices of products and services throughout the economy.

I have heard the gentleman from New York (Mr. KEMP) say this, I think, 20 times in the well now in 3 years, and probably the only thing wrong with that is that the gentleman did not say it 60 times or 660 times.

We in the Congress must limit the growth of the spending-printing syndrome. This body's failure to exercise budgetary restraint is inexcusable, in spite of the quarterly follies that we go through here with our budgetary debates.

I am hopeful, though, that soon a majority of my colleagues, with leadership like the distinguished gentleman from Georgia, from both sides of the aisle, particularly some of the new tigers from the Texas delegation on the other side of the aisle; that all of us will come to realize that we are not doing the voters a favor by spending any more of their money. These voting cards that we have, and there have been some abuses of those, I guess, are credit cards given to us by our voters to draw on the Treasury of the United States. We should treat them with the same respect that we treat our own Master Charge, Visa, Diner's Club cards and Carte Blanche cards when we go out to take our family to dinner.

So again I thank these distinguished gentleman for bringing this issue before the House one more time.

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

Mr. GINGRICH. I yield to the gentleman from Louisiana.

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

Mr. Speaker, I want to congratulate the gentleman on taking up this special order, because I think the gentleman has touched on aspects which are going to be vital to the future of this country.

Mr. Speaker, in the last few months and in the last couple of years that I have served here in the Congress, I have made it a practice to make a regular report to the people of my district, the First Congressional District of Louisiana. I try to bring them up to date on what is happening here in Washington and around the country. I would like to give them good news, but more often than not, though, the news that I do bring them is bad.

I would like to report to them frequently that the economy is stable, that business is prospering, that there is no unemployment and that Americans are doing better than anyone else in the world. That would be very nice for me, and certainly nice for my constituents.

Unfortunately, I cannot bring them that news. The truth is that with the prime interest rate approaching 16 percent, inflation soaring at about 14 percent per year, unemployment still approaching 7 percent and accelerating, the price of gold going out of sight, approaching $500 an ounce I think today, and confidence in the American dollar declining around the world to new lows, this country is in very dire and severe economic trouble. Our problems are not insoluble, but unless we change our ways, unless we change the attitude, the approach, the policies that we maintain here in this body, here in this Congress, thousands and perhaps millions of people could be thrown out of work in this country in the coming months.

I believe, Mr. Speaker, that this is an intolerable state of affairs. Every one of these problems can be directly attributed to faulty economic practices of the U.S. Government, and most specifically of the U.S. Congress, which I might add has consistently been under the dominion and control of the Democrat Party for at least the last 25 years, and going beyond that intermittently for the last 48 years.

For years we have been told that we could borrow against the future a little bit longer for one program or another. We always knew that some day we would have to pay the Piper, but, of course, as long as we could prolong that day and keep it from coming, the problem would not hit us, times would not become hard, times would not become tight; but the Piper has come for payment, Mr. Speaker. Over 30 years of deficit spending has created an era of stagflation, rising unemployment and inflation. It is not any longer a matter of choosing between one evil over the other, choosing unemployment or choosing inflation. Today we must deal with them both.

□ 1820

There are no easy answers to cure this stagflation, but one thing is very clear: We are going to have to face the fact that Government can no longer provide a panacea for all the evils that befall our people. We are going to have to guide our economy in an effort to eliminate the Federal deficit. This may mean restrained Federal spending.

Mr. Speaker, let me rephrase that. It is going to mean restrained Government spending. It must mean restrained Government spending, and it means that we may also have to tighten the belt on a lot of worthy causes that come before this body.

That is not a popular thing for Congressmen to go back to their constituents and say, that we have to cut down in this area or that, but it is something that we collectively or individually must face if we are to cure this country of its ills and its problems.

It also means we are going to have to reduce the tax load on the American citizen. Tax cuts such as those described by my worthy colleagues who have appeared here before me, the gentleman from New York (Mr. KEMP) and the gentleman from Georgia (Mr. GINGRICH), tax cuts that have been espoused by them time and time again, are going to have to be implemented, and they are going to be absolutely necessary if we are going to stimulate demand, promote business expansion, and increase the number of private jobs in this Nation.

The American people are a resilient lot, and the incentive to find their own solutions to problems can be preserved rather than strangled by Government if only Government will foster that environment. I do not think that we have done that, we in this Congress. I think that unless we do, unless we create an environment where people will be entitled to and able to find their own solutions, unless we create an environment where people will stimulate investment and will go out and create new jobs to put more people to work throughout this Nation, then the future will indeed be bleak.

But in view of the dismal record accumulated and compiled under the majority party, the Democratic Party, over the last 25-odd years, it becomes incumbent upon us to change our policies through a change in that leadership.

Mr. Speaker, that is why I am particularly pleased that the gentleman from Georgia (Mr. GINGRICH) has brought this special order to us. I think the American people are going to have to realize that we have continued down the same road year after year after year, and it has brought us to this state of rising unemployment and rising inflation. We have done that under the leadership of the Democratic Party.

We can only change that road, we can only change that direction, and we can only brighten the future of this country if we change the leadership of Congress. We can only do that if the American people will start to understand that they must go to the polls in 1980 and elect a majority of Republicans throughout the House of Representatives and the Senate.

Again I compliment my colleague, the gentleman from Georgia (Mr. GINGRICH), for taking time out of his busy schedule to engage in this colloquy.

Mr. Speaker, I hope that the American people will stop to read, to listen, and to understand the gentleman's point. It is so vitally important. The future of this country depends upon it.

Mr. Speaker, I thank my colleague for yielding.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Louisiana (Mr. LIVINGSTON) for his eloquent statement.

Mr. Speaker, I think it is appropriate in closing to note that we are at the end of an era, because with this particular session of Congress ending, we will have spent a quarter of a century under the rule of one party, and that is the longest period in American history that we have remained under one party. The Democratic Party has run the Congress for a quarter of a century.

As 1980 begins, Mr. Speaker, we do have a chance to look down the road we are traveling, with rising inflation, increasing energy costs, rising unemployment, and higher prices, and decide whether in the spirit of American pragmatism it is time to get off that road and try something new or whether we really have to continue down that same path.

● Mr. CONABLE. Mr. Speaker, as we move to the close of this session of Congress, this is an appropriate time to look at the 3 years of the Carter Presidency which have now passed. Its economic and fiscal policies are of particular interest to the people in our districts, as inflation and its effects remain the overwhelming problem for a majority of Americans. As a result, I would like to share with my colleagues some of the Nation's vital economic statistics which give unflattering form to what have been inadequate economic policies of the Carter administration. The following chart reveals the facts:

	1976	1979
Inflation rate (percent)	4.8	[1] 12.2
Total unemployment (percent)	7.7	[2] 5.8
Prime interest rate charged by banks (percent)	[3] 6.5	[3] 15.5
Budget deficit (billions)	[4] $45	[5] $28
National debt (billions)	[6] $631.9	[7] $826
Federal revenues as a percent of GNP	18.5	[8] 19.9
Total petroleum imports average BB/day (millions)	7.313	[9] 8.00

[1] December to October.
[2] 11 mo.
[3] Nov. 30.
[4] Fiscal year 1977 budget.
[5] Estimate. Fiscal year 1979 budget.
[6] Sept. 30.
[7] Sept. 24.
[8] Estimate.

These statistics reveal how economic conditions have deteriorated in the 3 years since Gerald Ford left the White House. Double-digit inflation is running 2½ times higher than 3 years ago. The prime interest rate for borrowing is almost 2¼ times as high as it was. The national debt has increased by almost $200 billion and the rate at which we pay taxes, that is, Federal tax revenues as percentage of gross national product, has climbed from 18.5 percent to almost 20 percent.

In the area of energy, our daily average imports of high-priced foreign petroleum and petroleum products have increased by more than 885,000 barrels a day, giving even higher rewards to the OPEC nations.

There has been improvement in the unemployment rate which has dropped 1.9

percentage points lower than it was 3 years ago. Much of this improvement is the result of developments unattributable to administration policies, but it is nevertheless a welcome change. Budget deficits have been somewhat reduced, also, but not to the extent promised.

Finally, I would like to note how Mr. and Mrs. Average Citizen are faring economically under the Carter administration. The median family income in 1976 was $14,985, with a net aftertax income of $12,535. The median family income today in the Nation is close to $19,000. After taxes, the median family income is $15,785, or a nominal gain of $3,249 in 3 years. However, as a result of inflation, aftertax income today would have to be $16,572 for Mr. and Mrs. Average Citizen to be on financial par with 3 years ago. So, the average family has suffered a real loss of income in the Carter administration, as clearly demonstrated on the following chart:

	1976	1979
Median family income	$14,958.00	$19,000.00
Income tax	1,547.00	2,050.00
Social security tax	875.04	1,164.70
After-tax income	12,535.96	15,785.30
1976 purchasing power in real dollars		16,572.47
Real economic loss		787.17

I offer this information to my colleagues and the people of the country for consideration as we enter this quadrennial election year. An informed electorate is essential to our system of government and I hope this information will contribute to the national understanding of the level of recent economic achievement.●

● Mr. McKINNEY. Mr. Speaker, I have bad news for those who believe that the Chrysler Corp.'s problem is an isolated phenomenon, a unique or temporary collision between regulatory burdens and changing demand. On the contrary, Chrysler suffers all the acute symptoms of a disease that plagues the entire industrial base of this Nation. Our once mighty economy is now a tired, inefficient machine badly in need of modernization and replacement. However, inflation and excessive taxes stifle the investment needed to put American industry back on a competitive footing in world markets. I, for one, do not intend to let the lessons of Chrysler go unheeded until the next corporate giant falls sick and gasping on the congressional doorstep. I believe we must abandon the knee jerk, albeit politically popular, demand stimulation which has characterized congressional economic policy in the 1970's and look instead to the policies which will reindustrialize this Nation. My Republican colleagues and I are here today because we believe that jobs—productive, private sector jobs—are the key to a revitalized U.S. economy in the 1980's. We intend to make job creation policies our top priority in the next session and we invite the support of Republicans and Democrats alike in those efforts.

As the economy teeters on the edge of recession, the case for a tax cut in the next session grows more persuasive. However, any tax bill in 1980 will be a crucial test of our willingness to look beyond the mere symptoms of our economic malaise and deal with our fundamental economic maladies—inflation, declining productivity, inadequate capital investment, and eroding markets. The temptation toward a quick-fix, individual tax cut will grow with each passing day unless we act early to adopt a rational tax bill that protects more than just today's wages, but guarantees tomorrow's as well. The Capital Cost Recovery Act will do that.

However, while more than a majority of House Members have cosponsored H.R. 4646, it remains only one among many possible components of the still uncertain 1980 tax bill. So, in order to focus the attention of the leadership on the growing clamor for a reinvigorated investment climate, I moved on December 4 to discharge the Ways and Means Committee and bring the Capital Cost Recovery Act before the House. One way or another, I expect that bill to be considered by this House next year.

Recently, a noted research economist discussed the Capital Cost Recovery Act and observed the following:

Tax policy for the 1980's should be concerned with promoting capital formation and increasing productivity to help lessen the severe inflation that is plaguing the U.S. economy. This means tax measures favoring saving and business investment spending are preferable to more typical aggregate demand policy stimuli, such as across-the-board cuts in personal income taxes. A measure such as the Capital Cost Recovery Act of 1979 should be seriously considered for implementation, since both capital formation and business saving would be enhanced by its enactment.

In the current environment of near full employment and high inflation, public policy should be concerned with measures to restrain growth in demand while at the same time promoting a more rapid rise in potential supply. In this way, the inflation potential for the U.S. economy in the 1980s can be limited. The U.S. economy of the late 70s is vastly different from the early 60s, when aggressive measures to stimulate aggregate demand were needed. Now, a policy mix of restraint in government spending combined with tax policies that simultaneously enhance investment demand, potential supply, and the flow of savings would be preferable.

The Capital Cost Recovery Act of 1979, also known as the "10–5–3" program, would provide a strong stimulus to business fixed investment, real economic growth, productivity, and employment at almost no cost in additional inflation. Analysis with the DRI model of the U.S. economy shows that the Conable-Jones proposal would raise real business fixed investment by $10 billion per annum between 1980 and 1984, raise the growth in real GNP by 0.3% per year, and increase productivity growth by 0.7 percentage points compared to a situation with existing tax laws. Employment gains would range between 100,000 and 500,000 persons over the next five years. No significant rise of inflation would result.

The net cost of the Capital Cost Recovery Act as simulated in the DRI model would be $11.3 billion per year over 1980 to 1984, ranging between $4.2 billion in 1980 and $16.1 billion during 1984. The simulated program assumes: 1) a phase-in of new structures lifetimes over a 10 year period toward a 10 year lifetime; 2) a phase-in of new equipment lifetimes, except for autos and light trucks, over a five year period toward a five year lifetime; and 3) a 10% tax credit on all equipment except autos and light trucks, which receive a 6% credit. These figures are gross of all Federal tax receipts after taking account of the stimulus to the economy generated by the measure. Given the tax structure, the higher GNP that would result from the Capital Cost Recovery Act will induce additional Federal tax revenues that offset the static revenue loss obtained when considering the program in isolation from its effects on the economy.

The Capital Cost Recovery Act is self-financing to a degree, both for the Federal Government and for corporations. Because of the stimulus provided to the economy, induced personal income and corporate profits tax receipts should offset $7.8 billion per annum of the expected tax loss, a return of $0.41 per dollar per year of the ex-ante or static revenue loss. In addition, the huge cash flow generated by the reduced lifetimes will provide much of the financing necessary to carry out a higher rate of capital expenditures. The ratio of cash flow to the capital outlays of nonfinancial corporations rises 5 to 6 percentage points higher than in the baseline case, indicating a much stronger financial position for the nonfinancial corporate sector as a result of the measure.

The "bang for a buck" from the Capital Cost Recovery Act, defined as the rise in real business fixed investment per dollar of revenue loss, would be $0.53 per year between 1980 and 1985, before economy feedback is considered. This is a significantly greater impact than would occur from equivalent reductions in corporate profits taxes. When allowance is made for the full feedback effects of the economy stimulus on tax receipts, the bang for a buck of the accelerated capital recovery measure is even greater.

Of the various tax incentives to capital formation most often considered, the impacts from the accelerated capital recovery rank near the top in terms of instrument effectiveness. Only the investment tax credit would produce on equivalent or greater bang-for-a-buck. In addition, there are side benefits to productivity and the financial markets from the improved corporate liquidity that would result. There is also essentially no rise in inflation from the highly stimulative measure, given the rises in productivity and potential output that occur.

Mr. Speaker, no problem will so challenge this Congress and this Nation as the retooling of the American economy for the work of the 1980's. In the tax, regulatory, energy, and public works programs that will constitute our reindustrialization agenda will lie the jobs and incomes for millions of citizens. We can no longer afford to waste our time treating mere symptoms, it is time to admit the disease and begin treatment.

A national commentator of no less stature than Joseph Kraft has recently begun to sound the call for such basic reinvestment strategies as we advocate here today. I think his views add a persuasive voice to the national movement for a second industrial revolution, and I hope my colleagues of both parties and all political leanings will consider his views.

THE CHRYSLER PORTENT

(By Joseph Kraft)

The plight of the Chrysler Corporation defines a gaping hole in the American system. Washington has no direct means for promoting that high national priority, the reindustrialization of America.

The United States shapes industrial policy case by case or, rather, firm by firm. So only the very largest companies receive attention—usually when it is too late.

Until recently, to be sure, this country did not need an explicit industrial policy. Business preferred to take the risk of failure the better to heighten the profits of success. Labor and most local communities also wanted it that way. Federal authorities were supposed to step in only when general condi-

tions—a war, a depression or monopoly power—clobbered the economy as a whole.

But recovery from World War II brought in train a genuinely international economy. The big players are the multinational firms, and just how they play depends in large measure on the rules of the game in their home countries.

In that respect, Japan has been, as Ezra Vogel of Harvard pointed out in a recent book, number one. Through its Ministry of Trade and Industry and its control over the banking system, the Japanese government has nursed fledgling companies into giants in steel, chemicals, automobiles and electronics. Through subsidies it has weaned labor and capital away from declining industries.

West Germany, France, Holland and the Scandinavian countries have done nearly as well in pushing their major firms. Even in Britain and Italy, government regularly steps in to prevent industrial failures.

Not only has the United States not developed an instrument for framing industrial policy, but Americans less interested in the output of goods than in the quality of life—the group I have called Little America—have taken over many command posts in society and government. They have used their influence to impose upon industry new standards for safety, environmental quality and fair-employment practices.

So Big America—the part of the country most interested in producing goods—has recently experienced acute difficulties. Railroads, highways and ports have been allowed to run down. Basic industries—steel, shipbuilding, autos, chemicals, rubber and textiles—have lost their competitive edge or been forced to change locations in ways that leave behind industrial wastelands.

Numerous firms within these industries have gone bust, or close to it: Penn Central in the railroad field, for example, or Youngstown-Lykes in steel. Chrysler represents the auto industry's entry into the bankruptcy sweepstakes.

The company has always lagged behind General Motors and Ford, and it slipped further behind in the '60s because of bad management. Though it led the other two American manufacturers in the development of small cars after the oil embargo of 1973, Chrysler lacked the resources to finance what amounts to a total conversion of plant. So all this year it has been losing money and market share.

Hundreds of thousands of jobs are now in jeopardy. Most of them are in the city of Detroit, and a large fraction are held by blacks. GM and Ford cannot take up the slack. Unlike Chrysler, which has 23 plants in Detroit, GM and Ford have long since moved out of town and toward other parts of the country. Ford does not have a single one of its 28 recent or pending plants in Detroit. GM has only one of its 33 recent or pending plants in the city.

Perhaps the ideal way to save the jobs would be an arranged bankruptcy—with the management going down but some flush foreign firm stepping in quickly to take over and operate what is left behind. But there is no facility for such an arrangement, and an unmanaged bankruptcy would take years, and force suppliers and dealers to the wall.

So the Carter administration has stepped in with a plan to save Chrysler. It calls for government guarantees of $1.5 billion in bank loans—far more than originally stipulated by Secretary of the Treasury G. William Miller. An equal amount of money will be raised elsewhere—mainly from pension funds and local state governments. The deal smells of a political favor done by a weak president for a powerful constituent. Still it will probably not be enough to save the company in the long pull.

The lesson is that this country needs to develop an industrial policy with an agency responsible for its application. Otherwise, there will be more and more Chryslers, and less and less chance of achieving the reindustrialization of America.

THE CHRYSLER WARNING

(By Joseph Kraft)

Bad management undoubtedly played a part in making the Chrysler Corp. a basket case. But items of public policy—Iran and inflation as well as government regulation—also did their bit.

So the Chrysler case carries a general warning. Public policies need to be reshaped in ways that minimize the danger of more Chryslers—ways that promote the reindustrialization of America.

Several bad decisions by the high command at Chrysler are readily identifiable. For most of this decade the company has maintained a product mix that put heavy emphasis on trucks, vans and intermediate cars. Chrysler was thus especially vulnerable to the switch toward more fuel-efficient cars prompted by the oil embargo of 1974 and the gasoline shortages of early 1979.

In the third quarter of 1974 and the fourth quarter of 1978, moreover, Chrysler built up paper profits by pushing cars out to dealers even though sales lagged. Each time the dealers accumulated huge inventories. To stay above water, Chrysler has had to cut back production in this country and sell off profitable foreign subsidiaries.

In consequence, Chrysler's share of the American market has dropped from 16 percent in 1974 to under 10 percent now. Dealers have dropped out. Resale values have declined. Servicing has become harder. There has been generated a vortex of forces pulling Chrysler down toward bankruptcy.

Saving the company in these conditions is very hard. Contributions from the banks, the auto workers, the dealers and the government will all be required.

Some government officials estimate the federal contribution will have to be closer to $2 billion than the $1 billion the company and the union are asking. Other officials believe it would be better to let the company go bust, and then allow private interests—presumably German or Japanese auto makers—to pick up the pieces.

But if saving Chrysler, at this stage, is difficult, preventing future Chryslers is not. For the elements of public policy involved in the Chrysler debacle are easy to identify. Government regulation is an obvious factor. The feds impose the same standards for safety, emissions and fuel economy on all the auto makers. But because of economies of scale, the cost of the changes per car is more expensive for Chrysler than for Ford, and much more expensive for Chrysler than for General Motors.

Reequipment and retooling is forced upon the auto makers partly by new government regulations and partly by the consumer preference for cars that eat less gasoline. But inflation has driven the costs out of sight. Total investment in new plant and equipment for the Big Three auto companies jumped from $1.8 billion in 1976 to $4.6 billion in 1978 and an estimated $5.3 billion this year. General Motors has been able to foot the bills. Ford has kept apace, thanks largely to earnings abroad.

But Chrysler has lagged further and further behind. In 1965 it spent 22 percent of what GM spent on new plant and equipment. Last year only 12 percent.

The gasoline shortage of the past few months has perhaps dealt Chrysler its death blow. The company is way behind GM and Ford in moving toward a new front-wheel compact. But as John Ricardo, the chairman of Chrysler, asked in a recent interview with me, "Why should we be blamed for not predicting the fall of the shah?"

The point of this is not to undo manifestly desirable government regulations. Nor to build sympathy for a bailout of poor, little Chrysler.

But the fact is that the general climate for all American industry has changed for the worse. Government regulations do affect competitive conditions. Inflation diminishes the incentive for investment. Foreign competition—often from firms subsidized in one way or another—is heavy. The basic American infrastructure, particularly in railroads but also in highways, has been run down.

So public policies need to be adjusted accordingly. Faster tax write-offs are required to stimulate investment in productivity. Antitrust laws ought not to complicate compliance with other government regulations. The highway and railroad systems should be built up again. Institutional means should be developed to save companies in trouble before they become basket cases.

For the United States cannot afford to become a pure service economy. On the contrary, if this country is to maintain industrial jobs, save its major cities and sustain its traditional role in high technology and international security, it needs to formulate over the next few years an explicit policy for the reindustrialization of America.

STEELING AMERICA

(Joseph Kraft)

The need to reindustrialize America finds overwhelming support in the massive shutdowns announced by U.S. Steel the other day. For steel is a basic business—a business the United States cannot abandon without changing the internal tone of the country and adversely affecting national security.

Reviving the steel industry, however, involves massive changes in the tax system. To be effective, those changes need to be set in the context of a comprehensive industrial policy.

By itself, the news from Big Steel is bad enough. The company will close 16 plants and drop 13,000 workers by 1981. The closings will be particularly hard on towns with large minority populations that are already in bad straits—for example, Youngstown, Ohio.

In moving to close down plants, U.S. Steel is only following a well-worn path. Bethlehelm and Jones & Laughlin have already shut down major installations on a grand scale. Efficient producers of specialty steel such as ARMCO and Inland are diversifying into other fields. Kaiser has been trying—in vain, so far—to lay off its relatively new works at Fontana, Calif., on Japanese management.

Total American steel production has been nearly level for a couple of decades. Foreign competitors—notably the Japanese and the Germans—are beating American firms in sales here and abroad. If the trends continue, the American steel industry will liquidate itself.

Some people assume it would be okay for this country to go out of the steel industry as long as arrangements were made for unemployed workers. But a huge number of jobs—at least half a million for the industry as a whole—are involved.

The jobs aren't just anywhere, either. They are mainly located in declining parts of the country—notably around the Great Lakes and the Mahoning Valley in southern Ohio and Pennsylvania—with large minority populations. Moreover, steel is critical to such basic industries as autos and construction, and it is a condition of military power—an indispensable element in the country's national security.

So one way or another, the United States is going to stay in the steel business. The question is how, and the beginning of an answer lies in identifying the industry's troubles.

High labor costs are a big part of the problem. Though labor costs in Japan and Germany have been rising rapidly and

though the effect is magnified on international markets by changes in currency rates, the cost of labor in this country still outruns the cost in Japan by far and in Germany by at least a little. The reason seems to be a contract between American producers and steelworkers that regularly yields wage increases that outrun gains in output per man-hour.

Output per man-hour, or productivity in the United States runs about 20 percent behind Japan and a little behind Germany. A main reason is that the Japanese and the Germans have relatively new plants that are built along waterways with access to the seas and that therefore benefit from reduced transport costs. A large part of the American industry, especially that located in the Mahoning Valley, is centered on old-fashioned plants built near the source of coal.

Then there is the environmental factor. The standards for clean air and water seem not to figure directly in most of the recent plant closings. But undoubtedly the need to make large investments in environmental equipment is a factor causing management to scrutinize old plants more rigorously and to pull back from building new plants.

The remedy, in these conditions, has to center around incentives to invest in new plants and equipment. Even if such incentives were desirable in themselves, which they are not, tariff measures and a suspension of environmental rules could not do the trick. The only good spur to modernization arises from tax write-offs.

But Congress will not, and should not, give steel a break on taxes unless assured of performance in other matters. Wage increases have to be held to a figure that does not spur inflation. At least some of the benefits ought to go to retrain workers for other, more rapidly growing industries. New plants need to be directed toward regions that serve the national interest with respect to pollution of air and water and concentration of population.

Decisions about wages, worker retraining and plant location, however, cannot be made out of the blue. Somebody has to develop notions about which industries are winners and which are losers, about which regions are ripe for expansion and which in need of contraction. Though nobody likes to say so, that amounts to a comprehensive policy—a long-term strategy for the reindustrialization of America.●

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this special order.

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

There was no objection.

LET MY PEOPLE GO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DORNAN) is recognized for 15 minutes.

Mr. DORNAN. Mr. Speaker, Julius Caesar, before taking power as the Emperor of Rome, had written a very vivid account of his military experiences in Gaul, popularly known as the "Gallic Wars," which I hope is still required reading in the original Latin in some high schools. It was in mine.

There is one passage where Caesar discusses the frantic preparations of a barbaric tribe called the Veneti who feared the coming of Caesar and his Army. He writes:

The Veneti and likewise the other Gallic states learned of Caesar's coming and at the same time realized the gravity of their offense: they had arrested and thrown into chains ambassadors, a title which has always been sacred and inviolable among all peoples. Their preparations for war accordingly matched the magnitude of their peril, and in particular they began to look to their naval preparations, and with higher hope because they trusted to the advantages of the locale.

That is two millennia ago that civilized people understood that you do not touch the foreign servants of another nation. Nations have gone to war frequently for the abuse or imprisonment of their citizens overseas.

I know that we all share in this body the anger and anxiety of every American citizen over the degrading treatment of our fellow countrymen, bound like animals there in the captured American Embassy in Tehran. I want to say again that, in spite of the simmering anger I feel over this outrage, and the intense frustration over the passage of 46 days, this Congressman fully supports the President of the United States in the manner in which he has handled this delicate problem. I am especially supportive of his policy of gradually applying the pressure, tightening the diplomatic and economic screws on the Khomeini regime, and pursuing every available avenue in order to secure the release of our fellow Americans short of counterproductive direct military strikes.

I sincerely hope, as we all do, that by Christmas we will have achieved a breakthrough. I would hate to think that while we are all sitting in the comfort of our homes with family and friends, our fellow Americans in Iran will continue to be cut off from their world and their loved ones and held in violation of every rule of civilized conduct and every canon of diplomatic behavior. We have not suffered such national humiliation since North Korean barbarians seized the U.S.S. *Pueblo* in January of 1968.

God forbid that our people in Iran would have to stay with such a crew, subjected to torture and other indignities and abuses, for almost an entire year. Those who were on the *Pueblo* were released in December of 1968.

Mr. Speaker, I have a suggestion. I have here the names and the home States of at least half of the military people and foreign service officers who are currently being held in Tehran. I am asking all the Congressmen from those States, both here and in the other body, to make these hostages from their home States their own personal concern. I would like each of the 50 States to adopt one hostage and for the Governors to proclaim a day every week to support the President in his appeal to his fellow Americans not to let this issue be moved from the front pages of our newspapers and allow this incident to lapse into some sort of diplomatic status quo.

If these hostages are not returned by the time we get back here for full, regular congressional sessions, at the opening of the second session of the 96th Congress on January 22 next year, I will initiate a program that I initiated during the Vietnam war of wearing bracelets, symbolic shackles, with the names of those hostages. Where the name was available for these bracelets during that humanitarian campaign of the Vietnam war, over 5 million Americans wore these metal bracelets with the names of their fellow citizens, signifying to their North Vietnamese captors that we would simply not forget them.

I can remember the pride many of us felt when young naval and Air Force aviators and Army men fighting in the jungle were captured wearing these bracelets; they had to convince their Communist captors that the name on the bracelet was, in fact, not their own name, but that they were remembering someone else who had been captured years before they had ever come to Vietnam themselves.

Many, many Americans and many Members of the Congress have not forgotten that bracelet program. God forbid that when we come back in 32 days, we would have to start up something like that—a symbolic program from Vietnam—but we must simply tell the Iranians in every way we can how we feel. I applaud the President for seeing fit to not light the American Christmas tree, leaving it dark during these holidays and putting out 50 trees, one symbolic Christmas tree for each of the hostages.

We must let the Iranians know we will not forget, and that we are saying to them, each one of us individually in this great Nation of ours, "Let my people go."

Mr. Speaker, I am enclosing for the RECORD the list of names I have been able to glean out of newspapers, with the yeoman assistance of the Congressional Research Service, along with the States of hostage military personnel overseas. The State Department would not release the names. I find myself in disagreement with the State Department here, and I want to defend my action of putting these names into the RECORD.

The State Department takes the position that somehow or other we are subjecting the families of the hostages to some sort of undefined harassment if we make known a hometown or a State. So I am not going to release the names of hometowns, but I will release the names of the States.

□ 1830

I will point out respectfully to Secretary of State Vance and his Under Secretary, Mr. Christopher, that the State Department does not have a proud or enviable record in the way they or the Defense Department, in the early days of the Vietnam conflict, handled the families of American prisoners of war. In the early days of the Vietnam war we did not even call our men prisoners. We referred to them as "in a state of being detained by a hostile power." I remember Ambassador Averell Harriman telling a journalist once, "Don't worry about those men; I have their problem right here in my hip pocket"; and he patted the back pocket of his trousers. Well, it was during that period of State Department quiescence burying

the issue, that our POW's were tortured, some of them to death.

We have all been made aware, most of us this week, of the ghastly Associated Press story of 6 young Americans captured in Cambodia in the last year or year and several months. They were finally tortured, horrible rambling confessions extracted from them, and then murdered in Phnom Penh in Cambodia in the year 1979. If the families of these young Americans, two of them 33 years of age on a small sloop out of the district of my colleague, the gentleman from California, DAN LUNGREN; two others from the east coast, doing what every one of us wish we would have done in our late twenties or early thirties, sailing around the world in a tiny ketch. If these young men had as their last port of call Singapore or Jakarta, and tried to make it to the open port of Bangkok before they were forcibly taken off of the high seas, did their families go to the State Department? Did they say, "My son has disappeared on the high seas somewhere near the port of Kompong Cham"? And did the State Department say, "Don't worry, we will handle this issue quietly."

If we had announced to the world that possibly the Cambodian Communists under Pol Pot had these men as captives, if we had gone to our new "friends" in the People's Republic of China and asked them to use their good office to intervene, could some of these people have been saved? My feeling is, after working 13 years on the missing in action and the prisoner of war problem, that the best friend of these families is publicity. That policy was decided upon by Defense Secretary Melvin Laird on July 10, 1969; that openness, public awareness, was the best way to protect Americans in captivity anywhere in the world. It is wise to inform as many people as we possibly can. Even if it means brief, little, ugly moments of harassment for the families, the families will appreciate getting their sons' names out or, in the case of Ann Swift, or Kathryn Koob, their daughter's name out to the world, so that we can all focus in on personal names and not just keep reading the abstract expression, "50 hostages held, 50 hostages held."

So I look at the list of 27 names that I have, 24 in the Embassy—and we are not so sure they are all in the Embassy—3 held under house arrest in the Foreign Ministry of the nation of Iran; that is 27 out of 53 names; and we are not even sure that that is a hard figure.

I have 18 States for the 27 names that I have. And for my colleagues, I will read the names of the States that I have to this point: Colorado, Wisconsin, Arkansas, Illinois, Arizona, Texas, Nevada, Delaware, Missouri. All of those States have a marine that they can adopt and that their Governor can talk to the people in his State about daily.

Georgia has Col. Charles Scott; Ohio has WO1 Joseph Hall; Pennsylvania M. Sgt. Regis Ragan; California has Specialist Donald Hohman; Michigan has an Army S. Sgt. Joe Subic, Jr.; Virginia has Col. Leland Holland. He, along with Victor Tomseth and Bruce Laingen, is over in the Foreign Ministry of Iran. Ann Swift is from New York. I do not know where Kathryn Koob is from. Jerry Plotkin is from California. I do not have a State for Tom Ahern or John Limbert or Malcolm Kalp or Bill Daugherty. The last two particularly need our help. I noticed that the father of David Cooke of Maryland, right here in our own area, did an interview on television last night. Mr. Cooke, Sr., understands that the most important thing he can do is to get his son's name out before the public so that among ourselves here in the Congress, and in the other body, and across the great open news services of this country, we can talk about these people by name. It is my hope that young Americans in high schools and grade schools, very similar to the way they wore POW bracelets, can say, as they kneel down to say their prayers next to their bed at night, "I am praying for Sgt. Gregory Persinger here in my State of Delaware." And his whole State is going to begin to have parades for him, try to get him home, to let these Iranians know that they are going to have to let our people go. I think the most beautiful moment I saw in my years as a Congressman was when the halls of our congressional office buildings, the Rayburn, the Longworth, and the Cannon Building came alive in the hallways with all of the flags that set behind our congressional desks, a symbol that we have, sworn to uphold the Constitution of the United States. It made me swell up with pride to walk through the halls the last few days and know that every one of us was trying to help the President keep before us the vivid image of these 50 Americans at the Embassy and 3 Americans at the Foreign Ministry and hundreds of others, maybe, across Iran—hiding in apartments, afraid to seek safe conduct to the airport, just as our No. 2 man in the Embassy, Bruce Laingen, could not get himself safely conducted to the airport.

So I submit this list of names, and I hope that all of the Congressmen in this great House and our brothers in the other body will begin to talk about these men and these two women by name and not just keep referring to the 50 or the 53 hostages and, God willing, this special order of mine will all be a forgotten page in history because we will be able to celebrate a fantastic Christmas or a great New Year and know that all of these people are back with their families. I will look forward to some of the beautiful television coverage that we saw on Lincoln's Birthday in 1973 when our American POW's came home from a decade of cruel imprisonment in Indochina. And I look forward to a thrilling return, letting the tears flow freely as we see American families joined together all over this country. And then we will begin the tough analysis of how we got ourselves into this position and how will we prevent it from happening again.

But I repeat: If 32 days pass and we come back and these hostages are still imprisoned, I hope the first order of business in the Congress of the United States on January 22 will not be loans for Chrysler, as important as that is, or appropriations, as overridingly important as that is, but it will be these 53 people in Iran—fine Americans serving their country well—and I hope each one of us will have a specific name on his or her list. I hope we care about an imprisoned American, just as we would a brother or a sister.

ROLLCALLS—ROLLCALLS—ROLLCALLS

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

Mr. DANIELSON. Mr. Speaker, last year I made an analysis of rollcall votes in the House of Representatives, pointing up the fact that we were wasting a great deal of valuable time on unnecessary votes.

At the beginning of the 96th Congress certain rules changes were adopted, designed to help prevent some of the more blatantly unnecessary votes and to speed up the voting process in other cases. We have made substantial progress but still can do better.

I have now completed an analysis of rollcalls for this year, covering floor action for the 1st session of the 96th Congress through October 31, 1979.

Our efforts of last year appear to have had some positive effects. In the 96th Congress, through October 31, 1979, there were 141 legislative days. In that time, we have had a total of 620 rollcalls—consisting of 66 quorum calls and 554 votes on questions. In 1977, the 1st session of the 95th Congress, we had 639 rollcalls through the first 141 legislative days (through October 6), and in 1978 we had 859 rollcalls through the 141st legislative day (October 3). So it appears that we had 239 less rollcalls during the first 141 legislative days of the 96th Congress than during the first 141 legislative days of the 1978 session.

Another interesting fact is that in the full year of 1978, 309 out of the 834 recorded votes carried by 90 percent or more. That is 37 percent of all votes on which 10 percent of the Members, or less, voted "nay." So far this year, only 148—or 27 percent—of the 554 recorded votes have carried by 90 percent or more. There has obviously been a significant reduction in recorded votes where there is no substantial difference of opinion.

Last year I used an estimated 20 minutes per rollcall to determine the amount of time that we spent on rollcall votes. Because of the rules changes, we have had more clustered votes taking only 5 minutes but the bulk still use up about 20 minutes. Using a modest estimated average time of 15 minutes, the 620 rollcalls through October 31, 1978, took about 155 hours of our time. That is 19.5 percent of the 794 hours and 1 minute that we were in session through that date. This is a striking improvement over the 314 hours spent on rollcalls in 1978 out of the 1,015 hours and 57 minutes in session, which was 30.9 percent of our time.

Put another way, if we were operating in the same way and at the same rate this year as we did last year, we would have spent an additional 90 hours on rollcalls to accomplish the same amount of work. That would be fifteen 6-hour floor sessions, so we would be 3 weeks further behind than we are. Many of these roll-

calls are necessary, I submit that many are not and are simply a waste of time. Just what these rollcalls cost, in dollars as well as interference with other legislative business, I do not know. Maybe someone with the time and a flair for figures can work it out.

The tables below will give the Members a complete picture of rollcall votes through October 31, 1979; it is interesting to note that some Members are more fond of rollcalls than others:

Type of rollcall	Jan. 15 through Oct. 31, 1979	Percent of total rollcalls
Agreeing to conference report	18	2.9
Agreeing to the amendment	239	38.5
Agreeing to the amendments	21	3.4
Agreeing to the resolution	70	11.3
Agreeing to the resolutions	1	.2
Approving the Journal	17	2.7
Call of the States	1	.2
Closing portions of conference	1	.2
Election of Speaker	1	.2
Hour of meeting	1	.2
Motion for a closed conference	2	.3
Motion that committee rise	1	.2
Motion to discharge	1	.2
Motion to end debate	1	.2
Motion to instruct conferees	4	.6
Motion to limit debate	5	.8
Motion to reconsider	1	.2
Motion to table	2	.3
Ordering the previous question	9	1.5
Passage	73	11.8
Previous question on recommit conference report	1	.2
Previous question on recommit	1	.2
Quorum	65	10.5
R. & C. with amendment in Senate amendment	1	.2
Reading transcript of trial	1	.2
Recede and concur in Senate amendment	4	.6
Recede from disagreement Senate amendment	1	.2
Recommit with instructions	7	1.1
Refer to Standards Committee	1	.2
Requesting a conference	1	.2
Resolving into committee	35	5.6
Strike enacting clause	3	.5
Suspend rules and pass	29	4.7
Table motion to consider	1	.2
Total	620	100.0

ROLLCALL VOTES (JAN. 15, 1979 THROUGH OCT. 31, 1979) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
401	7/30	Agreeing to the resolution	(Automatic)	H. Con. Res. 168	338	70		83.0	17.0	Monday.
585	10/19	Closing portions of conference	do	H.R. 595	358	0		100.0	0	Friday.
224	6/13	Motion for a closed conference	do	S. 429	397	16	1	96.0	4.0	Wednesday.
474	9/18	do	do	S. 428	389	0	1	100.0	0	Tuesday.
521	9/28	Agreeing to the amendment	Addabbo	H.R. 5359	174	187		48.0	52.0	Friday.
275	6/22	do	Ambro	H.R. 4394	129	237		35.0	65.0	Do.
475	9/18	do	Anderson (California)	H.R. 4440	111	296		27.0	73.0	Tuesday.
597	10/24	Passage	Annunzio	H.R. 3947	381	26		94.0	6.0	Wednesday.
454	9/11	Suspend rules and pass	do	H.R. 4986	367	39	5	90.0	10.0	Tuesday.
431	8/02	Agreeing to conference report	Ashbrook	H.R. 4392	291	106		73.0	27.0	Thursday.
523	9/28	do	do	S. 737	321	19		94.0	6.0	Friday.
30	3/13	Agreeing to the amendment	do	H.R. 2479	171	239		42.0	58.0	Tuesday.
37	3/13	do	do	H.R. 2479	226	174		57.0	43.0	Wednesday.
59	3/27	do	do	H.R. 2729	219	174		56.0	44.0	Tuesday.
60	3/27	do	do	H.R. 2729	175	219		44.0	56.0	Do.
89	4/10	do	do	H.R. 3324	259	135		66.0	34.0	Do.
90	4/10	do	do	H.R. 3324	318	77		81.0	19.0	Do.
96	4/24	do	do	H.R. 3363	207	196		51.0	49.0	Do.
130	5/08	do	do	H. Con. Res. 107	199	214		48.0	52.0	Do.
218	6/12	do	do	H.R. 2444	65	342		16.0	84.0	Do.
291	6/27	do	do	H.R. 4389	191	222		46.0	54.0	Wednesday.
313	7/11	do	do	H.R. 2444	257	149	2	63.0	37.0	Do.
319	7/11	do	do	H.R. 4057	98	314		24.0	76.0	Do.
324	7/12	do	do	H.R. 4392	210	199		51.0	49.0	Thursday.
333	7/13	do	do	H.R. 4393	297	63		83.0	17.0	Friday.
336	7/16	do	do	H.R. 3951	127	260		33.0	67.0	Monday.
545	10/10	do	do	H.R. 2061	237	169		58.0	42.0	Wednesday.
205	6/11	Agreeing to the amendments	do	H.R. 2444	227	135		63.0	37.0	Monday.
155	5/16	Agreeing to the resolution	do	H. Res. 273	411	1		100.0	0	Wednesday.
193	6/08	do	do	H. Res. 272	279	0		100.0	0	Friday.
448	9/07	do	do	H. Res. 386	343	2		99.0	1.0	Do.
555	10/12	do	do	H. Res. 307	350	6		98.0	2.0	Do.
608	10/26	do	do	H. Res. 385	327	3		99.0	1.0	Do.
199	6/11	Approving the Journal	do		305	8	2	97.0	3.0	Monday.
243	6/15	do	do		298	8	1	97.0	3.0	Friday.
371	7/24	do	do		369	6	1	98.0	2.0	Tuesday.
546	10/11	do	do		358	6	5	98.0	2.0	Thursday.
592	10/24	do	do		354	19	1	95.0	5.0	Wednesday.
612	10/30	do	do	H.R. 1885	370	10	2	97.0	3.0	Monday.
33	3/13	Motion to limit debate	do	H.R. 2479	204	193		51.0	49.0	Tuesday.
38	3/13	Passage	do	H.R. 2479	345	55	2	86.0	14.0	Wednesday.
99	4/24	do	do	H.R. 3363	256	146		64.0	36.0	Tuesday.
101	4/25	do	do	H.R. 3354	394	12		97.0	3.0	Wednesday.
166	5/23	do	do	H.R. 3914	357	48		88.0	12.0	Do.
197	6/8	do	do	H.R. 2374	243	41		86.0	14.0	Friday.
320	7/11	do	do	H.R. 4057	335	81		81.0	19.0	Wednesday.
380	7/25	do	do	H.R. 3996	397	18		96.0	4.0	Do.
452	9/7	do	do	H.R. 79	350	14		96.0	4.0	Friday.
541	10/10	do	do	H.R. 2859	307	106		74.0	26.0	Wednesday.
570	10/16	do	do	H.R. 3303	386	24		94.0	6.0	Tuesday.
596	10/24	do	do	H.R. 3000	263	150		64.0	36.0	Wednesday.
104	4/30	Quorum	do				283			Monday.
312	7/11	do	do				388			Wednesday.
318	7/11	do	do				398			Do.
323	7/12	do	do				395			Thursday.
544	10/10	do	do				385			Wednesday.
559	10/12	do	do				312			Friday.
289	6/27	Recommit with instructions	do	H.R. 4394	170	243		41.0	59.0	Wednesday.
349	7/18	Resolving into committee	do	H.R. 4473	362	6	5	98.0	2.0	Do.
459	9/12	do	do	H.R. 4040	363	2		99.0	1.0	Do.
493	9/20	do	do	H.R. 5229	330	54	1	86.0	14.0	Thursday.
34	3/13	Strike enacting clause	do	H.R. 2479	110	295		27.0	73.0	Wednesday.
500	9/25	Suspend rules and pass	do	H.R. 5163	379	25		94.0	6.0	Tuesday.
532	10/9	do	do	H.R. 5224	347	14	27	96.0	4.0	Do.
533	10/9	do	do	H.R. 3777	319	68		82.0	18.0	Do.
181	6/5	Agreeing to the amendment	Ashley	H.R. 3875	312	102		75.0	25.0	Do.
265	6/20	do	Aucoin	H.R. 111	194	227		46.0	54.0	Wednesday.
381	7/25	Agreeing to the resolution	Badham	H. Res. 384	326	85		79.0	21.0	Do.
402	7/30	Passage	do	H.R. 4930	344	42		89.0	11.0	Monday.
341	7/17	Agreeing to conference report	Bauman	H.R. 4289	284	132		68.0	32.0	Tuesday.
430	8/2	do	do	H.R. 3324	223	181		55.0	45.0	Thursday.
453	9/7	do	do	S. 1019	280	69		80.0	20.0	Friday.
496	9/20	do	do	S. 544	362	45		89.0	11.0	Thursday.
497	9/20	do	do	H.R. 111	192	203		49.0	51.0	Do.

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
609	10/26	Agreeing to conference report	Bauman	H.R. 4387	304	25		92.0	8.0	Friday.
66	3/29	Agreeing to the amendment	do	H.R. 3173	272	117		53	47	Thursday.
78	4/05	do	do	H.R. 3324	246	150		62	38	Do.
83	4/09	do	do	H.R. 3324	233	146		61.0	39.0	Monday.
84	4/09	do	do	H.R. 3324	191	184		50.9	49.1	Do.
85	4/09	do	do	H.R. 3324	180	190		40.0	51.0	Do.
86	4/09	do	do	H.R. 3324	136	236		37.0	63.0	Do.
97	4/24	do	do	H.R. 3363	199	203		49.5	50.5	Tuesday.
322	7/12	do	do	H.R. 4392	216	190		53.0	47.0	Do.
329	7/12	do	do	H.R. 4392	198	197		53.0	47.0	Thursday.
445	9/06	do	do	H.R. 4473	189	221		46.0	54.0	Do.
499	4/21	do	do	H.R. 4034	318	29		92	8	Friday.
558	10/12	do	do	H.R. 2061	127	203		38	62	Do.
601	10/25	do	do	H.J.Res. 430	381	17		96	4	Thursday.
574	10/17	Agreeing to the resolution	do	H.Res. 414	228	182		56	44	Wednesday.
607	10/26	do	do	H.Res. 456	273	61		82	18	Friday.
141	5/10	do	do	H.Res. 212	159	246		39	61	Thursday.
206	6/11	Hour of meeting	do		234	67		78	22	Monday.
385	7/25	Motion that committee rise	do	S. 1030	249	162		61	39	Wednesday.
316	7/11	Motion to instruct conferees	do	H.R. 3363	168	248		40	60	Do.
400	7/30	do	do	H.Res. 390	308	98		76	24	Monday.
280	6/26	Motion to limit debate	do	H.R. 3920	209	183	1	53	47	Tuesday.
581	10/18	do	do	H.R. 3000	252	133	1	65	35	Thursday.
583	10/18	do	do	H.R. 3000	267	107	1	71	29	Do.
16	2/28	Ordering the previous question	do	H.R. 133	222	197		53	47	Wednesday.
233	6/13	do	do	H.Res. 312	126	292		30	70	Do.
512	8/27	do	do	H.Res. 427	289	119		71	29	Thursday.
47	3/21	Passage	do	H.R. 2283	242	175	1	58	42	Wednesday.
91	4/10	do	do	H.R. 3324	220	173		56	44	Tuesday.
165	5/23	do	do	H.R. 10	342	62		85	15	Wednesday.
272	6/21	do	do	H.R. 111	224	202		53	47	Thursday.
309	7/11	do	do	H.R. 4537	395	7		98	2	Wednesday.
330	7/12	do	do	H.R. 4392	299	93		76	24	Thursday.
340	7/16	do	do	H.R. 4393	344	49		88	12	Monday.
362	7/19	do	do	H.R. 3917	374	45		89	11	Thursday.
374	7/24	do	do	H.J.Res. 74	209	216		49	51	Tuesday.
482	9/19	do	do	H.J.Res. 399	191	219		47.0	53.0	Wednesday.
571	10/16	do	do	H.R. 3916	396	8		98.0	2.0	Tuesday.
29	3/13	Quorum	do				374			Do.
76	4/5	do	do				367			Thursday.
119	5/4	do	do				241			Friday.
169	5/24	do					359			Thursday.
391	7/27	do	do				362			Friday.
557	10/12	do	do				327			Do.
19	3/1	Reading transcript of trial	do	H. Res. 142	353	53		87.0	13.0	Thursday.
426	8/1	Recede and concur in Senate amendment	do	H.R. 4388	173	236		42.0	58.0	Wednesday
427	8/1	Recede from disagreement Senate amendment	do	H.R. 4388	214	184		54.0	46.0	Do.
271	6/21	Recommit with instructions	do	H.R. 111	210	216		49.0	51.0	Thursday.
441	9/6	Resolving into committee	do	H.R. 4473	360	11		97.0	3.0	Do.
579	10/18	do	do	H.R. 3000	391	3	1	99.0	1.0	Do.
460	9/12	Agreeing to the amendment	Beard (Tennessee)	H.R. 4040	144	268		35.0	65.0	Wednesday.
240	6/14	Resolving into committee	do	H.R. 4388	385	1	3	100.0	0.0	Thursday.
177	5/31	Agreeing to the amendment	Bedell	H.R. 2575	100	291		26.0	74.0	Do.
144	5/14	do	Bennett	H. Con. Res. 107	188	209		47.0	55.0	Monday.
150	5/16	Approving the Journal	Bereuter		328	5	1	98.0	2.0	Wednesday.
263	6/20	Strike enacting clause	Bethune	H.R. 111	97	315		24.0	76.0	Do.
393	7/27	Agreeing to the amendment	Biaggi	H.R. 2462	196	183		52.0	48.0	Friday.
447	9/6	Passage	do	H.R. 3236	235	162		59.0	41.0	Thursday.
455	9/11	Agreeing to the amendment	Bingham	H.R. 4034	273	145		65.0	35.0	Tuesday.
321	7/12	Quorum	do				384			Thursday.
98	4/24	Previous question on recommitment	Bolling	H.R. 3363	265	138		66.0	34.0	Tuesday.
68	3/29	Quorum	do				322			Thursday.
71	4/2	do	do				344			Monday.
182	6/5	Agreeing to the amendment	Boner	H.R. 3875	48	357		12.0	88.0	Tuesday.
508	9/26	Quorum	Bowen				374			Wednesday.
15	2/28	do	Brademas				383			Do.
102	4/26	do	do				361			Thursday.
425	8/1	Recede and concur in Senate amendment	Breaux	H.R. 4388	156	258		38.0	62.0	Wednesday.
238	6/13	Agreeing to the amendment	Brooks	H.R. 2444	179	230		44.0	56.0	Do.
305	6/28	do	Broomfield	H.R. 4439	147	242		38.0	62.0	Thursday.
530	9/28	Agreeing to the resolution	do	H. Res. 393	216	12	1	95.0	5.0	Friday.
248	6/15	Agreeing to the amendment	Brown (California)	H.R. 4388	34	253	1	12.0	88.0	Do.
416	8/1	do	Brown (Ohio)	S. 1030	107	306		26.0	74.0	Wednesday.
417	8/1	do	do	S. 1030	190	244		46.0	54.0	Do.
419	08/01	do	do	S. 1030	244	170		59.0	41.0	Do.
617	10/31	Quorum	do	H.R. 4985			379			Tuesday.
258	6/19	Resolving into committee	do	H.R. 2444	352	53		87.0	13.0	Do.
383	7/25	Agreeing to the amendment	Broyhill	S. 1030	185	234		44.0	56.0	Wednesday.
134	5/9	do	Burton, J.	H. Con. Res. 107	45	371	1	11.0	89.0	Do.
167	5/23	Agreeing to the resolution	do	H. Res. 275	377	13		97.0	3.0	Do.
190	6/7	Agreeing to the amendment	Cambell	H.R. 3875	245	145		63.0	37.0	Thursday
306	6/28	Passage	do	H.R. 4439	350	37		90.0	10.0	Do.
578	10/17	Recommit with instructions	do	S. 832	189	222		46.0	54.0	Wednesday.
262	6/20	Resolving into committee	Carney	H.R. 111	299	7	2	98.0	2.0	Do.
369	7/23	do	do	H.R. 4440	214	4		98.0	2.0	Monday.
370	7/23	do	do	H.R. 4034	217	5		98.0	2.0	Do.
247	6/15	Agreeing to the amendment	Cavanaugh	H.R. 4388	106	210	1	34.0	66.0	Friday.
58	3/27	Previous question on recommit conference report	do	H.R. 2439	225	177		56.0	44.0	Tuesday.
307	7/10	Suspend rules and pass	Clay	H.R. 827	306	94		77.0	23.0	Do.
1	1/15	Call of the States	Clerk of House				414			Monday.
2	1/15	Election of Speaker	do		268	152	2	64.0	36.0	Do.
133	5/9	Agreeing to the amendment	Coleman	H. Con. Res. 107	147	276		35.0	65.0	Wednesday.
328	7/12	do	Collins (Texas)	H.R. 4392	209	190		52.0	48.0	Thursday.
124	5/7	do	Conable	H. Con. Res. 107	190	195		49.4	50.6	Monday.
302	6/28	do	do	H.R. 3919	236	183	1	56.0	44.0	Thursday.
301	6/28	Agreeing to the amendments	do	H.R. 3919	230	185	1	55.0	45.0	Do.
17	2/28	Passage	do	H.R. 1894	194	222		47.0	53.0	Wednesday.
41	3/15	do	do	H.R. 2534	212	195		52.0	48.0	Thursday.
183	6/6	do	do	H.R. 3464	374	3		99.0	1.0	Wednesday.
495	9/20	do	do	H.R. 5229	200	215		48.0	52.0	Thursday.
511	9/26	do	do	H.R. 5369	219	198		53.0	47.0	Wednesday.
304	6/28	Recommit with instructions	do	H.R. 3919	186	229	1	45.0	55.0	Thursday.
125	5/8	Resolving into committee	do	H. Con. Res. 107	396	5	1	99.0	1.0	Tuesday.
22	3/6	Agreeing to the amendment	Conte	H.R. 2439	290	114		72.0	28.0	Do.
481	9/19	do	do	H.J. Res. 399	371	31	1	92.0	8.0	Wednesday.
245	6/15	Agreeing to the resolution	do	H. Res. 291	340	4		99.0	1.0	Friday.
244	6/15	Motion to table	do	H. Res. 291	4	338		1.0	99.0	Do.
345	7/17	Passage	do	H.R. 4580	272	147		65.0	35.0	Tuesday.
619	10/31	Agreeing to the amendment	Corcoran	H.R. 4985	56	357		14.0	86.0	Do.
486	9/19	do	Coughlin	H. Con. Res. 186	221	176		56.0	44.0	Wednesday.
451	9/7	do	Courter	H.R. 79	125	242		34.0	66.0	Friday.

Table continued on next page.

ROLLCALL VOTES (JAN. 15, 1979 THROUGH OCT. 31, 1979) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
551	10/12	Agreeing to the amendment	Courter	H.R. 3000	191	188		50.4	49.6	Friday.
595	10/24	do	do	H.R. 3000	189	225		46.0	54.0	Wednesday.
450	9/7	Quorum	do				350			Friday.
270	6/21	Agreeing to the amendment	Crane, P.	H.R. 111	177	248		42.0	58.0	Thursday.
327	7/12	do	do	H.R. 4392	122	280		30.0	70.0	Do.
489	9/20	Approving the Journal	Danielson		361	18	1	95.0	5.0	Do.
397	7/30	Quorum	do				372			Monday.
142	5/14	Suspend rules and pass	do	H.R. 2805	338	49		87.0	13.0	Do.
35	3/13	Agreeing to the amendment	Dannemeyer	H.R. 2479	182	221		45	55	Wednesday.
395	7/27	do	do	H.R. 3633	12	341		3	97	Friday.
506	9/25	do	do	H.R. 4034	61	340		15	85	Tuesday.
4	2/26	Agreeing to the resolution	do	H.R. 35	267	100		73	27	Monday.
5	2/26	do	do	H.R. 45	266	94		74	26	Do.
6	2/26	do	do	H.R. 60	256	103		71	29	Do.
7	2/26	do	do	H.R. 85	249	121		67	33	Do.
8	2/26	do	do	H.R. 87	253	119		68	32	Do.
9	2/26	do	do	H.R. 88	242	122		66	34	Do.
10	2/26	do	do	H.R. 91	267	98		73	27	Do.
11	2/26	do	do	H.R. 92	201	171		54	46	Do.
12	2/26	do	do	H.R. 96	272	101		73	27	Do.
13	2/26	do	do	H.R. 98	239	135		64	36	Do.
23	3/7	do	do	H. Res. 111	353	53		87	13	Wednesday.
25	3/7	do	do	H. Res. 112	222	187		54	46	Do.
39	3/14	do	do	H. Res. 114	336	73		82	18	Do.
43	3/20	do	do	H. Res. 118	208	200		51	49	Tuesday.
52	3/22	do	do	H. Res. 86	285	100		74	26	Thursday.
53	3/22	do	do	H. Res. 134	285	109		72	28	Do.
54	3/22	do	do	H. Res. 139	257	138		65	35	Do.
55	3/22	do	do	H. Res. 140	268	127		68.0	32.0	Do.
394	7/27	Quorum	do				351			Friday.
577	10/17	Agreeing to the amendment	Davis (South Carolina)	S. 832	217	198		52.0	48.0	Wednesday.
176	5/31	do	Dellums	H.R. 2575	89	311		22.0	78.0	Thursday.
466	9/13	do	do	H.R. 4040	112	286		28.0	72.0	Do.
467	9/13	do	do	H.R. 4040	86	305		22.0	78.0	Do.
337	7/16	Passage	do	H.R. 3951	261	125		68.0	32.0	Monday.
611	10/26	do	Derwinski	H.R. 1885	175	120		59.0	41.0	Friday.
24	3/7	Agreeing to the resolution	Devine	H. Res. 130	249	163		60.0	40.0	Wednesday.
235	6/13	Agreeing to the amendments	Dickinson	H.R. 2444	173	225		44.0	56.0	Do.
367	7/20	Agreeing to the resolution	do	H. Res. 359	214	120		64.0	36.0	Friday.
536	10/9	Agreeing to the amendment	Dicks	H. Res. 413	162	234		41.0	59.0	Tuesday.
151	5/16	do	Dingell	H.R. 39	416	0		100.0	0	Wednesday.
242	6/14	do	do	H.R. 4388	136	271		33.0	67.0	Thursday.
279	do	do	do	H.R. 3930	69	351	1	16.0	34.0	Tuesday.
282	6/26	do	do	H.R. 3930	94	291	1	24.0	76.0	Do.
418	8/1	do	do	S. 1030	203	209		49.0	51.0	Wednesday.
476	9/18	do	do	H.R. 4440	228	185	1	55.0	45.0	Tuesday.
553	10/12	do	do	H.R. 3000	182	191		49.0	51.0	Friday.
618	10/31	do	do	H.R. 4985	415	1		100.0	0	Tuesday.
384	7/25	Agreeing to the amendments	do	S. 1030	232	187		55.0	45.0	Wednesday.
281	6/26	Quorum	do				385			Tuesday.
552	10/12	do	do				346			Friday.
88	4/10	Agreeing to the amendment	Dodd	H.R. 3324	276	116	1	70.0	30.0	Tuesday.
145	5/14	do	do	H. Con. Res. 107	179	222		45.0	55.0	Monday.
241	6/14	do	do	H.R. 4388	257	156		62.0	38.0	Thursday.
297	6/27	do	do	H.R. 4389	300	112		73.0	27.0	Wednesday.
48	3/21	Agreeing to the resolution	do	H. Res. 13	338	75		82.0	18.0	Do.
49	3/21	do	do	H. Res. 38	187	214		47.0	53.0	Do.
610	10/26	Agreeing to conference report	Dornan	S. 428	300	26		92.0	8	Friday.
343	7/17	Agreeing to the amendment	do	H.R. 4580	309	112		73.0	27.0	Tuesday.
458	9/11	do	do	H.R. 4034	109	296		27.0	73.0	Do.
342	7/17	Quorum	do				408			Do.
614	10/30	Recede and concur in Senate amendment	do	H.R. 4389	187	219		46.0	54.0	Monday.
175	5/30	Passage	Downey	H.R. 4035	347	28	1	93.0	7	Wednesday.
187	6/07	Resolving into committee	do	H.R. 3875	356	5	3	99.0	1	Thursday.
189	6/7	Agreeing to the amendment	Duncan (Tennessee)	H.R. 3875	311	79		80.0	20.0	Do.
295	6/27	Agreeing to the amendments	Early	H.R. 4389	178	228		44.0	56.0	Wednesday.
172	5/24	Agreeing to the amendment	Eckhardt	S. 869	88	29		23.0	77.0	Thursday.
111	5/2	do	Edwards (Alabama)	H. Con. Res. 107	141	269		34.0	66.0	Wednesday.
518	9/27	Agreeing the to amendments	do	H.R. 5359	131	244		35.0	65.0	Thursday.
522	9/28	Passage	do	H.R. 5359	305	49		86.0	14.0	Friday.
195	6/8	Agreeing to the amendment	Edwards (California)	H.R. 2641	130	168		44.0	56.0	Do.
31	3/13	do	Edwards (Oklahoma)	H.R. 2479	146	256		36.0	64.0	Tuesday.
36	3/13	do	do	H.R. 2479	141	264		35.0	65.0	Wednesday.
537	10/9	do	do	H.R 2859	177	209		46.0	54.0	Tuesday.
528	9/28	Agreeing to the resolution	do	H. Res. 367	236	15		94.0	6.0	Friday.
529	9/28	Resolving into committee	do	H.R. 2859	214	28		88.0	12.0	Do.
515	9/27	Agreeing to conference report	Erlenborn	S. 210	215	201		52.0	48.0	Thursday.
213	6/12	Agreeing to the amendment	do	H.R. 2444	396	22		95.0	5.0	Tuesday.
214	6/12	do	do	H.R. 2444	290	124		70.0	30.0	Do.
220	6/12	do	do	H.R. 2444	149	243		38.0	62.0	Do.
226	6/13	do	do	H.R. 4390	204	213	1	49.0	51.0	Wednesday.
260	6/19	do	do	H.R. 2444	362	36		91.0	9.0	Tuesday.
201	6/11	Agreeing to the amendments	do	H.R. 2444	52	310		14.0	86.0	Monday.
211	6/12	do	do	H.R. 2444	178	230		44.0	56.0	Tuesday.
208	6/12	Agreeing to the resolution	do	H. Res. 198	378	0		100.0	0	Do.
527	9/28	Ordering the previous question	do	H. Res. 367	16	235		6.0	94.0	Friday.
212	6/12	Quorum	do				363			Tuesday.
219	6/12	do	do				368			Do.
259	6/19	do	do				389			Do.
346	7/17	Requesting a conference	do	S. 210	263	156		63.0	37.0	Do.
479	9/18	Agreeing to the amendment	Ertel	H.R. 4034	186	218	2	46.0	54.0	Do.
465	9/13	do	Fazio	H.R. 4040	96	309		24.0	76.0	Thursday.
56	3/22	Agreeing to the resolution	Fenwick	H.Res. 123	249	147		63.0	37.0	Do.
184	6/6	Agreeing to the amendment	Fish	H.R. 4289	127	270		32.0	68.0	Wednesday.
146	5/14	do	Fisher	H. Con. Res. 107	255	144		64.0	36.0	Monday.
590	10/23	do	Frenzel	H.R. 2172	200	212	1	49.0	51.0	Tuesday.
300	6/28	Agreeing to the resolution	do	H. Res. 336	292	118		71.0	29.0	Thursday.
432	8/2	do	do	H. Res. 365	251	154		62.0	38.0	Do.
434	8/2	Passage	do	H.R. 3434	401	2		99.0	1.0	Do.
591	10/23	do	do	H.R. 2172	158	249		39.0	61.0	Tuesday.
575	10/17	Quorum	do				375			Wednesday.
390	7/26	Agreeing to the amendment	Fuqua	H.R. 3000	182	237		43.0	57.0	Thursday.
127	5/8	do	Gephardt	H. Con. Res. 107	104	316		25.0	75.0	Tuesday.
494	9/20	do	do	H.R. 5229	408	1		100.0	0	Thursday.
108	5/2	do	Giaimo	H. Con. Res. 107	224	197		53.0	47.0	Wednesday.
115	5/2	do	do	H. Con. Res. 107	402	3	2	99.0	1.0	Thursday.

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
117	5/3	Agreeing to the amendment	Giaimo	H. Con. Res. 107	186	214	1	46.0	54.0	Thursday.
118	5/3	do	do	H. Con. Res. 107	2	376	2	99.0	1.0	Do.
126	5/8	do	do	H. Con. Res. 107	196	227		46.0	54.0	Tuesday.
170	5/24	Agreeing to the resolution	do	H. Con. Res. 107	202	196		50.8	49.2	Thursday.
138	5/10	Motion to end debate	do	H. Con. Res. 107	197	208		49.0	51.0	Do.
423	8/1	Recommit with instructions	Gilman	S. 1030	177	246		42.0	58.0	Wednesday.
20	3/1	Refer to Standards Committee	Gingrich	H. Res. 142	322	77	5	81.0	19.0	Thursday.
377	7/25	Resolving into committee	Glickman	H.R. 3996	387	5	1	99.0	1.0	Wednesday.
376	7/24	Agreeing to the amendment	Gore	H.R. 3996	197	214	1	48.0	52 0	Tuesday.
554	10/12	do	Gramm	H.R. 3000	257	119		68.0	32.0	Friday.
406	7/31	Suspend rules and pass	Gudger	S. 961	416	1		99.0	1.0	Tuesday.
584	10/19	Approving the Journal	Guyer		309	8	4	97.0	3.0	Friday.
379	7/25	Agreeing to the amendment	Hagedorn	H.R. 3996	168	250		40.0	60.0	Wednesday.
378	7/25	Quorum	do				414			Do.
174	5/30	Agreeing to conference report	Hammerschmidt	S. 7	342	0		100.0	0	Do.
267	6/20	Agreeing to the amendment	do	H.R. 111	255	162		61.0	39.0	Do.
568	10/16	Suspend rules and pass	do	H.R. 5288	405	1	1	100.0	0	Tuesday.
509	9/26	Agreeing to conference report	Hansen	H.R. 111	232	188		55.0	45.0	Wednesday.
186	6/5	Agreeing to the amendment	do	H.R. 3875	155	244		39.0	61.0	Do.
266	6/20	do	do	H.R. 111	220	200		52.0	48.0	Do.
269	6/21	do	do	H.R. 111	210	213		49.6	50.4	Thursday.
477	9/18	Passage	do	H.R. 4440	335	71		83.0	17.0	Tuesday.
449	9/7	Resolving into committee	do	H.R. 79	341	3	2	99.0	1.0	Friday.
599	10/24	Passage	Harkin	H.R. 3683	393	14		97.0	3.0	Wednesday.
587	10/19	Resolving into committee	do	H.R. 3683	298	3		99.0	1.0	Friday.
278	6/26	Suspend rules and pass	do	H.R. 4303	405	8		98.0	2.0	Tuesday.
264	6/20	Agreeing to the amendments	Harris	H.R. 111	277	142	1	66.0	34.0	Wednesday.
75	4/4	Agreeing to the amendment	Harsha	H.R. 3324	175	222		44.0	56.0	Do.
162	5/22	do	Hinson	H.R. 4011	174	232		43.0	57.0	Tuesday.
136	5/9	do	Holt	H. Con. Res. 107	198	218		48.0	52.0	Wednesday.
114	5/2	do	Holtzman	H. Con. Res. 107	79	317		20.0	80.0	Do.
129	5/8	do	do	H. Con. Res. 107	355	66		84.0	16.0	Tuesday.
339	7/16	do	do	H.R. 4393	156	232	1	40.0	60.0	Monday.
131	5/9	Agreeing to the resolution	do	H. Res. 106	401	0	2	100.0	0	Wednesday.
234	6/13	Agreeing to the amendment	Horton	H.R. 2444	165	240		41.0	59.0	Do.
311	7/11	do	do	H.R. 2444	263	143		65.0	35.0	Do.
314	7/11	Passage	do	H.R. 2444	210	206		50.5	49.5	Do.
310	7/11	Quorum	do				391			Do.
498	9/21	Agreeing to the resolution	Howard	H. Res. 331	345	1		100.0	0	Friday.
507	9/26	Quorum	Hughes				362			Wednesday.
456	9/11	Agreeing to the amendment	Ichord	H.R. 4034	201	206		49.4	50.6	Tuesday.
233	6/13	do	Jeffords	H.R. 2444	145	265		35.0	65.0	Wednesday
232	6/13	Quorum	do							Do.
122	5/7	Agreeing to the amendment	Jones (Oklahoma)	H. Con. Res. 107	140	244	399	36.0	64.0	Monday.
277	6/26	Suspend rules and pass	Kastenmeier	H.R. 1046	374	42		90.0	10.0	Tuesday.
139	5/10	Agreeing to the amendment	Kemp	H. Con. Res. 107	182	229		44.0	56.0	Thursday.
51	3/22	Passage	Kindness	H.R. 2774	296	100		75.0	25.0	Do.
156	5/16	Quorum	do				349			Wednesday.
549	10/11	Agreeing to the amendment	Kostmayer	H.R. 3000	124	243		34.0	66.0	Thursday.
582	10/18	do	do	H.R. 3000	220	168		57.0	43.0	Do
26	3/8	do	Kramer	H.R. 2479	149	221		40.0	60.0	Do.
268	6/21	do	do	H.R. 111	142	274		34.0	66.0	Do.
412	7/31	do	do	S. 1030	162	250		39.0	61.0	Tuesday.
540	10/10	do	do	H.R. 2859	229	178		56.0	44.0	Wednesday.
204	6/11	Agreeing to the amendments	do	H.R. 2444	184	187		49.6	50.4	Monday.
159	5/21	Approving the Journal	do		243	7		97.0	3.0	Do.
491	9/20	Passage	do	H.J. Res. 399	196	212		48.0	52.0	Thursday.
411	7/31	Quorum	do				402			Tuesday.
539	10/10	do	do				360			Wednesday.
620	10/31	do	do	H.R. 4985			387			Tuesday.
473	9/18	Suspend rules and pass	do	H.R. 51	357	20		95.0	5.0	Do.
180	6/05	Agreeing to the amendment	LaFalce	H.R. 3875	159	263		38.0	62.0	Do.
276	6/22	Agreeing to the amendments	do	H.R. 4394	136	219		38.0	62.0	Friday.
27	3/8	Agreeing to the amendment	Lagomarsino	H.R. 2479	169	197		46.0	54.0	Thursday.
478	9/18	do	do	H.R. 4034	238	165		59.0	41.0	Tuesday.
135	5/9	do	Latta	H. Con. Res. 107	191	228		46.0	54.0	Wednesday.
147	5/14	do	do	H. Con. Res. 107	272	128	1	68.0	32.0	Monday.
483	9/19	do	do	H. Con. Res. 186	187	230		45.0	55.0	Wednesday.
73	4/2	Agreeing to the resolution	do	H. Res. 183	209	165		56.0	44.0	Monday.
148	5/14	do	do	H. Con. Res. 107	220	184		54.0	46.0	Do.
194	6/ 8	do	do	H. Res. 284	287	3		99.0	1.0	Friday.
488	9/19	do	do	H. Con. Res. 186	192	213		47.0	53.0	Wednesday.
492	9/20	do	do	H. Res. 411	258	151		63.0	37.0	Thursday.
40	3/15	Ordering the previous question	do	H. Res. 157	201	199		52.0	48.0	Do
72	4/2	do	do	H. Res. 183	216	160		57.0	43.0	Monday.
517	9/27	Quorum	Lee				353			Thursday.
228	6/13	Agreeing to the resolution	Levitas	H. Res. 311	386	34		92.0	8.0	Wednesday.
572	10/17	Quorum	Livingston				343			Do.
408	7/31	Agreeing to the amendment	Loeffler	S. 1030	192	232		45.0	55.0	Tuesday.
409	7/31	do	do	S. 1030	234	189		55.0	45.0	Do.
413	7/31	do	do	S. 1030	267	152		64.0	36.0	Do.
157	5/17	Approving the Journal	do		351	11	2	97.0	3.0	Thursday.
420	8/1	Motion to limit debate	do	S. 1030	247	164		60.0	40.0	Wednesday.
414	8/1	Resolving into committee	do	S. 1030	390	4		99.0	1.0	Do.
357	7/18	Agreeing to the amendment	Long (Maryland)	H.R. 4473	244	164		60.0	40.0	Do.
436	9/5	do	do	H.R. 4473	243	139		64.0	36.0	Do.
438	9/5	do	do	H.R. 4473	166	234		42.0	58.0	Do.
437	9/5	do	do	H.R. 4473	247	128		66.0	34.0	Do.
351	7/18	do	Lott	H.R. 4473	219	196		53.0	47.0	Do.
140	5/10	Agreeing to the resolution	do	H. Res 262	227	190		54.0	46.0	Thursday.
600	10/25	do	do	H. Res. 464	355	47		88.0	12.0	Do.
580	10/18	Agreeing to the amendment	Lujan	H.R. 3000	208	197		51.0	49.0	Do.
399	7/30	Table motion to consider	Lungren	H. Res. 391	205	197		51.0	49.0	Monday.
200	6/11	Resolving into committee	Mathis	H.R. 2444	308	28		92.0	8.0	Do.
106	5/1	Agreeing to the amendment	Mattox	H. Con. Res. 107	212	198		52.0	48.0	Tuesday.
485	9/19	do	do	H. Con. Res. 186	183	220	1	45.0	55.0	Wednesday.
237	6/13	do	McClory	H.R. 2444	128	275		32.0	68.0	Do.
196	6/8	Passage	do	H.R. 2641	276	14		95.0	50.0	Friday.
326	7/12	Agreeing to the amendment	McCloskey	H.R. 4392	135	272		33.0	67.0	Thursday.
392	7/27	do	do	H.R. 2462	139	246		36.0	64.0	Friday.
202	6/11	Agreeing to the amendments	do	H.R. 2444	114	257		31.0	69.0	Monday.
325	7/12	Quorum	do				384			Thursday.
250	6/18	Agreeing to the amendment	McCormack	H.R. 4388	350	10		97.0	3.0	Monday.
251	6/18	do	do	H.R. 4388	350	12		97.0	3.0	Do.
254	6/18	Passage	McEwen	H.R. 4391	366	21		95.0	5.0	Do.
439	9/5	Agreeing to the amendment	McHugh	H.R. 4473	153	244		39.0	61.0	Wednesday.
100	4/25	Agreeing to conference report	McKinney	H.R. 2283	240	168		59.0	41.0	Do.
296	6/27	Agreeing to the amendment	Michel	H.R. 4389	263	152		63.0	37.0	Do.
602	10/25	do	do	H.J. Res. 430	183	207		46.0	54.0	Thursday.

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ROLLCALL VOTES (JAN. 15, 1979 THROUGH OCT. 31, 1979) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
299	6/27	Passage	Michael	H.R. 4389	327	84		80.0	20.0	Wednesday.
81	4/9	Quorum	do				316			Monday.
613	10/30	do	do				368			Do.
433	8/2	Recommit with instructions	do	H.R. 3434	204	199		51.0	49.0	Thursday.
216	6/12	Agreeing to the amendments	Miller (California)	H.R. 2444	148	265		36.0	64.0	Tuesday.
442	9/6	do	Miller (Ohio)	H.R. 4473	178	228		44.0	56.0	Thursday.
444	9/6	do	do	H.R. 4473	254	144		64.0	36.0	Do.
457	9/11	do	do	H.R. 4034	271	138		66.0	34.0	Tuesday.
227	6/13	Passage	do	H.R. 4390	186	232		45.0	55.0	Wednesday.
253	6/18	do	do	H.R. 4388	359	29		93.0	7.0	Monday.
256	6/19	do	do	H.R. 4387	391	30		93.0	7.0	Tuesday.
284	6/26	do	do	H.R. 3930	368	25	1	94.0	6.0	Do.
290	6/27	do	do	H.R. 4394	359	53		87.0	13.0	Wednesday.
137	5/10	Agreeing to the amendment	Mitchell (Maryland)	H. Con. Res. 107	130	277		32.0	68.0	Thursday.
158	5/17	Agreeing to the resolution	Moakley	H. Res. 274	200	198		50.3	49.7	Do.
589	10/23	Agreeing to conference report	Moffett	S. 1030	301	112		73.0	27.0	Tuesday.
415	8/1	Agreeing to the amendment	do	S. 1030	413	3		99.0	1.0	Wednesday.
422	8/1	do	do	S. 1030	233	187		56.0	44.0	Do.
548	10/11	do	do	H.R. 3000	135	257		34.0	66.0	Thursday.
424	8/1	Passage	do	S. 1030	263	159		62.0	38.0	Wednesday.
603	10/25	do	do	H.J. Res. 430	290	105		72.0	28.0	Thursday.
461	9/12	Agreeing to the amendment	Montgomery	H.R. 4040	163	252		39.0	61.0	Wednesday.
334	7/16	Suspend rules and pass	do	H.R. 2282	350	0	1	100.0	0.0	Monday.
42	3/20	do	Moorhead (California)	H.R. 1301	270	140		66.0	34.0	Tuesday.
46	3/20	Agreeing to the amendments	Moorhead (Pennsylvania)	H.R. 2283	252	159		61.0	39.0	Do.
585	10/19	Agreeing to the resolution	Mottl	H. Res. 417	320	9		97.0	3.0	Friday.
372	7/24	Motion to discharge	do	H.J. Res. 74	227	183		55.0	45.0	Tuesday.
143	5/14	Suspend rules and pass	do	H.R. 3577	340	36		90.0	10.0	Monday.
69	3/29	Agreeing to the resolution	Murphy (New York)	H. Res. 53	194	172		53.0	47.0	Thursday.
480	9/19	Approving the Journal	Murtha		388	10	3	97.0	3.0	Wednesday.
503	9/25	Quorum	do				374			Tuesday.
520	9/28	Resolving into committee	do	H.R. 5359	337	2	1	99.0	1.0	Friday.
298	6/27	Agreeing to the amendment	Natcher	H.R. 4389	306	101		75.0	25.0	Wednesday.
566	10/12	do	Neal	H.R. 2061	180	154		54.0	46.0	Friday.
565	10/12	Quorum	do				270			Do.
471	9/14	Agreeing to the amendment	Nedzi	H.R. 4040	189	149		56.0	44.0	Do.
405	7/31	Suspend rules and pass	do	H. Con. Res. 80	408	11		97.0	3.0	Tuesday.
287	6/27	Agreeing to the amendment	Nelson	H.R. 4394	102	302		25.0	75.0	Wednesday.
286	6/27	Quorum	do				396			Do.
293	6/27	Agreeing to the amendment	Obey	H.R. 4389	180	241		43.0	57.0	Do.
294	6/27	do	do	H.R. 4389	236	176		57.0	43.0	Do.
350	7/18	do	do	H.R. 4473	413	4		99.0	1.0	Do.
354	7/18	do	do	H.R. 4473	402	13		97.0	3.0	Do.
443	9/6	do	do	H.R. 4473	395	12		97.0	3.0	Thursday.
388	7/25	Agreeing to the resolution	Schulze	H. Res. 317	126	271		32.0	68.0	Do.
285	6/27	Resolving into committee	Sebelius	H.R. 4394	384	3	2	99.0	1.0	Wednesday.
524	9/28	Agreeing to conference report	Sensenbrenner	S. 237	273	38		88.0	12.0	Friday.
562	10/12	Agreeing to the amendment	do	H.R. 2061	85	197		30.0	70.0	Do.
564	10/12	do	do	H.R. 2061	40	246		14	86.0	Do.
80	4/5	Agreeing to the resolution	do	H. Res. 195	210	110		66.0	34.0	Thursday.
120	5/4	do	do	H. Res. 243	236	18		93.0	7.0	Friday.
171	5/24	do	do	H.Res. 281	375	18		95.0	5.0	Thursday.
616	10/30	do	do	H. Res. 439	373	33	1	92.0	8.0	Monday.
149	5/15	Approving the Journal	do		362	9	1	97.0	3.0	Tuesday.
207	6/12	do	do	H. Res. 198	352	8	1	98.0	2.0	Do.
403	7/31	do	do		389	9		98.0	2.0	Do.
561	10/12	Quorum	do				279			Friday.
563	10/12	do	do				277			Do.
303	6/28	Agreeing to the amendment	Shannon	H.R. 3919	172	241	1	42.0	58.0	Thursday.
132	5/9	do	Shuster	H. Con. Res. 107	203	216		48.0	52.0	Wednesday.
61	3/28	Quoru	Slack				371			Do.
161	5/22	Agreeing to the amendments	Smith (Iowa)	H.R. 4011	192	216		47.0	53.0	Tuesday.
163	5/22	Passage	do	H.R. 4011	398	5		99.0	1.0	Do.
364	7/19	Agreeing to the amendment	Smith (Nebraska)	H.R. 4473	148	262		36.0	64.0	Thursday.
123	5/7	do	Snowe	H. Con. Res. 107	147	237		38.0	62.0	Monday.
249	6/18	Agreeing to the resolution	Snyder	H. Res. 321	336	0		100.0	0.	Do.
79	4/5	Agreeing to the amendment	Solarz	H.R. 3324	101	246		29.0	71.0	Thursday.
116	5/3	do	do	H. Con. Res. 107	134	275		33.0	67.0	Do.
62	3/28	Agreeing to conference report	Solomon	H.R. 2479	339	50	5	87.0	13.0	Wednesday.
32	3/13	Agreeing to the amendment	do	H.R. 2479	179	225		44.0	56.0	Tuesday.
505	9/25	Passage	do	H.J. Res. 404	208	203		50.6	49.4	Do.
222	7/13	Quorum	do				344			Wednesday.
404	7/31	Agreeing to the resolution	Spence	H. Res. 378	414	0	4	100.0	0	Tuesday.
14	2/27	Suspend rules and pass	St Germain	S. 37	362	5	3	99.0	1.0	Do.
21	3/6	Agreeing to the amendment	Staggers	H.R. 2439	262	139		65.0	35.0	Do.
315	7/11	Agreeing to the resolution	Stangeland	H. Res. 231	156	256		38.0	62.0	Wednesday.
229	6/13	Resolving into committee	do	H.R. 2444	356	50		88.0	12.0	Do.
74	4/3	Passage	Stanton	H.R. 595	371	16		96.0	4.0	Tuesday.
168	5/23	do	do	H.R. 3404	316	75		81.0	19.0	Wednesday.
191	6/7	do	do	H.R. 3875	355	36		91.0	9.0	Thursday.
387	7/25	Agreeing to the amendment	Stark	H.R. 3920	85	325		21.0	79.0	Wednesday.
164	5/23	R. & C. with amendment in Senate amendment	do	H. Con. Res. 107	144	260		36.0	64.0	Wednesday.
239	6/13	Strike enacting clause	Obey	H.R. 2444	146	266		35.0	65.0	Do.
225	6/13	Agreeing to the amendment	O'Brien	H.R. 4390	396	15	7	96.0	4.0	Do.
382	7/25	do	Ottinger	S. 1030	93	329		22.0	78.0	Do.
188	6/7	do	Panetta	H.R. 3875	366	16		96.0	4.0	Thursday.
103	4/26	Agreeing to the resolution	Paul	H. Res. 234	212	180		54.0	46.0	Do.
198	6/8	Passage	do	H.R. 3347	179	96		65.0	35.0	Friday.
361	7/19	Recommit with instructions	do	H.R. 3917	55	364		13.0	87.0	Thursday.
594	10/24	Agreeing to the amendment	Peyser	H.R. 3000	264	143		65.0	35.0	Wednesday.
593	10/24	Quorum	do	H.R. 3000			399			Do.
178	5/31	Passage	Price	H.R. 2575	314	72		81.0	19.0	Thursday.
472	9/14	do	do	H.R. 4040	282	46		86.0	14.0	Friday.
28	3/13	Agreeing to the amendments	Quayle	H.R. 2479	172	181		49.0	51.0	Thursday.
221	6/12	do	do	H.R. 2444	170	220		44.0	56.0	Tuesday.
366	7/20	Passage	Reuss	H.R. 7	340	20	5	94.0	6.0	Friday.
490	9/20	Motion to reconsider	Rhodes	H.J. Res. 399	214	196		52.0	48.0	Thursday.
3	1/15	Ordering the previous question	do	H. Res. 5	241	156		61.0	39.0	Monday.
504	9/25	do	do	H.J. Res. 404	202	200		51.0	49.0	Tuesday.
317	7/11	Quorum	Richmond				354			Wednesday.
95	4/24	Agreeing to the amendment	Rousselot	H.R. 3363	187	214		47.0	53.0	Tuesday.
487	9/19	do	do	H. Con. Res. 186	181	224	2	45.0	55.0	Wednesday.
510	9/26	do	do	H.R. 5369	132	283		32.0	68.0	Do.
513	9/27	do	do	S. Con. Res. 36	212	206		50.7	49.3	Thursday.
92	4/10	Agreeing to the resolution	do	H. Res. 217	360	8		98.0	2.0	Tuesday
428	8/2	Approving the Journal	do		306	9		97.0	3.0	Thursday.

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
525	9/28	Passage	Rousselot	H.R. 2795	239	48		83.0	17.0	Friday.
93	4/10	Resolving into committee	do	H.R. 3363	334	15	1	95.0	5.0	Tuesday.
185	6/6	do	do	H.R. 3875	390	2		99.0	1.0	Wednesday.
363	7/19	do	do	H.R. 4473	391	13		97.0	3.0	Thursday.
463	9/13	do	do	H.R. 4040	370	2		99.0	1.0	Do.
501	9/25	Suspend rules and pass	do	H.R. 5218	370	27		93.0	7.0	Tuesday.
502	9/25	do	do	H. Con. Res. 167	401	0		100.0	0	Do.
615	10/30	do	do	H.R. 4572	405	0		100.0	0	Monday.
273	6/21	Motion to instruct conferees	Russo	H.R. 3173	303	107		74.0	26.0	Thursday.
468	9/13	Agreeing to the amendment	Santini	H.R. 4040	84	289		23.0	77.0	Do.
179	6/5	Suspend rules and pass	Satterfield	H.R. 4015	406	0		100.0	0	Tuesday.
462	9/12	Agreeing to the amendment	Schroeder	H.R. 4040	259	155		63.0	37.0	Wednesday.
386	7/25	Quorum	do				399			Do.
338	7/16	Agreeing to the amendment	Steed	H.R. 4393	294	90		77.0	23.0	Monday.
373	7/24	Ordering the previous question	Stokes	H.J. Res. 74	172	251		41.0	59.0	Tuesday.
516	9/27	Recede and concur in Senate amendment	do	H.R. 4394	128	278		32.0	68.0	Thursday.
484	9/19	Agreeing to the amendment	Stratton	H. Con. Res. 186	191	221		46.0	54.0	Wednesday.
464	9/13	Quorum	do				369			Thursday.
469	9/14	do	do				306			Friday.
429	8/2	Agreeing to conference report	Symms	H.R. 4057	336	72		82.0	18.0	Thursday.
109	5/2	Agreeing to the amendment	do	H. Con. Res. 107	146	276		35.0	65.0	Wednesday.
112	5/2	do	do	H. Con. Res. 107	235	177		43.0	57.0	Do.
292	6/27	do	do	H.R. 4389	177	240		42.0	58.0	Do.
332	7/13	do	do	H.R. 4393	299	69	3	81.0	19.0	Friday.
598	10/24	do	do	H.R. 3683	326	84		80.0	20.0	Wednesday.
44	3/20	Agreeing to the resolution	do	H. Res. 156	305	102		75.0	25.0	Tuesday.
154	5/16	do	do	H. Res. 241	398	4		99.0	1.0	Wednesday.
331	7/13	Quorum	do				364			Friday.
107	5/2	Resolving into committee	do	H. Con. Res. 107	392	5	8	99.0	1.0	Wednesday.
547	10/11	do	do	H.R. 3000	376	4		99.0	1.0	Thursday.
534	10/9	Suspend rules and pass	do	H.R. 3949	380	9		98.0	2.0	Tuesday.
535	10/9	do	do	H.R. 5048	349	39		90.0	10.0	Do.
421	8/1	Agreeing to the amendment	Tauke	S. 1030	229	191		55.0	45.0	Wednesday.
576	10/17	do	Thompson	S. 832	298	114		72.0	28.0	Do.
573	10/17	Quorum	do				380			Do.
152	5/16	Agreeing to the amendment	Udall	H.R. 39	268	157		63.0	37.0	Do.
283	6/26	do	do	H.R. 3930	127	263	1	33.0	67.0	Tuesday.
348	7/17	Motion to table	do	H. Res. 369	303	105		74.0	26.0	Do.
153	5/16	Passage	do	H.R. 39	360	65		85.0	15.0	Wednesday.
70	4/2	Suspend rules and pass	do	H.J. Res. 199	336	0		100.0	0.0	Monday.
45	3/20	Agreeing to the amendment	Vento	H.R. 2283	128	282		31.0	69.0	Tuesday.
375	7/24	Suspend rules and pass	do	H.R. 4453	394	22		95.0	5.0	Do.
110	5/2	Agreeing to the amendment	Volkmer	H. Con. Res. 107	88	325		21.0	79.0	Wednesday.
543	10/10	do	do	H.R. 2061	181	224		45.0	55.0	Do.
560	10/12	do	do	H.R. 2061	149	174		46.0	54.0	Friday.
173	5/24	Passage	do	S. 869	88	292		23.0	77.0	Thursday.
567	10/12	do	do	H.R. 2061	220	54		80.0	20.0	Friday.
407	7/31	Quorum	do				368			Tuesday.
542	10/10	do	do				392			Wednesday
556	10/12	Resolving into committee	do		320	15		96.0	4.0	Friday.
210	6/12	Agreeing to the amendment	Walker	H.R. 2444	277	126		69.0	31.0	Tuesday.
215	6/12	do	do	H.R. 2444	403	3		99.0	1.0	Do.
217	6/12	do	do	H.R. 2444	28	374		7.0	93.0	Do.
236	6/13	do	do	H.R. 2444	235	170		58.0	42.0	Wednesday
261	6/19	do	do	H.R. 2444	159	243	1	40.0	60.0	Tuesday.
410	7/31	do	do	S. 1030	63	356		15.0	85.0	Do.
605	10/25	do	do	H.R. 4955	362	10		97.0	3.0	Thursday.
203	6/11	Agreeing to the amendments	do	H.R. 2444	255	122		68.0	32.0	Monday.
257	6/19	Agreeing to the resolution	do	H. Res. 239	409	3		99.0	1.0	Tuesday.
347	7/17	Motion to instruct conference	do	S. 210	214	202		51.0	49.0	Do.
606	10/25	Passage	do	H.R. 4955	301	69		81.0	19.0	Thursday.
209	6/12	Resolving into committee	do	H.R. 2444	362	19		95.0	5.0	Tuesday.
604	10/25	do	do	H.R. 4955	342	8		98.0	2.0	Thursday.
231	6/13	Agreeing to the amendment	Waxman	H.R. 2444	243	169		59.0	41.0	Wednesday.
359	7/19	do	do	H.R. 3917	203	211		49.0	51.0	Thursday.
360	7/19	Agreeing to the amendments	do	H.R. 3917	135	274		33.0	67.0	Do.
526	9/28	Passage	do	H.R. 3642	245	12		95.0	5.0	Friday.
230	6/13	Quorum	do				390			Wednesday.
335	7/16	Suspend rules and pass	do	H.R. 3641	317	35		90.0	10.0	Monday.
398	7/30	do	do	H.R. 3509	319	76		81.0	19.0	Do.
252	6/18	Agreeing to the amendment	Weaver	H.R. 4388	147	235		39.0	61.0	Do.
64	3/28	do	Weiss	H.R. 1786	137	246		36.0	64.0	Wednesday.
128	5/8	do	do	H. Con. Res. 107	92	321		22.0	78.0	Tuesday.
288	6/27	do	do	H.R. 4394	113	292		28.0	72.0	Wednesday.
308	7/10	do	do	H.R. 3821	79	321	1	20.0	80.0	Tuesday.
63	3/28	Passage	do	H.R. 1787	354	39		90.0	10.0	Wednesday.
65	3/28	do	do	H.R. 1786	323	57		85.0	15.0	Do.
519	9/27	Agreeing to the amendment	White	H.R. 5359	217	147		60.0	40.0	Thursday.
365	7/19	Agreeing to the resolution	White	H. Res. 368	219	158		58.0	42.0	Do.
569	10/16	Agreeing to conference report	Wilson, C. (California)	H.R. 3173	256	147		64.0	36.0	Tuesday.
105	5/1	Agreeing to the amendment	do	H. Con. Res. 107	183	229		44.0	56.0	Do.
113	5/2	do	do	H. Con. Res. 107	188	209		47.0	53.0	Wednesday.
358	7/19	do	do	H. Res. 305	395	10		98.0	2.0	Thursday.
470	9/14	do	do	H.R. 4040	112	247		30.0	70.0	Friday.
160	5/22	Agreeing to the resolution	do	H. Res. 278	380	7		98.0	2.0	Tuesday.
192	6/7	do	do	H. Res. 299	293	73		80.0	20.0	Thursday.
94	4/24	Passage	Wilson, C. (California)	H.R. 1301	269	121		69.0	31.0	Tuesday.
531	10/9	Quorum	do				337			Do.
435	9/5	Resolving into committee	do	H.R. 4473	362	6		98.0	2.0	Wednesday.
588	10/23	Suspend rules and pass	do	H.R. 4943	412	0	1	100.0	0	Tuesday.
344	7/17	Agreeing to the amendment	Wilson, C. (Texas)	H.R. 4580	200	217	1	48.0	52.0	Do.
550	10/12	Approving the Journal	Wright		321	8	3	98.0	2.0	Friday.
18	3/1	Quorum	do				380			Thursday.
50	3/22	do	do				362			Do.
368	7/23	do	do				219			Monday.
514	9/27	do	do				384			Thursday.
538	10/10	do	do				362			Wednesday.
389	7/26	Agreeing to the resolution	Wydler	H. Res. 379	404	6		99.0	1.0	Thursday.
396	7/27	Passage	do	H.R. 3633	344	6		98.0	2.0	Friday.
246	6/15	Resolving into committee	do	H.R. 4388	319	2		99.0	1.0	Do.
255	6/19	do	do	H.R. 4387	398	3		99.0	1.0	Tuesday
274	6/22	do	do	H.R. 4394	350	6	1	98.0	2.0	Friday.
57	3/27	Suspend rules and pass	do	H.R. 3091	364	4	22	99.0	1.0	Tuesday.
121	5/7	do	Wylie	H.R. 3404	175	195		47.0	53.0	Monday.
352	7/18	Agreeing to the amendment	Young (Florida)	H.R. 4473	242	177		58.0	42.0	Wednesday.
353	7/18	do	do	H.R. 4473	207	210		49.6	50.4	Do.
355	7/18	do	do	H.R. 4473	194	219		47.0	53.0	Do.
356	7/18	do	do	H.R. 4473	291	122	1	71.0	29.0	Do.

Table continued on next page.

ROLLCALL VOTES (JAN. 15, 1979 THROUGH OCT. 31, 1979) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date (1979)	Type of vote	Requester	Bill	Yea	Nay	Pres	Percent Yea	Percent Nay	Day
440	9/5	Agreeing to the amendment	Young (Florida)	H.R. 4473	281	117		71.0	29.0	Wednesday.
446	9/6	Passage	do	H.R. 4473	224	183		55.0	45.0	Thursday.
77	4/5	Agreeing to the amendment	Zablocki	H.R. 3324	239	157		60.0	40.0	Do.
82	4/9	do	do	H.R. 3324	193	177		52.0	48.0	Monday.
67	3/29	Agreeing to the amendments	do	H.R. 3173	201	179		53.0	47.0	Thursday.
87	4/10	Resolving into committee	do	H.R. 3324	367	1	2	100.0	0	Tuesday.

☐ 1840

LEGISLATION TO RESOLVE YOUTH UNEMPLOYMENT

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 15 minutes.

Mr. JEFFORDS. Mr. Speaker, today, I am introducing legislation which I believe will lay the groundwork for a long term resolution of our youth unemployment problems. Those of us who serve on the Education and Labor Committee have become increasingly aware that neither our educational programs nor our remedial job efforts are doing much to reduce the Nation's chronically high levels of youth unemployment which this past month reached 15.9 percent for teenagers and 33.1 percent for black teenagers.

Especially distressing is the fact that youth unemployment hardly seems to exist in Western Europe. Even in those countries where the overall rate of unemployment differs little from ours, youth fared no worse than adults. Yet, in this country, despite billions of dollars and a bewildering variety of education and remedial job programs, we have barely begun to reduce the almost 5 to 1 ratio of youth to adult unemployment.

The reasons are varied, but they must be resolved. Historically, this Nation has viewed education and work as two different entities. Congress has established education and work programs that are almost mutually exclusive. Even within the areas of education and work, Congress has initiated separate and distinct programs such as Headstart, Vocational Education, Higher Education, Career Education, CETA, and many, many others. And these laws that bear little relationship to one another fail to prepare our young people for obtaining and holding a job.

By dividing our programs, we have established a history of institutional jealousy, turf fights, and suspicion. Without cooperation and coordination we will never deal with youth unemployment successfully. It particularly affects our ability to deal with one of our persistent problems—the school dropout. In the United States a school dropout is a forgotten person. Forgotten by the schools, often forgotten by their parents, and generally ignored by employers. Dropout youth are left to fend for themselves. We pay the price in billions of dollars in welfare and other social programs. And in my view, it stems from our failure to look at youth policy in a holistic manner. We must begin now. For although today there appears to be too few jobs for too many youth, it will not be long before there are too few youth to fill the jobs necessary to maintain our standard of living, and sustain our increasing ongoing projects. We need to train our youth for the future, and make sure that every available youth is trained. I believe my bill will at least force us to think about these issues and initiate a comprehensive youth employment policy.

There are three basic premises of my bill: First, it is conditional, that is for youth to obtain benefits, they must earn them. The benefits are real and provide for a bonus upon successful completion of the program. Second, everyone, not just youth, who participates will obtain real institutional and career rewards. Third, success shall depend on cooperation and community involvement.

For participating and eligible youth, my proposal would provide various levels of paid work or other activities for those who agree to return to school and make satisfactory efforts toward completing their high school education or securing a diploma equivalent. These opportunities would be available to all youths age 15 to 19, both in school and out, who live within certain selected school attendance centers in the Nation's poverty areas. Youth are covered as follows: those who are in school and progressing satisfactorily; in school but not progressing adequately; and dropouts. Students doing well could choose from a wide variety of options to improve either their education or future employment opportunities and get paid for exploring these options. Included would be actual work experience, vocational education, skill training, or other kinds of educational instruction or experience which would help the student understand the field of work or his or her talents. Students would receive up to 20 hours a week of compensatory pay during the school year and 40 hours during the summer, out of a total of 2,000 hours allotted during their entire high school career.

For students not succeeding adequately in school, the options would be more limited, involving only 15 hours of compensable activity per week during the school year, and restricted to the basic remedial education necessary to enable the student to make satisfactory progress. However, skill training and vocational education, where determined appropriate, could also be an option. Finally, students who have been out of school at least 12 months could participate on a full-time basis in a combined education-work program. Both in-school and out-of-school students would have an education and work counselor who would not only monitor the students' progress and help them determine what is best for their careers and educational needs, but would enforce the conditions placed on the students for participation. These counselors, who would be selected under arrangements between the school and the prime sponsor, will determine whether the students are making satisfactory efforts in both their schoolwork and in their compensated paid job or employment activity.

Unlike other proposals, success in this program reaps not only its own rewards, but an educational bonus. Each student who succeeds in attaining a high school diploma, or its equivalency, would receive an additional 300 hours of paid compensation which could be applied either to future subsidized work in the private or public sector, or to the cost of postsecondary education, vocational education, or additional technical training.

The proposal provides that:

Participating educators would become fellows in a national academy established to discuss the education and work problems of disadvantaged young people.

In addition, in-service workshops and 1-to-1 teacher skill improvement opportunities would be offered.

School principals and school board members will have the opportunity to participate in leadership forums.

State education agencies consider amending certification procedures so that educators who participate in these programs are eligible for special endorsements on their certificates.

Incentives similar to those for teachers be provided to participating CETA prime sponsors, labor unions, employment service offices, and local businesses. Unions must also be involved in the hopes that they will recognize the importance of our mission and allow for advancement and seniority rights for participants.

Money for the educational services and training to be channeled through the schools, while that for wages would go through CETA prime sponsors according to a paper on the bill.

Private sector training and other programs operated under title VII of CETA be coordinated with this program.

Any employer who employs for 2,000 hours, or about 1 year, a young person who has graduated from this program, will receive up to 300 hours times the compensable wage. In addition, for the first 180 days of such employment, the employer will be free of social security and unemployment tax obligations. Finally, the employer will be allowed to pay a subminimum wage of 85 percent of the ongoing minimum wage for the

first 6 months of a young person's employment.

A special incentive for the vocational education community. An additional 5 percent of the funds made available for this program will go to the States to improve or upgrade their vocational education programs to serve the students in this program.

There is one ingredient that is new. The bill will be a joint effort between the Departments of Education and Labor with no established method for distribution of funds. The bill hinges on cooperation and coordination. In my view this requires an agreement between the selected school and the CETA prime sponsor as to how the funds will be allocated.

There are numerous other factors to this proposal which I will detail as time goes on. I intend this bill to be a starting point for discussion of its principles and its intent. I am open for all comment and criticism, but I believe this bill can serve as a basic framework for bringing the education and labor communities together on behalf of America's young people.

We estimate that one quarter million youth will participate at a cost of slightly less than $1 billion. The bill specifications are as follows:

Mr. JEFFORDS. Madam Speaker, since I am inroducing this bill at this time primarily for discussion purposes, I will now set forth the bill in full:

H.R. 6208

A bill to improve education and work opportunities for youth

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to improve education and work opportunities for youth.

SECTION 1. This Act may be cited as the "Youth Education and Work Act."

TITLE I—AMENDMENTS TO TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SEC. 101. Title IV of the Comprehensive Employment and Training Act, hereinafter in this title referred to as "the Act," is amended by adding at the end thereof the following:

"PART D—YOUTH EDUCATION AND WORK ENTITLEMENT

STATEMENT OF PURPOSE

SEC. 491. It is the purpose of this part to guarantee employment and supplemental educational opportunities to eligible youth in poverty areas.

DEFINITIONS

SEC. 492. As used in this part

(1) the term "eligible youth" means a person between the ages of fifteen and nineteen, inclusive, who has not acquired a high school diploma or its equivalent and is either attending a qualified high school or who is a resident of a poverty area and has not attended school within the previous 12 months.

(2) the term "qualifying school" means any high school (as defined under applicable State law) a majority of whose students are residents of poverty areas and any high school which serves all the residents of a poverty area.

(3) the term "poverty area" means any Bureau of the Census geographical division in which, on the basis of the most recent satisfactory data available to the Secretary, 20 percent or more of the residents are at or below the poverty level as established by the Director of the Office of Management and Budget.

ADMINISTRATION

SEC. 493. The Secretary of Labor and the Secretary of Education hereinafter called "the Secretaries" shall jointly administer the programs authorized under this part, issue any necessary regulations, approve all grants, and take action on applications for assistance. Joint administration may be by joint approval of actions by persons acting for each Secretary or by the Secretaries' delegating their several responsibilities to a single designated person.

APPLICATION FOR ASSISTANCE

SEC. 494. (a) Applications for financial assistance to administer youth entitlement programs under this part shall be submitted jointly by any local education authority having jurisdiction over a qualifying school and the prime sponsor with jurisdiction over the poverty area from which such school draws its students. Such application shall be submitted no less than 6 months nor more than one year before the beginning of the school year in which the program is to operate. Such application shall contain such information as may be prescribed by the Secretaries and shall contain assurances that such entitlement program will meet the requirements of section 6.

(b) No application to administer an entitlement program shall be approved unless it contains

(1) satisfactory demonstration that the local education authority and the prime sponsor will have the administrative capacity to operate the program;

(2) an agreement concerning the allocation of reimbursable administrative costs between the prime sponsor and the local education authority;

(3) arrangements to coordinate the entitlement program with the operations of the private industry council established under title VII;

(4) an agreement between the local education authority and the prime sponsor concerning procedures for designating and qualifying counsellors;

(5) assurances that compensated activities will not include activities normally performed as part of the youth's regular curriculum;

(6) agreed upon procedures for developing an education and employability plan for each youth;

(7) an agreement concerning the administration and content of remedial and alternative education programs for youths whose needs are not met by the standard curriculum;

(8) procedures to enable a youth to secure a change of counsellor for cause or (but not more than once in any school year) on grounds of personal incompatibility;

(9) procedures under which counsellors will apply standards of bona fide participation in the program and provide for designated periods of suspension from the program when such standards are not met; and

(10) procedures, which may include supplemental payments, designed to make service in qualifying schools attractive to specially qualified and motivated teachers, counsellors, and other personnel.

(c) The Secretaries shall by regulations ensure that opportunity to comment on the application is given to appropriate parties, including the State Board of Education.

ENTITLEMENT PROGRAMS

SEC. 495. (a) For every youth in a qualifying school who is making satisfactory progress under objective criteria prescribed by the local education authority or the State Board of Education, the entitlement program shall consist of not more than 20 hours per week of appropriate compensated activity during the school year and 40 hours in the summer. Appropriate compensated activity for each such youth shall be determined by a qualified counsellor and may consist of work, work experience, vocational education, community service or additional vocational or general education outside the regular course of study, or any combination thereof. Compensated activity shall be designed so as to maximize the employability potential of each youth.

(b) For every youth in the school who is not making satisfactory progress under such objective criteria, the entitlement program shall consist of no more than 15 hours per week of appropriate compensated activity during the school year and 40 hours in the summer. Appropriate compensated activity for such youth shall be determined by the counsellor and may consist of any remedial education, counselling, or other activity determined by the counsellor to be appropriate in order to assist the youth to make satisfactory progress and, in the summer, may include work experience.

(c) For every other eligible youth, the entitlement program shall consist of not more than 40 hours per week of appropriate compensated activity subject to the limit in section 497(b). Appropriate compensated activity for each youth shall be determined by a qualified counsellor and may consist of work, work experience, alternative or remedial education, skill training, or any combination thereof.

COMPLETION BONUS

SEC. 496. Every youth who acquires a high school diploma or its equivalent while a participant in the program shall receive a completion bonus. The completion bonus shall have a value equal to 300 times the hourly wage specified in section 6(a) of the Fair Labor Standards Act and shall be issued in the form of a certificate by the prime sponsor to the qualifying youth. The bonus may be redeemed within two years after the date of issuances as follows: by an employer who has employed the youth for 2,000 hours after the certificate is issued and before it expires; by an institution of post-secondary education at which the youth has pursued a substantial full-time course of study but not for an amount exceeding the costs of attending such institution and, if the amount payable to an institution of post-secondary education is not equivalent to the full amount of the bonus, the balance shall be payable to any employer who has employed the youth at the rate of 1 hour of bonus for every two hours of employment supplied.

GENERAL CONDITIONS

SEC. 497. (a) All compensated activity shall be compensated at a wage rate not less than eighty-five percentum of the otherwise applicable wage rate in effect under section 6 of the Fair Labor Standards Act of 1938, as amended.

(b) No youth shall be compensated under this Part for more than 2,000 hours in total and in the case of youths attending school, for more than 1,000 hours in any one year. Such totals shall be reduced by the number of hours that the youth failed to attend the program without good cause.

(c) The wages of any youth employed by any employer under this program may be paid in full by the prime sponsor.

(d) The provisions of section 121(1) and 121(c) shall not be applicable to programs under this part.

SUPPLEMENTAL VOCATIONAL EDUCATION ASSISTANCE

SEC. 498. (a) From the funds available to them for this section, the Secretaries shall make grants to Governors to provide financial assistance, through State vocational ed-

ucation boards, to provide needed vocational education services to eligible youth in accordance with an agreement between the State vocational education board and the prime sponsor.

(b) The State vocational education board, prior to making any agreement with a prime sponsor as provided in subsection (a), shall consult with and obtain the advice and comments of the designated representatives of the State agencies and councils which are required to be involved in the formulation of the five-year State plan for vocational education pursuant to section 107(a)(1) of the Vocational Education Act of 1963.

AUTHORIZATION OF APPROPRIATIONS

SEC. 499. (a) There are authorized to be appropriated such sums as may be necessary to carry out the programs authorized by this part.

(b) Each prime sponsor and local education authority administering a program under this part shall be reimbursed by the Secretaries for the costs of administering the program authorized by this part; provided that total reimbursements shall not exceed 115% of the compensation paid to eligible youths. The Secretaries may make advance payments on the basis of quarterly estimates submitted by the local education authority and the prime sponsors.

(c) There are authorized to be appropriated 2 per cent of the amounts reimbursed under subsection (b) to make payments to local education authorities incurring additional costs under section 494(b)(10).

(d) There are authorized to be appropriated 5 per cent of the amounts reimbursed under subsection (a) to make grants under section 498. Sums available under this subsection shall be available to each Governor in the same proportion as the sums reimbursed to programs within that State under subsection (a).

SEC. 102. Section 402(b) and Subpart 1 of Part A of Title IV of the Act are repealed.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE

EXCLUSION FROM PAYROLL TAXES

SEC. 201. Section 3121(a) of the Internal Revenue Code is amended by striking the period at the end thereof, inserting "; or" in lieu thereof, and adding the following new paragraph:

"(18) remuneration paid to any youth who is enrolled in the Youth Entitlement Program established by Part D of Title IV of the Comprehensive Employment and Training Act and any remuneration paid to a youth within one calendar year after his completion of such program. The Secretary of Labor shall provide for the issuance of certificates to youths to evidence their status."

Section 3306(b) of the Internal Revenue Code is amended by striking the period at the end thereof, inserting "; or" in lieu thereof, and adding the following new paragraph:

"(13) remuneration paid to any youth who is enrolled in the Youth Entitlement Program established by Part D of Title IV of the Comprehensive Employment and Training Act and any remuneration paid to a youth within one calendar year after his completion of such program. The Secretary of Labor shall provide for the issuance of certificates to youths to evidence their status."

TITLE III—ESTABLISHMENT OF THE ACADEMY OF EDUCATION AND WORK

SEC. 301. There is hereby established the Academy of Education and Work, hereinafter referred to as "the Academy," a nonprofit organization to be organized under the laws of the District of Columbia.

INTERIM ORGANIZATION

SEC. 302. (a) The Secretary of Education and the Secretary of Labor shall each appoint ten persons to be the interim Board of Governors of the Academy. The appointments made by the Secretaries shall be representative of persons and organizations involved in the administration and operation of programs authorized under title IV-C of the Comprehensive Employment and Training Act, hereinafter called "the entitlement program," and shall include persons representative of teachers, counsellors, educational administrators, school boards, and prime sponsors.

(b) The Interim Board shall organize the Academy and promulgate bylaws for the Academy which shall include provisions—

(1) limiting membership to persons actively involved in the administration or operation of entitlement programs;

(2) for designating certain members as fellows of the Academy, based upon distinguished performance;

(3) for regional membership meetings and an annual meeting of the fellows;

(4) prescribing procedures for the regular election of a regular Board of Governors within two years after organization of the Academy with staggered terms of office not to exceed five years; and

(5) prescribing a schedule of membership dues.

PURPOSES OF THE ACADEMY

SEC. 303. (a) It shall be the purpose of the Academy to promote improved and alternative methods of instruction that will enhance the educational attainment and employability potential of youth who have dropped out of the education system or are otherwise not being adequately prepared for further education or employment by providing a professional association of persons concerned in programs with that objective.

(b) In order to achieve its purposes, the Academy is authorized to—

(1) hold regional meetings of its members and national meetings of its Fellows to promote professional improvement and the interchange of ideas;

(2) to conduct training institutes for its members;

(3) to provide for professional recognition for those who have made significant contributions to the implementation of entitlement programs;

(4) to recommend changes in certification and credentialing procedures where such changes will advance the objectives of the Academy; and

(5) to disseminate information on successful programs using the channels of the Departments of Education and Labor, wherever feasible.

SEC. 304. There are authorized to be appropriated to carry out the purposes of this title $1 million for fiscal year 1981 and $1 million for fiscal year 1982 to pay the initial organizational expenses of the Academy, including the costs of travel and subsistence of fellows attending national meetings. All expenses of the Academy after fiscal year 1982 shall be paid for by membership dues and contributions.

TITLE IV—AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

YOUTH OPPORTUNITY WAGES

SEC. 401. Section 14(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 214(b)), is amended to read as follows:

"(b)(1) To encourage youth opportunity, an employer may employ any youth who has not attained the age of 19 for a period of 180 days, without prior or special certification by the Secretary of Labor, at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under Section 6 (or in the case of employment in Puerto Rico or the Virgin Islands not described in section 5(e), at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 6(c)) in compliance with applicable child labor laws. *Provided, however,* That this paragraph shall not apply to any youth employee who has been employed by the same employer for a period of at least six months or is currently employed by an employer at a rate of at least the minimum wage."

(2)(A) To encourage youth opportunity, an employer or institution of higher education may employ any full-time student (regardless of age but in compliance with applicable child labor laws) at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 6 (or in the case of employment in Puerto Rico or the Virgin Islands not described in section 5(c), at a wage rate not less than 85 per centum of the wage rate in effect under section 6(c)).

(B) Any full-time student so employed under this paragraph by an institution of higher education or an employer other than an institution of higher education shall prior to such employment present to the employer a letter from the institution at which the student is enrolled certifying that such student is a full-time student enrolled at that institution.

(C) Any full-time student employed pursuant to this paragraph shall be employed on a part-time basis and not in excess of 20 hours in any work week, except during vacation periods.

(3) While no prior certification shall be required by the Secretary for purposes of paragraphs (1) and (2), the Secretary shall have general authority under this Act to ensure that the provisions of paragraphs (1) and (2) of this subsection are not being violated. Should the Secretary discover that an employer is employing youth at a wage rate lower than that allowable under this section or for a period of time longer than that specified by this section, or is engaged in a pattern and practice of—

(A) substituting younger workers employed at less than the minimum wage for older workers employed at or above the minimum wage, or

(B) terminating the employment of youth employees after a period of 180 days and employing other youth employees for periods of 180 days in order to gain continual advantage of the youth opportunity wage, the provisions of section 6 of this Act shall be considered to have been violated, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of otherwise applicable minimum wage and overtime rates pursuant to sections 6 and 7 of this Act."

(b) Section 13(a)(7) (29 U.S.C. 213(a)(7)) is amended to read as follows:

"(7) Any employee to the extent that such employee is exempted by regulations, order, certificate of the Secretary or in accordance with the provisions of section 14; or".

HEW'S TITLE IX INTERCOLLEGIATE SPORTS REGULATIONS ILLEGAL—IGNORE FEDERAL COURT DECISIONS LIMITING AUTHORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

● Mr. ASHBROOK. Mr. Speaker, on November 26 the U.S. Supreme Court denied the petitions of the Department

of Health, Education, and Welfare for writs of certiorari to review decisions of U.S. courts of appeal for the first, sixth, and eighth circuit holding that the Department had exceeded its authority under title IX of the Education Amendments of 1972, relating to discrimination on the basis of sex, in attempting to regulate personnel practices of schools and colleges receiving Federal financial assistance.

The fundamental holding in all three decisions—which has been the view also of at least 10 U.S. district courts which heard these and similar cases—is that the scope of HEW's regulatory authority under title IX is limited to "any education program or activity receiving Federal financial assistance" and does not extend to other activities of schools and colleges having federally assisted programs.

That is the law, and now beyond further appeal in 15 States and Puerto Rico. But on December 4, a week and a day after the refusal of the U.S. Supreme Court to hear appeals from these decisions, HEW's Secretary Patricia Harris approvingly announced the publication of a sweeping title IX "Policy Interpretation" by her Office for Civil Rights which would bring every aspect of intercollegiate athletics under the control of HEW. Yet not a single aspect of intercollegiate athletics is an "education program or activity receiving Federal financial assistance."

Incredibly, the new "policy interpretation" would deal with employment practices in the hiring and compensation of coaches, even though regulation of employment practices under title IX had been specifically rejected by the Federal courts. This contempt for law would astonish only those who are not familiar with HEW's administration of title IX under three Presidents, two of whom were Republicans. HEW's Office of Civil Rights has twisted the law so grotesquely, ignored it so flagrantly, and followed a wrong course so consistently, that by now it probably has led most people to believe the law permits and even requires Federal regulation of educational policy which clearly and on the face of the statute was never contemplated.

Indeed, HEW's interpretation of title IX as extending to all the activities of schools and colleges receiving any type of Federal aid was specifically rejected by the 92d Congress when it refused to adopt language suggested by the Nixon administration, and incorporated in legislation introduced by Senator BAYH and others, in favor of the more restrictive operative language of title IX.

It is the actual language of title IX, as opposed to the perverse interpretation of HEW's civil rights bureaucrats, to which the Federal courts have turned in no uncertain terms. I have presented a fairly detailed analysis of this legal history in statements in the CONGRESSIONAL RECORD on June 14, 1978, and July 18, 1979. The leading case is *Romeo Community Schools* v. *HEW*, 438 F. Supp. 1021 (1977). The trial judge, Judge Fiekens of the U.S. District Court for the Eastern District of Michigan, after a thorough review of the legislative history, flatly declared:

> HEW cannot regulate the practices of an educational institution [under title IX] unless those practices result in sex discrimination against the beneficiaries of some federally assisted program operated by the institution. The focus of section 1681—elimination of sex discrimination in federally funded education programs—must be the focus of HEW's regulations as well. To this extent, HEW's regulatory power is also "program specific".

This viewpoint was emphatically upheld by the U.S. Court of Appeals for the Sixth Circuit in a decision handed down on June 20 of this year. That court set forth its position as follows:

> We find HEW's construction of title IX to be strained. It seeks a reading of Section 1681, "no person shall be discriminated against, on the basis of sex in the operation of any educational institution receiving federal financial assistance." However, as actually written, the statute is not nearly so broad. The words "no person" are modified by later language which clearly limits their meaning. The concern of this particular statute is not with all discrimination against persons in any way connected with educational institutions which receive federal funding. Rather, it reaches only those types of disparate treatment which manifest themselves in exclusion from, denial of benefits of, or otherwise result in discrimination on the basis of sex "under any education program or activity receiving Federal financial assistance . . ." *Unless the discrimination relates to a program or activity which receives federal funding, it is not prohibited by Section 1681.* [Emphasis added].

This is the interpretation of title IX by the Federal district and appellate courts which the Supreme Court has refused to review. Except in those instances in which they may be a part of a federally funded program, athletic programs are not federally funded. Intercollegiate athletics in no case receive Federal funds. Intercollegiate sports clearly are not subject to regulation under title IX until such time as they might become federally funded—hopefully never. Why then, with dozens of supposedly competent lawyers at its disposal, does HEW persist in this interpretation?

If one believes the official explanations—and I do not—it is because of a helpful little congressional blooper popularly called the Javits amendment. Senator JAVITS' authorship came from his efforts in conference to find agreeable language for a Senate floor amendment by Senator TOWER designed to exempt revenue-producing intercollegiate sports, to which he accepted an amendment by then Senator MONDALE to require HEW finally to publish title IX regulations for comment. None of the principals expressed the view that HEW had authority to regulate sports, and Senator TOWER stated expressly that the amendment was not to be interpreted as enlarging HEW's authority.

Fortunately, for the sake of consistency in legislative history and intent—to say nothing of the independence of American higher education from complete regulation by HEW bureaucrats—this was not even an amendment to title IX, but a section (844) of the Education Amendments of 1974 (Public Law 93–380) which stands alone. Section 844 of Public Law 93–380 directs the Secretary of HEW to publish proposed regulations implementing title IX "which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of the particular sports." This was a well-intentioned reaction against HEW proposals considered to be completely unreasonable and which did not take into consideration any of the complexity of intercollegiate sports as varied as football and fencing.

This did not amend title IX nor change the scope of the operative language of the title. Obviously, the authority to issue any regulations under title IX is derived only from that title, as amended. Accordingly, since title IX, reasonably interpreted as the courts have done, never did reach intercollegiate athletics in the absence of Federal financial assistance for that activity, "reasonable provisions" could only have been contingent on such assistance. But it is on this weak reed—plus the continued misreading of the basic statute—which HEW must lean for support of its position. I do not think it will hold up in court.

But this intrusion of Federal regulators in the administration of American higher education must first be challanged in the courts. There is an understandable, albeit inexcusable, reluctance on the part of colleges and universities, as well as their professional organizations, to challenge HEW on a "civil rights" or "women's rights" issue. Arrayed against those who would offer the challenge are politically powerful and enormously vocal organizations which for anything perceived as an advantage will attack the motives of those who oppose them. College and university officials and their representatives know that they will be publicly attacked as enemies of all of the legitimate aspirations of women if they suggest that title IX does not authorize this type of intervention.

It is nevertheless the plain duty of educators to challenge any Federal intervention in their affairs which goes beyond the law. Two principles of overriding importance are at stake. The first quite simply is adherence to the law as it is written and intended to be applied. If Federal bureaucrats representing the interests of certain groups are permitted to twist and mangle the law in those interests because the ends sought are viewed by some as desirable, eventually we can forget about the rule of law. One of the aggrieved parties in this instance is the Congress itself, but except in rare instances the Congress in recent years has taken a supine attitude toward those who legislate by regulation. Still, the indifference of Congress to what should be its profound institutional and constitutional concerns is no excuse for the resignation of others, particularly when their

own interests are on the line. Adherence to the rule of law is essential to the protection of everything educators and education values, including freedom of inquiry.

The second principle is that the control of education ought to remain in State, local, and private hands. We are perilously close to Federal domination of educational decisionmaking at every level, and the title IX regulations go a long way beyond that into dictation of administrative detail, reducing school and college officials to mere puppets of HEW bureaucrats. Already, Secretary Harris has reopened the issue of title IX control of school dress codes and hair-length rules, as though parents and local school boards were incapable of dealing with such issues independently of HEW—which again asserts an authority it does not have under title IX. The time to stop this dangerous nonsense is right now and the place is the nearest U.S. district court.

A defense of these principles should in no sense be viewed as an attack on the rights of women. On the contrary, as citizens we all have a vested interest in government by law and in the freedom of our educational institutions from Federal domination. Moreover, the transgressions of HEW against the deliberately limited scope of title IX have for the most part resulted in obscuring in controversy and ridicule the real goal of equal educational opportunity for women. In any event, HEW ought not be permitted to run wild for whatever purpose.

I think there is a deeper lesson to be learned from our experience with title IX—and that is that when we turn to the Federal Government to combat every evil, to solve every problem, to grant every desire, we do so at the peril of our liberty. A government cannot do all these things anyway, but if it could, or even if permitted to try, it could do so only by use of the most extraordinary powers to make all our decisions for us. At every juncture of the legislative process we ought to be asking ourselves not only what ends we are seeking, but what kinds of authority it will require to gain them, how it will likely be exercised, and how much freedom will be lost in the process.

As the father of three daughters, I am not uninterested in or opposed to equal opportunity for women in education, employment, and citizenship. I just do not see Federal regulation of intercollegiate sports as a contribution to that end, even if the Congress had conferred that authority. I see it as further movement toward a society in which opportunity is neither won nor shared, but strictly regulated. I doubt that many of our daughters really want that.●

RESOLUTION TO PROCLAIM JUNE 27, 1980, AS "HELEN KELLER DAY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. FLIPPO) is recognized for 5 minutes.

● Mr. FLIPPO. Mr. Speaker, I am very honored to have the opportunity to introduce today a resolution which would proclaim June 27, 1980, as "Helen Keller Day." That date marks the 100th anniversary of the birth of a remarkable woman who has best symbolized the spirit of hope to us all. Helen Keller has been called our Nation's first lady of courage, a title which is most fitting. She was a symbol for all in the world of the triumph over multiple handicaps and dim hopes.

Helen Keller was much loved and admired in the world. One major reason was because she did not suffer the handicaps of blindness to the aspirations of her fellow man, or deafness to the voices of suffering, and she was never mute in her ability to articulate the hope for a better life for all mankind. She was a person of merit who accepted others for their worth as human beings, not seeing or hearing the irrelevant or judging the surface or superficial.

Helen Keller could see into the souls of the people she touched. She searched for peace in the world as she found peace in her own soul. She eloquently wrote these words which I would like to share with my colleagues in the House:

They took away what should have been my eyes,
(But I remembered Milton's Paradise).
They took away what should have been my ears,
(Beethoven came and wiped away my tears).
They took away what should have been my tongue,
(But I had talked with God when I was young).
He would not let them take away my soul.
Possessing that, I still possess the whole.

Helen Keller is remembered throughout the world as a woman of great strength and courage. Her life serves as an example to all of us of the triumph of personal character over great adversity.

Helen Keller was born a normal child in Tuscumbia, Ala., in my congressional district. At the age of 19 months, illness took away her ability to see and hear. This was a century ago when education for hearing or visually impaired children was infrequent and inadequate. Helen's future looked dim and a wasted life was expected even by those who loved her.

She spent the next 5 years literally in the dark, without any real way to communicate or learn. Helen could not be controlled and could not communicate. That is the way it may have remained except for the arrival in Tuscumbia of a strong-willed and intelligent 21-year-old woman named Anne Sullivan. Miss Sullivan, herself nearly blind for most of her life, would become Helen's teacher.

The story of Helen and teacher is best known today as "The Miracle Worker." This play is performed every summer at Helen's birthplace, "Ivy Green" in Tuscumbia. The story has endured from its presentation as a Broadway play and as a major motion picture. This popular work is still performed around the world and is enjoyed by new audiences in person and by millions who have seen it on television.

Anne Sullivan was able to open Helen's world, first through sign language, and later through Braille, and other specialized techniques. The child without hope went on to become an honors graduate at Radcliffe College in Cambridge, Mass., an author, and, after learning to speak, a much respected lecturer.

Helen Keller and Anne Sullivan created a partnership that inspired a generation of Americans. They worked together to break the barrier of silence, and strove to never again become silent. With interpretational help from Miss Sullivan, Helen Keller traveled the world, seeking aid and understanding of blindness, and offering her own outspoken views, her unique insights, on world issues.

She was often controversial in her campaigns for such things as women's suffrage, help for the blind in impoverished nations, mandatory preventive eye care for newborns, and world peace. Her handicaps did not immunize her from her opponents on given issues. However, she was able to transcend the boundaries of prejudice which afflict most of mankind. The fact that she could speak out gave courage to the entire world.

Helen Keller's life demonstrates not that miracles can happen. It shows that good, meaningful life can come from darkness, but only with dogged determination. And it comes with partnership, for she could not have achieved greatness without the stern love of Anne Sullivan.

Her story, moreover, is not simply one of overcoming physical handicaps, though she did so remarkably. It is a reminder to all of us that with imagination, persistence, and courage, we can overcome obstacles, and we can excel. Let us commemorate with joy this excellence, this excellent woman.

Helen Keller's contributions are inestimable. She was more than a great humanitarian, she was a warm human being. I hope that this Congress and all Americans will join in the commoration of the centanary of the birth of Helen Keller, a native daughter of Alabama and a friend to the world.●

DON BONKER: WHAT SHOULD WE DO ABOUT IRAN?

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 would like to call to the attention of the House an excellent analysis of the Iranian crisis by our distinguished colleague DON BONKER of the Third District of Washington. In an article in the Vancouver Columbian on December 13, he looks beyond the immediate outrage of the American hostages to discuss what the Iranian crisis portends for the interests of the United States in the Middle East. I commend

this preceptive analysis to all who read this RECORD:

WHAT SHOULD WE DO ABOUT IRAN?

(By DON BONKER)

What is happening in Iran may be a prelude to more ominous things to come. To be sure Iran is not typical, but there are enough threads to see a Persian fabric that does not bode well for U.S. interests in the region.

Thread one. The Muslim uprising in Iran could well spread to surrounding states, many of them oil-producing, with anti-American overtones, which may serve to unify disparate radical Arab states and intensify their political demands on the United States.

Thread two. The Middle East continues to be the most tense and potentially explosive region in the world. Animosities run deep despite the president's efforts to bring together Egypt and Israel in the recent peace accord.

Thread three. Our critical dependence on oil from Persian Gulf countries threatens the energy and economic security of western countries and in particular subjects the United States to political blackmail from a variety of Arab states.

How we got into this unfortunate mess is best left to the historians, how we get out of it represents an extraordinary challenge for today's leaders.

Judging events in the present context denies us consideration of prior circumstances. Iran is an example. The American government, through successive administrations, has affirmed its close ties with the shah who, in past days, served our national interests in the Persian Gulf. To mention the obvious, he proved a reliable and moderating voice who supported U.S. peace overtures in the Middle East, allowed a generous flow of oil to match U.S. consumption and openly promoted U.S. security and strategic interests in that hostile area.

To be sure, the shah engaged in political repression and allowed the accumulation of wealth and power that precipitated his downfall, but this has been the norm of authoritarian regimes for decades and only in recent times have human rights become an issue.

As a member of the Foreign Affairs Committee, I attended Department of State and CIA briefings on Iran, but not once did we see a hint of the enormous problems ahead. We read about the Iranian student demonstrations in Houston and when the shah was in Washington, D.C., but no one took these seriously.

With sporadic Muslim uprisings occurring in Islamic countries, no one can accurately predict the outcome or the eventual consequences of mounting pressure on the U.S. to retaliate. But what would be the cost should the U.S. take military action? Since one-third of all our imported oil comes from Arab (Muslim) states, we could reasonably expect another oil embargo comparable to what the United States experienced in 1973, following outbreak of the Middle East war.

Such action would precipitate not only dramatic petroleum shortfalls but certain economic repercussions for the U.S. and other western countries. While the president and Congress are developing a comprehensive energy program that will liberate us from this frightening dependence on foreign oil, it will not bring relief for some years to come.

Secondly, the Islamic revival in Iran is notable in that it could quickly spread throughout the Middle East, uniting Arab states in a more fanatical anti-American stance, bringing almost certain doom to the peace process now under way in that region.

Most disturbing is Iran's proximity to the Russian border. At first the Soviets were surprisingly quiet, if not supportive, of the U.S. on Iran's bizarre action but that changed when the president dispatched our naval armada to the Persian Gulf. Never reluctant to exploit a situation, Moscow would not hesitate to offer political, perhaps even military, support of Iran, using a mechanized division manned by crack Farsi-speaking soldiers. During such times we risk the potential of a tense, irreversible confrontation with the Russians, raising the terrifying specter of nuclear war. But for the time being it appears the two superpowers are content to exchange messages, not missiles.

At this writing there is no way to reasonably predict the outcome of this latest crisis.

For the United States it has been a time of sober reflection and restraint. But it is also a test of our resolve and how we will respond to similar crises in the future. On the positive side this could be a blessing in disguise for it has given us a momentary sense of unity and patriotism that was sorely needed. It also has caused the government to examine closely its policies for dealing with a new generation of global problems. At some point, U.S. resolve is sure to be tested and Iran may be the best time and place for that to happen.

For the present, Iran is in a state of euphoria, but it cannot be maintained indefinitely. The country is beset with economic and political problems that are multiplying daily. The country is in a state of transition from a contemporary monarchy to a 12th Century theocracy—a shift from one form of authoritarian rule to another.

With discipline breaking down, the economy and infrastructure near collapse, regional and religious hostilities becoming more intense, and arms flowing into the fanatical hands of a rebellious society, the country is headed towards certain anarchy. Iran will be in for a long period of bloodshed and violence long after this ordeal with the U.S. has passed.

Meanwhile the U.S. must deal with an unorthodox diplomatic situation. How we respond to it may prove more important than the crisis itself.●

JUDGE WEBSTER AND JUDGE WOOD

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, Judge William Webster, Director of the Federal Bureau of Investigation, is a man who has profound respect for the law. He realizes that the murder of Judge John Wood in San Antonio, just 7 months ago, was an intolerable assault on the very fabric of law, and the whole basis of civilized society.

On November 29, Judge Webster visited San Antonio to review the progress of the investigation into the Wood assassination. He held a press conference to discuss the matter, and though prudence required him to be cautious in his statements, Judge Webster made it clear that there is no investigation that has a higher priority than this, and that the case will be solved, no matter how long it takes. That is commendable, and I hope that the FBI will soon be able to seek indictments against those responsible for the murder of Judge Wood and the assault upon U.S. Assistant District Attorney James Kerr.

Judge Webster told the press in his San Antonio press conference that at the outset, 50 agents were assigned to investigate the murder of Judge Wood. He also revealed that 17 agents are still assigned to the case on a full time basis, and made clear that more would be assigned if developments warranted it. No less than 3,000 interviews have been conducted, and countless leads investigated in one degree or another. Something on the order of 118,000 different records have been placed in computers, which are in the process of sorting out the data and testing information against one theory or another.

All of this, I have to hope, will lead to a solution of the Wood murder and the assault on James Kerr.

I am heartened that Judge Webster understands the importance of these matters. These are his words:

The assault on Federal Officers closely associated with the administration of justice cannot be tolerated in a free society . . . those who have the responsibility for protecting the system of justice under which we operate (must have) a relentless commitment . . .

The task of the FBI in the Wood and Kerr cases is not easy; it is monumental. Judge Webster does not know when the cases will be resolved, but he is confident they will be.

It is important to realize that the murder of Judge Wood was not, in Webster's view, any casual event nor was it a crime of passion. It was, and these are his exact words a planned assassination. And the forces involved were not small. A reward of a hundred thousand dollars is available to anyone who will come forward with information that will resolve the Wood case. Not only that, additional sums are available to anyone who comes forward with information that is useful in the investigation of this case. But, as Judge Webster observes—

. . . many (persons) associated with some of the activities here are not too impressed with what otherwise would be a very substantial sum of money.

In short, as the year comes to a close, both the Wood and Kerr cases remain open. But we can say this about them:

First, they were carefully planned attacks, not casual assaults nor crimes of passion or vengeance.

Second, they were perpetrated by persons active in crime of an organized nature, and specifically persons in the drug business.

Third, the persons involved are powerful enough not to be tempted or impressed by the offer of large sums of reward money.

Fourth, these crimes are well understood by the Director of the FBI to be of the greatest importance to the whole future of law enforcement, and he has assigned high priority to them accordingly.

Fifth, the Director of the FBI has vowed to see these cases solved.

I appreciate the dedication of Judge

Webster. I appreciate the work that has been done by his agents and those who are cooperating with them. And I hope that by this time next year these cases will have been laid to rest, and our country thus reassured that no one can attack with impunity the Federal prosecutors and judges who are entrusted with the vitality of American law and justice.●

INTRODUCTION OF A FLEXIBLE QUOTA BILL FOR OIL IMPORTS

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

● Mr. VANIK. Mr. Speaker, today I am introducing legislation which aims at reducing the quantity of imported petroleum and petroleum products with a minimum of dislocation and disruption to our economy. At this point, the deadly drain of high-priced energy imports to our Nation and the vulnerability of our present situation with regard to energy hardly needs to be reiterated.

This legislation provides Congress with an alternative to the President's mandatory quota ceiling for petroleum and petroleum products of 8.5 mbd, the target level agreed upon at the Tokyo Summit for 1985. I support the President's goals in setting up a quota, but I quarrel with his methods. Thus, rather than simply striking out at his authority contained in the Trade Act of 1974, section 232, I would like to see Congress take some positive, constructive action.

Since the President's July announcement of his intention to hold the United States to its Tokyo Summit commitment in the intervening years, 1980–85, there has been considerable debate, not only in numerous Senate, House, and Department of Energy hearings, but also throughout the entire country, about the advisability of establishing hard and fast quotas.

Generally, industry analysts have concurred with the Library of Congress projections that the quota will "bite" by 1982 at a considerable cost—both to our economy in terms of inflation, unemployment and GNP reductions, and to the American consumer in higher prices paid for petroleum products.

In a December 4, 1979, Library of Congress study on the "Economic Effects of Oil Import Quota Proposals," estimates for the supplementary price jumps a quota on oil imports would entail in a single year, range from $5.5 billion for 100,000 bpd saved in 1982 to $72.5 billion for 700,000 bpd saved in 1985. Regardless of how such sums accrue to the U.S. Treasury and/or the oil industry, the numbers in the forecasts spell out no small problems for our economy, and plain common sense says the public will not accept such burdens.

Aside from the economic impact of such a quota, the administrative problems of allocating scarce supplies among users clamouring for their fair share put an extreme and unfair political pressure on the President. I feel strongly that Congress should share the responsibility by legislating petroleum and petroleum product import goals.

My bill would write our Tokyo Summit commitment of 8.5 mbd in 1985 into the law and provide for a more flexible means of restraining imports in the intervening years. Each year the President would submit estimates to Congress, detailed by energy type, of yearly domestic demand and production, taking into account new sources and projected conservation. The yearly quota for imports of petroleum and petroleum products would be set at the difference between domestic supply and demand, not including additions to the strategic petroleum reserve or unconventional sources of petroleum from the Western Hemisphere. Congress would have the opportunity to reject the plan—under the procedures set forth in section 152 of the Trade Act of 1974—requiring the President to establish a new plan.

Should Congress accept the plan, the President would then have the responsibility of administrating the quota by regulation, taking care to—among other stated objectives—maximize efficient utilization of domestic refinery capacity. The President would also have the power to modify the quantitative restrictions should an emergency occur. In the event of an import shortfall, the President has two options: First to borrow against future quota years, but never more than fourteen/three hundred sixty-fifths of the following year's aggregate quota quantity, or second, to allocate short supplies by imposing import fees or instituting a public auction by sealed bid of rights to import petroleum and petroleum products, with a separate auction for small refiners and independent marketers. Any significant differences between estimates for supply and demand and actual supply and demand for a given quota year would require the President to submit a detailed explanation to Congress.

Finally, this bill provides for the ITC to take on a long-overdue, exhaustive study, with continuous monitoring, of the domestic refining industry.

With this legislation, I would hope to ensure that progress in curbing our appetite for energy will result in fewer imports rather than lessened pressure for domestic production of energy. Further, yearly formation of quota plans and continuous monitoring of our imports should focus national attention and debate on our progress toward a more energy-efficient, energy-secure society.

Early in 1980, I hope that the Subcommittee on Trade of the Committee on Ways and Means, which I chair, will have the opportunity in the near future to hold hearings on this legislative proposal.●

A TIME FOR REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS) is recognized for 60 minutes.

● Mr. MATHIS. Mr. Speaker, a series of events, both here and abroad, have brought home to me that this is a most appropriate time for the Members of the House of Representatives to review our defense policies and our overall military posture. I say that despite the fact that I am not a member of the Armed Services or Appropriations Committees. I am sure you anticipate as I do that our constituents will be asking many questions of us during the Christmas holidays and making very positive recommendations to us about defense and foreign affairs.

The most important activity in the national security area at the present is the debate in the Foreign Relations and Armed Services Committees of the Senate on the proposed Strategic Arms Limitation Treaty. It is obvious that a consensus on SALT II has not developed in the Senate.

It has been particularly interesting to me that the debate has not focused tightly on the terms of the treaty, but rather has extended to broader considerations relative to our national defense policies and the overall status of our Armed Forces. The Members of the Senate have obviously felt that they could not make a wise judgment on SALT II without considering the treaty in the widest possible defense context.

A considerable amount of the Senate debate has dealt with the relative merits of a 3-percent increase in the Defense budget versus a 5-percent increase. A number of Senators, however, have found this too simplistic an approach, and they have insisted that the Senate should know in some detail how the administration intends to allocate future Defense dollars.

In response to their request for detailed information, the administration has submitted, quite prematurely, a proposed Department of Defense budget for fiscal year 1981, along with a generalized 5-year Defense projection.

It is clear to me that the increases proposed in next year's Defense budget by the administration reflect much more than the Senate's concern about SALT II. They indicate a growing awareness nationwide that there are inadequacies in our defense posture.

Without reference to that proposed Defense budget but in light of the possibility that this administration might not succeed itself, 19 Senators from both parties, led by Senator SAM NUNN of Georgia, recently sent a letter to President Carter urging that he postpone the vote on SALT II in the Senate until after the 1980 election. These 19 Senators were bearing in mind the fact that incoming administrations seldom follow the plans of outgoing administrations. And they were taking the position that the Senate's judgment on SALT II should be based on the intentions and commitments of an administration with a full 4-year mandate in front of it, a mandate that would extend into the critical early years of the next decade.

One may be sure that the President did not welcome the letter, but I have to

feel that our colleagues in the Senate had a well taken point.

An additional factor that has undoubtedly contributed to the caution being displayed in the Senate—and that is behind my recommendation that we anticipate the need to review our defense policies and posture—is that there have been two major international crises during this fall period. The first, of course, was in Cuba; and the second, the current one in Iran.

The implications of these two crises extend well beyond SALT and our strategic forces to our overall military capabilities. Both have served to illustrate that the options available to the President in resolving crises relate to the strength of all our Armed Forces and to the particular ability of certain specialized military units.

Many persons reflecting on these crises have also wondered, as I have, whether the United States would have been challenged in the first place if Soviet and Iranian leaders had not perceived an inadequacy in our military posture along with an overreluctance on the part of the United States to use its military strength to resolve international disputes.

In his recent testimony before the Senate Foreign Relations Committee, Dr. Henry Kissinger addressed these two issues in noting:

> The turmoil caused by radical forces and terrorist organizations, sponsored by Moscow's friends, mark ours as a time of upheaval. . . . If present trends continue, we face the chilling prospect of a world sliding gradually out of control, with our relative military power declining, with our economic lifeline vulnerable to blackmail, with hostile forces growing more rapidly than our ability to deal with them, and with fewer and fewer nations friendly to us surviving.

One would have wished that Dr. Kissinger had held this perspective on international affairs when he was in office and when he had the opportunity to prevent some of the problems from arising that now perplex us. There were many of us in this body who sought to recommend to Dr. Kissinger somewhat less optimism about the policy of détente than he was prone to exhibit when he was Secretary of State.

The crisis in Iran brings to mind a warning that the former Secretary of the Air Force, Thomas Reed, has been sounding in a speech he has delivered before audiences around the country during the past year or so. He entitles his speech, "The Last Great SALT Debate." Interestingly enough, he deals very little with SALT in his remarks, but rather warns his audiences of a possible energy crisis involving both the United States and the Soviet Union that could reach its peak about 1985—which, coincidentally, is the year when the proposed SALT II treaty would expire.

Reed cites two studies, one by MIT and the other by the CIA, both of which agree that the Soviet Union will face a severe energy crisis in the early 1980's. The reason is that the need for energy in the Communist bloc is going up while their supplies of oil are going down. The population of the Soviet Union and of its Eastern European allies is growing, and the bloc countries are using increasing quantities of energy as their economies shift from agriculture to manufacturing.

At the same time, however, the Communist states cannot sell their shoddy goods to the West or to the OPEC countries. So the Communist bloc faces a currency problem that compounds its energy problem.

The former Secretary of the Air Force reasons that the Soviets will not stand by idly and let the Communist bloc economies suffer for lack of energy when the Middle East is at its doorstep.

Reed reminds his audiences that in 1975 Secretary General Brezhnev told Communist officials in Prague that, "By 1985, we will be able to exert our will wherever we need to."

Despite the dramatic quality of the Iranian crisis and its implications for the Nation's supply of energy, I have found myself growing increasingly concerned about the SALT treaty. I noted with interest the earlier report by the Panel on the strategic arms limitation talks and the Comprehensive Test Ban Treaty of the House Armed Services Committee, entitled "SALT II, An Interim Assessment," released December 23, 1978. I commend the Panel for this report.

It anticipated the debate that has taken place in the Senate. It also reflected a recognition by Chairman PRICE and the members of his committee that the House would play a very important role in considering those future Department of Defense budgets that would serve to implement the SALT treaty, if ratified, or to establish a new defense policy for the Nation, if rejected.

The panel declared that it found—

> • • • nothing in the agreement, as it is now structured, which would diminish the requirement for prudent U.S. strategic initiatives. Conversely, there is much about SALT II which causes uneasiness and requires a very close examination.

Then harking back to the Jackson amendment to SALT I, the panel went on to declare:

> The crucial question to be asked of the Carter Administration by the Congress and of the Congress by the people is: "Is the present administration prepared to propose and support programs which will assure that the United States will, in fact, maintain levels of strategic forces not inferior to those of the Soviet Union, and is the Congress prepared to support those programs?"

I would hope that the Armed Services Committee will give us the benefit of an updated evaluation of the SALT treaty before the House has to consider the defense budget next year.

My position at the moment is that I have gone beyond the stage of "uneasiness" about the treaty, expressed by the panel, to downright opposition to it. I am particularly disturbed by the unilateral grant to the U.S.S.R. of the right to have heavy ICBM's, without any compensating right to the United States. I also find no justification for the provisions in article IV of the treaty which permit extensive modernization of ICBM's. We all know that the United States has no plans between now and 1985 to modernize its entire force of ICBM's. We will be placing a new warhead on some of our Minuteman III's, but that is the extent of our plans. In contrast, the Soviet Union has an entirely new generation of ICBM's ready to be tested and introduced into its inventory. Within the terms of article IV, that "fifth generation" of Soviet ICBM's can be deployed between now and 1985. Finally, I am appalled that U.S. negotiators would have allowed the Soviet Union to have both an intercontinental strategic bomber, the Backfire, and an intermediate range ballistic missile, the SS–20, which can easily be converted into an ICBM, outside the numerical limitations in the treaty.

There can be no question that the treaty will grant to the Soviet Union a massive advantage in strategic power, and the treaty fails entirely to reach its goal of mutual arms limitation.

I share the feeling, recently expressed by the majority of the members of the Senate Armed Services Committee, that the treaty "is not in the national interest of the United States." I also believe the treaty will complicate future diplomatic efforts by the United States to resolve international crises and to encourage political stability in the world.

Whether the Senate ratifies or rejects the SALT treaty, I believe the Congress must insure that steps be taken to reestablish the credibility or our strategic deterrent and to make clear to the Soviet Union and to the rest of the world that we will not tolerate a position of strategic inferiority.

The problem facing the Congress is not simply what steps must be taken in strengthening our strategic forces, but what is the proper order for those steps. I have confidence that the House Armed Services Committee will in due time recommend a detailed agenda for our strategic systems. I find myself in accord with those who have already recommended the following approach; namely, that the United States give priority to those programs most likely to degrade the confidence the Soviets appear to be developing in the ability of their strategic weapons to carry out a first strike against us.

I note that the recent arrangements with our NATO allies have stressed a similar need for a rapid adjustment of the dangerous imbalance in European theater nuclear forces.

As in the case of NATO, cruise missiles are favored by many as the priority systems we should deploy because they can be produced in a hurry and at a low unit cost. The constraints on those weapons contained in the protocol to SALT II are burdensome, to say the least. These weapons can carry out a powerful strategic retaliation if deployed in sufficient numbers, but they would not pose a provocative threat to the Soviet Union. That is, the Soviet air defense system would find it exceedingly difficult to defend against a large and diverse force

of U.S. cruise missiles, but the Soviets would not view our subsonic cruise missiles as threatening the U.S.S.R. with a first strike.

The deployment of cruise missiles would, of course, be only the first of a series of steps we must take. Over a longer timeframe, we must consider means to insure the survivability of our land-based ICBM's. In that regard, I would like to recommend that it would be appropriate for the Congress to review what the latest in technology may be able to contribute to an active defense system against ballistic missiles.

The Congress rejected the Safeguard ABM system in the fall of 1975—in an act of questionable wisdom. But I understand that ABM technology has come a long way. And it would be wise, in my judgment, to review carefully a balanced formula of an active defense system along with a racetrack-style of deployment for the MX.

My deepest concern about SALT II is that if the Senate ratifies the treaty, there will follow in the wake of that action a nationwide euphoria which will make it all but impossible for the administration and the Congress to take the necessary steps to strengthen our strategic forces. The argument will be presented, as it was after SALT I, that the purpose of the SALT agreements is to limit arms, not to serve as a justification for developing more.

As concerned as I am about SALT II and our strategic forces, I am at least as concerned about our land-based conventional forces and our Navy. The renewed interest by this administration in the condition of our ground forces in NATO is commendable. But one has to question whether a 3 percent increase in our commitment to NATO is anywhere near enough.

The recent Nifty Nugget exercise confirmed the earlier Nunn-Bartlett report on NATO and demonstrated both the inadequacies in the equipment of our ground forces and our means of providing logistical support. As an outgrowth of that exercise, the Joint Chiefs of Staff have recommended that we expand the fleet of merchant ships and commercial aircraft that can be converted to augment our military cargo ships and planes. The JCS is also recommending that we accelerate the development of an entirely new CX cargo aircraft to enhance our airlift capabilities.

In that regard I noted recently that Vice Adm. Kent Carrol, director of Logistics for the Joint Chiefs, testified that we do not have enough cargo ships to transport 2⅓ Army divisions to the Persian Gulf, if that should become necessary, let alone the ability to transport 4 divisions, called for in the Carter administration's contingency plans.

Along the same line, Adm. Elmo Zumwalt, former Chief of Naval Operations, recently stated:

> Our Navy has reached the point where it no longer can, with certainty, guarantee free use of the ocean lifelines to the U.S. and allied forces in the face of a new, powerful, and growing Soviet fleet.

He continued:

> The U.S., being a world island, dependent upon the seas for 69 of the 72 resources which our Department of Defense calls "critical"... must be able to use the seas.

It is very discouraging for me as a Member of this body and an American citizen to read statements like that, to see the United States blackmailed by other nations, and to think that we have allowed ourselves to become the No. 2 nation in strategic power. Again, Henry Kissinger was frank to admit that many of our military difficulties are the result of our unilateral actions—and hence, to use his word, they were "avoidable."

We must engage in more than the usual annual assessment of our defense needs. I believe we need the kind of appraisal that has often been described as "agonizing." When this body reconvenes next January, I hope we will all participate within the appropriate committees, and when we are convened as a Committee of the Whole, in a thorough reappraisal of our national defense policies and posture. Individually, we should all begin that process now.●

THE MARRIAGE TAX PENALTY MUST BE ENDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 15 minutes.

● Mr. LAFALCE. Mr. Speaker, when Congress enacted the Tax Reform Act of 1969—which set up a new, lower rate schedule for single wage earners—it unfortunately ignored the effect this would have when two wage earners were married. As a result, a husband and wife who both work now generally pay more tax than they would if they were single and living together.

The purpose of the new singles' schedule was to reduce somewhat the taxes a single person paid, which was sometimes as much as 42 percent more than a married one-earner couple filing a joint return with the same taxable income. However, by benefitting singles, two-earner married couples were left in a precarious position. They were left with the choice of using the high rates for married individuals filing separately, or combining their incomes and having the second wage earner's income being taxed at higher rates than the first.

It is the tax rates faced by the second wage earner that causes the marriage penalty because the joint return provision requires that the income of the two spouses be added to determine the tax liability. No distinction is made for the allocation of income earned between the two spouses since only the total income is necessary to determine tax liability. Because the tax rates are progressive, the aggregation of income of both spouses increases the marginal tax rate to be paid on the total income of the married taxpayers.

The following example will serve to illustrate the marriage tax penalty: If a single man and woman were to earn $15,000 each in 1979, and filed single returns, each would pay $2,345 in Federal income taxes—assuming the standard deduction was taken. This would result in a combined tax liability of $4,690. If the two were to marry, the tax on a $30,000 income on a joint return would be $5,593, or a marriage penalty of $903. As income increased, and as the two incomes became more equal, the marriage tax would also increase.

The impact of the tax is staggering given the increased incidence of two-earner families in recent years. It has been estimated that over 15 million couples will be affected by a tax which would have been lower if they were single individuals living together. Hence, the current structure of our income tax code makes it more attractive and lucrative to get divorced and live together.

Marriage used to be a simple, romantic decision. However, it now entails a variety of tax consequences which are adverse to the married couple, and the American family.

The only way we can ensure that this injustice is rectified is to tax every individual's income on the same rate schedule, regardless of whether the income is earned by a single person or a two-earner married couple. Hence, I have today introduced a bill to eliminate the marriage penalty by providing that all individuals use the income tax rates applicable to joint returns and that a husband and wife could file separately if this was to their advantage.

This proposal will eliminate an unjust tax that is based on nothing more than the decision of two people to get married.

The text of the bill follows:

H.R. 6209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1 of the Internal Revenue Code of 1954 (relating to tax imposed with respect to married individuals filing joint returns and surviving spouses) is amended by striking out so much of such subsection as precedes the table and inserting in lieu thereof the following:

"(a) INDIVIDUALS.—There is hereby imposed on the taxable income of every individual a tax determined in accordance with the following table:".

(b) Section 1 of such Code is amended by striking out subsections (b), (c), and (d) and by redesignating subsection (e) as subsection (b).

SEC. 2. Section 1 of the Internal Revenue Code of 1954, as amended by the first section of this Act, is amended by adding after subsection (b) the following new subsection:

"(c) COMMUNITY PROPERTY LAWS DISREGARDED.—For purposes of this chapter, taxable income shall be computed without regard to community property laws."

SEC. 3. The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

SEC. 4. The amendments made by this Act shall apply to taxable years beginning after December 31, 1979.●

INTERPARLIAMENTARY UNION ACTION ON BEHALF OF AMERICAN HOSTAGES IN IRAN

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

man from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, for a month and a half now, all of us have followed with deep concern the plight of Americans held hostage in the American Embassy in Tehran. Their continued detention, in violation of international law and basic standards of human decency, has been widely condemned, and many efforts are underway to obtain their release.

Both the United Nations Security Council resolution, unanimously adopted, and more recently the World Court decision have made even more insistent the absolute and unconditional international demand for the release of the American hostages.

As part of the effort to press for international cooperation and assistance to obtain the release of the American hostages, the U.S. Group of the Interparliamentary Union recently transmitted a request to all other IPU national groups with which the United States has diplomatic relations that they consider an immediate declaration reaffirming the U.N. Security Council resolution and calling for the immediate release of the hostages for humanitarian reasons and to uphold international law. Our plea also urged consideration by other national groups of a call on Iranian authorities to permit regular visits to all hostages by outside observers.

This message, signed by myself as President of the U.S. Group and by Senator ROBERT T. STAFFORD and Representative EDWARD J. DERWINSKI, the two members of the Interparliamentary Council, was sent to 77 nations on Friday, December 7.

It is heartening to report that several groups we contacted took immediate action both to make public their parliament's support for the United States and to communicate their views either to Iranian officials in their countries or directly to the ayatollah in Tehran. Our West German colleagues, for example, sent a cable, endorsed by the entire Bundestag, to the ayatollah immediately after learning of our concern. Similarly the British raised a motion in the House of Commons concerning the American hostages and conveyed a copy of that motion to the Iranian chargé in London.

Additional positive support and action has already come from the IPU national groups of Austria, Denmark, Ecuador, Ireland, and the Netherlands. Further responses to our request are anticipated.

The strong support we received from our parliamentary colleagues abroad will hopefully increase pressure on the authorities in Tehran to release our American hostages. We should be grateful for this positive proof of the friendship we have developed through our long association with the IPU.●

SHARE DRAFTS, AUTOMATIC TRANSFERS INTERTWINED WITH CONTROVERSIAL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. EVANS) is recognized for 5 minutes.

● Mr. EVANS of Indiana. Mr. Speaker, share drafts for credit unions, automatic transfers for commercial banks and remote service units for savings and loans have been intertwined with complicated and sometimes controversial legislation during much of this year. That is unfortunate because millions of consumers have had to use these three services under a cloud of doubt since the Appeals Court of the District of Columbia on April 20, 1979, ordered these services terminated as of December 31, 1979.

Congress is overwhelmingly disposed to the continuation of these services as evidenced by House and Senate action on H.R. 4986 which clearly authorizes these programs. In the Senate, 76 of 85 Members voting on these services voted to approve them. In this body, when 406 House Members voted on this issue, I and 366 of my colleagues chose to give these services a clear legal status.

I know that share drafts, automatic transfers and remote service units have become part of the larger financial institutions reform issue which is complex and needs extensive study. That fact must not be allowed to hinder a clear understanding of the intent of this body with regard to share drafts, automatic transfers and remote service units, however.

It must be adamantly clear by our action today that Congress fully intends to permit these prorgams to continue as perfectly legal services which may be used by the consumers to whom they are offered.

The March 31 termination of this authority is part of our approval only because we have been unable to reach a conclusion on the other issues which are being considered as part of the overall financial reform, and this authority ends in 90 days only because the two bodies of Congress are unable to agree on the substance of the larger and more inclusive legislation.

It should be clear that we are committed to a speedy resolution of our differences to assure that these programs are not terminated on March 31, 1980.●

CALL OF THE HOUSE

Mr. ZABLOCKI. 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. 756]

Abdnor	AuCoin	Bennett
Akaka	Badham	Bereuter
Alexander	Bafalis	Bethune
Ambro	Bailey	Bevill
Anderson, Calif.	Baldus	Biaggi
Annunzio	Barnard	Boggs
Anthony	Barnes	Boland
Archer	Bauman	Bolling
Ashbrook	Beard, R.I.	Boner
Aspin	Bedell	Bonior
Atkinson	Bellenson	Bonker
	Benjamin	Bouquard
Bowen	Harkin	Oberstar
Brademas	Harris	Obey
Breaux	Hawkins	Ottinger
Brinkley	Hefner	Panetta
Brodhead	Heftel	Pashayan
Broomfield	Hightower	Patten
Broyhill	Hillis	Pease
Buchanan	Hinson	Perkins
Burlison	Hollenbeck	Petri
Butler	Holtzman	Peyser
Byron	Hopkins	Pickle
Campbell	Horton	Preyer
Carney	Howard	Price
Carr	Hubbard	Pursell
Carter	Hughes	Rahall
Cavanaugh	Hutto	Railsback
Cheney	Hyde	Rangel
Clausen	Ireland	Ratchford
Clay	Jacobs	Regula
Clinger	Jeffords	Reuss
Coelho	Jeffries	Rhodes
Collins, Ill.	Jenrette	Rinaldo
Collins, Tex.	Johnson, Calif.	Ritter
Conable	Jones, N.C.	Roberts
Conte	Jones, Tenn.	Robinson
Corcoran	Kastenmeier	Rodino
Corman	Kazen	Roe
Cotter	Kelly	Roth
Courter	Kemp	Roybal
Crane, Philip	Kildee	Royer
Daniel, R. W.	Kindness	Rudd
Danielson	Kogovsek	Sabo
Dannemeyer	Kostmayer	Satterfield
Davis, Mich.	Kramer	Sawyer
Derrick	LaFalce	Schroeder
Dickinson	Lagomarsino	Schulze
Dicks	Latta	Sensenbrenner
Dixon	Leach, Iowa	Shannon
Donnelly	Leach, La.	Sharp
Dornan	Lederer	Shelby
Dougherty	Lee	Shumway
Downey	Leland	Skelton
Duncan, Oreg.	Levitas	Slack
Duncan, Tenn.	Lewis	Smith, Iowa
Edgar	Livingston	Smith, Nebr.
Edwards, Ala.	Lloyd	Snowe
Edwards, Okla.	Loeffler	Snyder
Emery	Long, La.	Solarz
English	Long, Md.	Solomon
Erdahl	Lott	Spellman
Erlenborn	Lowry	Spence
Evans, Del.	Lujan	Stack
Evans, Ind.	Luken	Stangeland
Fascell	Lungren	Stark
Fazio	McCormack	Steed
Fenwick	McDonald	Stenholm
Fish	McEwen	Stewart
Fisher	McHugh	Stokes
Fithian	McKay	Stratton
Flippo	Maguire	Stump
Florio	Markey	Swift
Forsythe	Marks	Symms
Fountain	Marlenee	Tauke
Fowler	Marriott	Thomas
Frenzel	Martin	Traxler
Frost	Matsui	Trible
Garcia	Mavroules	Vanik
Gaydos	Mica	Vento
Gilman	Michel	Volkmer
Gingrich	Mikulski	Walgren
Glickman	Miller, Ohio	Walker
Gonzalez	Mineta	Wampler
Goodling	Minish	Watkins
Gore	Mitchell, N.Y.	Waxman
Gradison	Moakley	Weiss
Gramm	Montgomery	Whitehurst
Grassley	Moore	Whitley
Gray	Moorhead, Calif.	Whittaker
Green	Moorhead, Pa.	Whitten
Grisham	Murphy, N.Y.	Williams, Mont.
Guarini	Murphy, Pa.	Wirth
Gudger	Murtha	Wolff
Guyer	Myers, Ind.	Wolpe
Hagedorn	Natcher	Wright
Hall, Ohio	Neal	Wyatt
Hall, Tex.	Nedzi	Wylie
Hamilton	Nelson	Young, Alaska
Hammer-schmidt	Nolan	Young, Fla.
Hance	Nowak	Young, Mo.
Hanley	O'Brien	Zablocki
Hansen	Oakar	

□ 1900

The SPEAKER pro tempore (Mr. DANIELSON). On this rollcall, 307 Members have recorded their presence by electronic device, a quorum.

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

LEGISLATIVE PROGRAM

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

Mr. WRIGHT. Mr. Speaker, I think Members are entitled to know why we are here and what we expect to do.

I have no real, earth-shattering announcements at the moment, save and except for the fact that the Chrysler bill has been signed by the conferees, but they need until about 9 p.m. to be ready to come to the House floor. It is a very tedious and difficult and tidy task they must perform. I know we are all patient and want them to do it right, without mistake.

Here is what we are getting ready to do right now: We are going to take up Senate amendments to the Metro bill—"Metro" means the D.C. rail system. Following that, we will take up approval of Senate Concurrent Resolution 63, the chancery disapproval resolution.

We will also take up H.R. 5079, the Energy-Expo conference report, after which we will recess and stand in readiness to come back about 9 o'clock and finish our work for the year.

That is the best I can do. Further notice will be given at a later moment.

□ 1910

ENERGY-EXPO 1982

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the bill (H.R. 5079) to provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tenn., in 1982, and for other purposes, and ask unanimous consent 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 Wisconsin?

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, I do so in order to inquire of the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), if he would explain the conference report for the House.

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

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman from California for yielding.

Mr. Speaker, as the gentleman knows the differences were resolved by:

First. Accepting the House provisions subjecting the authorities to "the availability of appropriations";

Second. Dropping the Senate provision waiving title 5 of the United States Code regarding the hiring of employees, as the Executive already has the necessary hiring flexibility;

Third. Accepting the Senate narrowing of the scope of the several exemptions from Government procurement laws; and

Fourth. Adopting the Senate provision—with minor modification—designating the salary level for the Commissioner-General as level IV.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. DUNCAN) the author of the bill.

Mr. DUNCAN of Tennessee. Mr. Speaker, I appreciate the opportunity to appear before you today and speak on the matter of Energy Exposition 1982 to be held in the city of Knoxville, Tenn.

As you may know, since 1976, citizens in Knoxville and the surrounding communities have been discussing the feasibility of conducting an exposition that would have as its main theme—Energy. The idea was to have an expo patterned to an extent after the one held in Spokane, Wash., in 1974, but in addition to the goals of encouraging international trade, and tourism, it would also serve to heighten the consciousness of Americans about our energy problems and the various options available to us for dealing with the crisis.

It was determined in 1976, after a feasibility study, that Knoxville would be an ideal location for such an exposition. In the immediate area is the headquarters of the Tennessee Valley Authority, the Oak Ridge National Laboratories, and the teaching and research facilities at the University of Tennessee. Also, as a regional center for transportation, industry, and tourism, the city of Knoxville can provide the support necessary for a successful exposition. Millions of dollars have already been spent on the exposition.

The exposition site, lying in a valley between downtown Knoxville and the campus of the University of Tennessee, provides an excellent location for a fair of this type. The site's residual use would do much to enhance the appearance of the city and revitalize it, and will also provide structures that will be of use to the community for many years to come.

I urge the adoption of the conference report.

The bill you are considering, H.R. 5079, will authorize funds for a Federal pavilion, which will be the centerpiece of the entire exposition.

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

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

Mr. BAUMAN. I thank the gentleman for yielding. The gentleman from Maryland has received intelligence through the grapevine on one of the bills that will be before us in the waning hours of this glorious session. I have received some intelligence that one of the bills that we will consider tonight may contain a surprise subsidy for the Milwaukee Railroad of $250 million, or some such thing, the product of one of the Members of the other body who is notorious for this late hour, last-minute activity. This is not the bill to which the Milwaukee Railroad is appended, is it?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman from California (Mr. LAGOMARSINO) yield to the gentleman from Wisconsin so he can intelligently respond to the distinguished gentleman from Maryland (Mr. BAUMAN)?

Mr. LAGOMARSINO. I yield to the gentleman from Wisconsin so he can dispose of this.

Mr. ZABLOCKI. I thank the gentleman for yielding. The gentleman's intelligence is better than mine.

Mr. BAUMAN. If the gentleman will yield, there is some question about that, I assure him.

Mr. ZABLOCKI. I am not questioning the gentleman.

Mr. BAUMAN. I appreciate that.

Mr. ZABLOCKI. I can assure the gentleman the bill he has reference to—I believe it is the District of Columbia Metro bill—is not the bill before the Members at this time.

Mr. BAUMAN. What the gentleman is saying is that this bill will have to stand on its own lack of merit? I appreciate the gentleman's yielding.

Mr. ZABLOCKI. If the gentleman from California will yield, the conference on the bill H.R. 5079 is an eminently qualified bill that will stand on its own merit.

Mr. LAGOMARSINO. Mr. Speaker, I support the conference report and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin for immediate consideration of the conference report?

There was no objection.

Mr. ZABLOCKI. 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 Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 18, 1979.)

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with, as I have already explained the provisions in the conference report.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 30 minutes.

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

Mr. Speaker, the House has before it the conference report on H.R. 5079, authorizing U.S. participation in an International Energy Exposition to be held in Knoxville, Tenn., in 1982.

The purpose of Energy-Expo 82 is to offer to the world a greater understanding of the effective uses of energy, of the necessity to conserve energy resources, and of the need for creativity in the development of new and alternative energy sources.

There were no substantive differences between the House and the Senate versions of the bill, only technical differences. The differences were of interest to

three other House committees—Budget, Government Operations, and Post Office and Civil Service—and the conference report is fully satisfactory with all three of these committees.

Mr. Speaker, I urge the adoption of this conference report.

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 conference report under consideration.

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

Mr. ZABLOCKI. 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.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS OF 1979

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3951) to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, to authorize a Federal contribution to such authority to provide assistance in meeting expenses of operation and maintenance of such system in order to reflect the special Federal relationship to such system, and for other purposes, 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:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Capital Transportation Amendments of 1979".

AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION OF THE ADOPTED REGIONAL SYSTEM AND OTHER PURPOSES

SEC. 2. The National Capital Transportation Act of 1969 (83 Stat. 320, 86 464–466, 1004), as amended (D.C. Code, sec. 1–1441 et seq.) is amended by adding at the end thereof the following new sections:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION

"SEC. 14. (a) The Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized by section 3 of this Act, for the purpose of financing in part the cost of construction of the Adopted Regional System.

"(b) Federal grants under subsection (a) for the Adopted Regional System shall be subject to section 16 and to the following limitations and conditions:

"(1) The work for which such grants are authorized shall be subject to the provisions of the Compact and shall be for projects included in the Adopted Regional System.

"(2) The aggregate amount of such Federal grants made during any fiscal year shall be matched by the local participating governments by payment of capital contributions for such year in a total amount that is not less than 25 per centum of the amount of such Federal grants and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or revenues available in cash, or new capital.

"(3) Such grants shall be subject to terms and conditions that the Secretary may deem appropriate for constructing the Adopted Regional System in a cost-effective manner.

"(c) There is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants under subsection (a) an aggregate amount not to exceed $1,700,000,000, except that no appropriation pursuant to this authorization shall be enacted for any fiscal year prior to fiscal year 1982.

"(d) Amounts appropriated pursuant to the authorization under subsection (c)—

"(1) shall remain available until expended, if so provided in appropriation Acts; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under the Urban Mass Transportation Act of 1964, as amended, and section 103(e)(4) of title 23, United States Code.

"PAYMENT OF BONDS

"SEC. 15. (a)(1) The Transit Authority shall maintain a sinking fund to be used for the accumulation of assets for payment of principal on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in section 9. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

"(2) The Transit Authority shall use assets of the fund to pay the principal paid or to be paid after October 1, 1979, on bonds issued by the Transit Authority.

"(3)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority, or its fiscal agent, in amounts sufficient to provide for the payment of two-thirds of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the requirements of subparagraph (A) of this paragraph.

"(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to subsection (a)(1) in amounts sufficient to provide for the payment of one-third of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(b)(1) The Transit Authority shall maintain a Bond Interest Fund to be used for the accumulation of assets for the timely payment of interest on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in section 9. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

"(2)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority or its fiscal agent, in amounts sufficient to provide for the payment of two-thirds of the total amount of interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the provisions of subparagraph (A) of this paragraph.

"(3) With respect to interest payments due prior to July 3, 1983, the Secretary of Transportation, if requested by the Transit Authority, may make accelerated interest payments in amounts sufficient to provide for the payment, as any payment becomes due, of not more than an additional 18⅓ per centum of the interest due on such bonds at the time of such payment, so long as the total amount of contributions by the Secretary under this subsection does not exceed the amount specified in paragraph (2). Unless otherwise provided in amendments to the Agreement, any accelerated payments made shall bear interest from the date of accelerated payment until liquidation at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding United States marketable obligations which have maturities comparable to the period of time between the time of accelerated payment and the time of liquidation.

"(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to subsection (b)(1) in amounts sufficient to provide for the payment of one-third of the interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(5) If as a result of the retirement of the principal of such bonds (or of any portion of such principal) before maturity the total amount of contributions by the Secretary of Transportation after June 30, 1979, for payment of interest on such bonds is at any time in excess of two-thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date, the Transit Authority shall pay to the Secretary the difference between the total amount contributed by the Secretary and two-thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date.

"REQUIREMENT THAT LOCAL PARTICIPATING GOVERNMENTS HAVE A STABLE AND RELIABLE SOURCE OF REVENUE FOR CONTRIBUTIONS FOR BOND EXPENSES AND FOR OPERATING EXPENSES

"SEC. 16. (a) The Secretary of Transportation shall not make any grant under section 14(a) for the cost of construction of the Adopted Regional System, until the Secretary has determined that the local participating governments, or signatories (as defined in subparagraph (d) of paragraph 1 of article I of title III of the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; D.C. Code, sec. 1–14431)) to the Compact, have provided a stable and reliable source of revenue sufficient to meet both (1) their payments to the Transit Authority under subsections (a)(4) and (b)(4) of section 15, relating to payment of the principal and interest on bonds issued by the Transit Authority, and (2) that part of the cost of operating and maintaining the Adopted Regional System that is in excess of revenues received by the Transit Authority from the operation of the system and any amount to be contributed for operating expenses by the Secretary of Transportation under any other provision of law.

"(b) The Transit Authority, in consultation with each governmental entity that is a local participating government or signatory to the Compact as referred to in subsection (a) of this section, for the purposes of this Act, shall submit a program to the Secretary of Transportation on or before September 30, 1980, showing how each such governmental entity will have in place on or before August 15, 1982, a stable and reliable source of revenue to provide for its contributions (1) for payments to the Washington Metropolitan Area Transit Authority for the payment of principal and interest on bonds issued by the Transit Authority, and (2) for the cost of operating and maintaining the Adopted Regional System of the Washington Metropolitan Area Transit Authority.".

SEC. 3. (a) Section 2 of the National Capital Transportation Act of 1969 (83 Stat. 320), as amended (D.C. Code, sec. 1–1441), is amended by adding at the end thereof the following:

"(4) The term 'Agreement' means the Initial Bond Repayment Participation Agreement executed by the Transit Authority and the United States Department of Transportation on September 18, 1979, and amendments thereto, including the Supplemental Agreement described in section 302 of the Initial Bond Repayment Participation Agreement.

"(5) The term 'local participating governments' means those governments which comprise the Washington Metropolitan Transit Zone, as defined by paragraph 3 of article III of title III of the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; D.C. Code, sec. 1–1431).".

(b) Section 9(d) of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 464, 465), as amended (D.C. Code, sec. 1–1446), is amended by deleting "issued after the date of the enactment of this section" and inserting in lieu thereof "guaranteed by the Secretary under the provisions of this section".

(c) Section 10 of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 464, 465), as amended (D.C. Code, sec. 1–1447), is repealed. Such repeal shall not be construed as affecting in any manner any payment, commitment, or other action taken pursuant to and in accordance with such section prior to the date of its repeal by this Act.

(d) Subsections (a) and (b) of section 11 of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 465, 466), as amended (D.C. Code, sec. 1–1448), are each amended by deleting "section 10" each place it appears in such subsections and inserting in lieu thereof "section 15".

Amend the title so as to read: "An Act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital Region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, and for other purposes.".

Mr. DELLUMS (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 California?

Mr. LATTA. Mr. Speaker, I reserve the right to object. I make this reservation to seek information on this bill. Information is not available at the desk. I understand it is going to be another taxpayer contribution of some sizable amount, and we ought to know something about it.

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

Mr. LATTA. I will be happy to yield to the gentleman.

Mr. DELLUMS. I thank my colleague for yielding.

As the gentleman knows, the House passed a bill, H.R. 3951 to finance the Metro transit system in the District. The Senate passed the identical bill with an exception. They struck the operating subsidies, so to that extent the Senate passed a version of the bill that is more economical than the version that the House passed. In every other respect the version of the bill is identically the same with the exception of the fact that the House in the first instance passed the Metro finance bill with operating subsidies; the Senate passed it without operating subsidies.

The gentleman from California has checked with the ranking minority member, my distinguished colleagues from Virginia and Maryland, who all concur in the proposition that is before the House now, and that is the unanimous consent request to concur in the Senate amendments.

Mr. LATTA. Further reserving the right to object, Mr. Speaker, I would like to know how much the taxpayers are contributing in this bill for the further construction of the Metro system.

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

Mr. LATTA. I yield to my distinguished colleague, the gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding. Let me say that the contribution covered by this bill does not start for 2 years, and that the cumulative contribution over the succeeding 7 years comes to approximately $1.7 billion. It has no budgetary impact, though, until 1982.

Mr. LATTA. Did the gentleman say $1.7 billion or $1.7 million?

Mr. HARRIS. Exactly the same figure in the House bill that was passed by 2 to 1 about 2 months ago, if I may say to the gentleman.

Mr. LATTA. we are talking about $200 million more in this bill for Metro than we were talking about for Chrysler.

Mr. DELLUMS. If the gentleman will yield, if the gentleman takes 1.5 and subtracts it from 1.7, he has got it.

Mr. LATTA. Mr. Speaker, further reserving the right to object, I can remember some time back that the gentleman from Kentucky (Mr. NATCHER) made the statement that the Metro was going to cost the taxpayers something like $6 billion, and there were a lot of people in this House at that time who said, "Oh, no, it couldn't happen."

□ 1920

I would like to ask under my reservation of objection how close is the gentleman's estimate of a $6 billion taxpayer contribution for the Metro System?

Mr. DELLUMS. Mr. Speaker, I yield to my colleague from Virginia.

Mr. HARRIS. Mr. Speaker, the figure we are using now is based on the financial reanalysis that was conducted this past year. It is as close and as tight a figure I think as the human mind can come up with. I think it is right on the button myself and I think we can come in under it.

Mr. Speaker, I would say to my colleague in all sincerity this is an authorizing figure. It will be subject each year to the discipline of the appropriation process. I know that my colleague will be very careful each year with respect to this. It simply means that we can say to our local legislatures: this is the deal, if you come up with the local share in a steady and reliable source we can commit ourselves to this deal.

That is it, no more and no less.

Mr. LATTA. Mr. Speaker, further reserving the right to object, how much is in this conference report as an operating subsidy for the system? I am now speaking of an operating subsidy only.

Mr. HARRIS. Will the gentleman yield?

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

Mr. HARRIS. The Senate has struck all the special operating subsidy that was in this bill. It will be a reduction in the cost of this bill of approximately $200 million. The bill that you are voting on now is approximately $200 million less than the cost estimates that existed when we first voted on the bill.

Mr. DUNCAN of Oregon. Mr. Speaker, would the gentleman yield?

Mr. LATTA. I would be happy to yield.

Mr. DUNCAN of Oregon. I wonder if it would not be more accurate to say that the bill that is coming before us has stricken the special $20 million a year in operating subsidy that was to be made available to Metro and no other system in the country and Metro would still be able to participate in the operating subsidies provided to all mass transit systems in the country on a competitive basis the same as Columbus, Ohio, San Francisco, or New York. Is that not correct?

Mr. HARRIS. Will the gentleman yield?

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

Mr. HARRIS. May I respond to the gentleman by saying as usual he is precisely correct. This bill contains no special operating subsidy for Metro.

Mr. DUNCAN of Oregon. Metro would be able to participate in the subsidies that any other mass transit system would be able to participate in?

Mr. HARRIS. If they qualify.

Mr. DUNCAN of Oregon. If the gentleman will yield further, am I correct you are providing in this bill an impetus to the local units of government to come up with a steady and assured source of income for those sources of contribution to both capital and operating expenses?

Mr. HARRIS. If my colleague will yield further, may I say that is precisely the purpose of this bill. In order to put it strongly to the general assemblies we say, "This is the deal, you have to come up with a steady and reliable source."

Mr. DUNCAN of Oregon. If the gentleman will yield once more, I opposed the bill when it was here before, I voted against it because of the special operating assistance of $20 million. With that removed I am prepared to support it.

Mr. LATTA. Mr. Speaker, further reserving the right to object, information has come over to this table that there is a slight difference in the amount the taxpayers will have put into the subway system, something like $1 billion. I think the gentleman from Virginia indicated $6 billion would be the figure after this payment and the figure that came over here was about $7 billion. Which figure is correct? It is $1 billion off.

Mr. HARRIS. Will the gentleman yield?

Mr. LATTA. I am pleased to yield to my colleague from Virginia.

Mr. HARRIS. The only figure with regard to construction in this bill is the $1.7 billion figure and there is no extra on that at all.

Mr. LATTA. May I say to my friend from Virginia we understand that. We are talking about the total figure the taxpayers have put into the Metro System to date if this payment is authorized? What is that amount of money? Is the gentleman prepared to give us that figure? Whatever it is, it is too high and I am glad I did not support it.

Mr. HARRIS. Let me say if, in fact, all past and previous contributions to the Metro System are added together you will come to a total system cost of approximately $7.2 billion.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. DELLUMS) that the Senate amendments be considered as read?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California (Mr. DELLUMS)?

There was no objection.

A motion to reconsider was laid on the table.

TO DISAPPROVE THE LOCATION OF CHANCERIES AMENDMENT ACT OF 1979 PASSED BY THE CITY COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. STARK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) to disapprove the Location of Chanceries Amendment Act of 1979 passed by the City Council of the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, as I understand it, under the statute granting home rule the Congress has the right to veto certain actions of the District of Columbia City Council. Could the gentleman from California explain to us what this legislation proposes to veto, what is the substance of the legislation?

Mr. STARK. Will the gentleman yield, Mr. Speaker?

Mr. BAUMAN. Of course.

Mr. STARK. When the home rule bill was written, and I had the privilege to help with many of us here to write that, it was understood that there could conceivably be times when the Federal interests and the interests of the residents of the District of Columbia would come into conflict and one of those areas was, for instance, the location of Government buildings and/or embassies and other types of activities in which the Federal interest might differ from the interests of the residents.

In the area zoning and in locating of the buildings, a system was set up where we had a National Capital Planning Commission much like the planning commissions in the cities of the gentleman's own district. However, this planning commission is somewhat different in that it includes representatives of the legislative body, representatives of the Executive and representatives of the District. They are appointed by the elected officials in the District. Then there is indeed a zoning board of the District of Columbia appointed by the elected officials of the District of Columbia, appointed to enact into zoning law the planning commission recommendations.

In the particular instance which we are disapproving, the process started many years ago, I believe in 1974, to outline the areas and the terms and conditions under which chanceries and embassies could be located in areas which were otherwise residential.

The National Capital Planning Commission found certain areas where this would be acceptable. The zoning board laid down zoning laws. Several times at the behest of residents of a particular area in the District, the City Council has tried to override. In the recent legislation they were successful in doing this and there is some debate as to whether this was a legal means or was not a legal means.

Mr. Speaker, we have really two choices. In the Federal interest, representing the Executive and the decisions arrived at through the procedures prescribed in the home rule bill, the disapproval would be correct.

The alternative would be to allow the bill of the council to go through and propose new legislation. The alternative would mean we would then be directly legislating a zoning law for the District which this gentleman from California happens to feel would be more of an interference with home rule than the present disapproval resolution. The Senate has passed the disapproval resolution. I bring it, with a great deal of reluctance. There is a time constraint as the gentleman from Maryland well knows, which means that our chances to disapprove would expire during the recess.

In the course of the hearings we tried to see if the City Council could find a way to withhold and negotiate and come back. Unfortunately, we cannot. As many of us have said, reluctantly, this seems to be the lesser of several evils and that is why it is here tonight.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's detailed explanation but if I understand correctly his assessment of the situation, Congress gave the District of Columbia the power under home rule to zone areas, as would any State or municipality. It also gave the City Council the power apparently in certain instances to waive that zoning, as is the privilege of other governments.

Mr. STARK. Mr. Speaker, if the gentlemen would yield, that is exactly what is in dispute. There is a 3-tier process, the planning commission participates, the legislative participates as does the executive. There is a zoning process which would favor our resolution of disapproval and there is indeed the City Council.

□ 1930

The fine line of disagreement is whether or not the Council has that authority under the home rule bill. There is no way to decide that in the time limit. I think the majority opinion is that they do not.

The gentleman has touched precisely on the disagreement.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, the problem that this presents to me is that the gentleman from California (Mr. STARK) has been one of the strong proponents of home rule. It seems to me that the gentleman has given the District of Columbia home rule powers, the gentleman now disputes those powers and the gentleman is asking the Congress to overrule the gentleman's own principle of home rule. That does not seem consistent to me.

Mr. STARK. Mr. Speaker, if the gentleman will yield further, as the gentleman knows, as an observer of the passage of the home rule bill——

Mr. BAUMAN. Close observer.

Mr. STARK (continuing). Which I worked on, there was this particular reservation for us to disapprove. The District has now been governing its own affairs for 5 years. I think it is a tribute to the responsibility and the effectiveness of the Council of the District of Columbia that this is the first time in 5 years that it has been necessary to deal with the Federal interests in a conflict which I think has been without acrimony and is a question that perhaps lawyers might settle in a different form, but because of the time constraints cannot. I think this is precisely why we have this in the home rule bill.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, can the gentleman tell us specifically, I understand and we all understand acutely the obligations of host governments to foreign embassies in recent months, but precisely what embassy is the problem? Is there some country that cannot wait until February to decide where to place their chancery?

Mr. STARK. Mr. Speaker, if the gentleman will yield further, this gentleman knows of no particular embassy application. The issue is broader and relates to the issue of the location of embassies and chanceries in general. The question of waiting changes the structure. The question there is one of philosophy and personal choice. We held hearings yesterday and six of the eight representatives of the District government suggested that

the resolution of disapproval would be preferable. If we waited until February we would have to introduce a bill. That means we would be directly legislating District laws. This gentleman feels that that is less desirable. As I said earlier, it is the lesser of two evils. I would rather disapprove, let them come back with a different law. I think that is less interference in home government than it is for us to come in. Our only alternative, if we were to carry out the wishes of the Executive and protect the Federal interest, as I think is our job on the District Committee, is that we would have to, in effect, write the zoning laws of the District. I would rather disapprove and let them come back.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I say to the gentleman from California (Mr. STARK) that I recall very vividly the reluctance of the gentleman's committee on the District of Columbia to address itself to the need of vetoing the District gun control law, which many of us thought was an overstepping of home rule. I do not recall the gentleman speeding to the floor with a resolution of disapproval in that instance against the possibility of legislation that might be illegal.

Ultimatley in that case the decision was not to disturb the home rule powers. I am not sure that the place for these chanceries is any more important or less important than that issue.

Mr. STARK. Mr. Speaker, if the gentleman will yield further, in the case of the gun control question, we received no recommendations from the Justice Department, the Department of Defense or the CIA or from any other body that the Federal interest was in danger.

In this case we have received word from the White House and the State Department, the Committee on Foreign Affairs of the House, that there was a Federal interest.

I would not take unto myself to decide where the Federal interest is more important. That is for the gentleman from Maryland and this gentleman from California each to decide in our own way; except that we were called on by these members of the executive to look after the Federal interest in this instance and we were not in the instance of gun control.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, what was the vote of the District of Columbia Committee on this issue today?

Mr. STARK. As I recall, it was 8 in favor and 6 opposed.

Mr. BAUMAN. So it hardly has any unanimity behind it.

Mr. STARK. The gentleman is quite correct.

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

Mr. BAUMAN. Of course, I yield to the distinguished chairman of the Committee on the District of Columbia.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding to me.

The reason why I was not prepared to handle this resolution of disapproval is because I did not choose to be associated with it.

First of all, we are a legislative body. In the course of conducting our business as legislators, we enacted several pieces of legislation dealing with the lives of the people of the District of Columbia. One of those instruments was the Home Rule Act. In that Home Rule Act, we established a provision that said that if Members of Congress felt that the acts of the city council threatened, compromised, or otherwise confused the Federal interest, the Congress had 30 legislative days within which to exercise a legislative veto.

I think all of us will agree here that veto is an extraordinary procedure. It is my assertion that a veto should only be used—should only be used as a last resort.

I think that this matter can be worked out. I tried diligently to work out an agreement with my distinguished colleague from California that the gentleman chose to back away from, which was simply to say this, that the days are running with respect to the amount of time that Congress has to act. If the Speaker of the House chose to adjourn the first session of this Congress sine die, we would then have enough days to come back to intelligently discuss and debate this matter.

We could hold hearings. We could question witnesses. We could try to resolve this matter in an intelligent and in a cogent fashion. It was the opinion of the Chair that we could not do that by today or tomorrow. So I suggested that if the House is to adjourn sine die, we would then have enough time to come back at the end of January and intelligently look at this question. If the Speaker chose not to adjourn sine die and the days ran, my commitment was that as a legislative body, let us then come back to the organic legislation, either under the Fulbright Act which deals with zoning regarding Embassies and chanceries, or the Home Rule Act itself and see whether or not there is any ambiguity in those two organic pieces of legislation that we as a legislative body could more perfectly refine.

It is clear that the city council thought that they had a prerogative here. So at best it is a debatable question. If the Congress did not want to see any confusion in what it perceived to be the Federal interest and the local interest, then it seems to me we should go back to that organic legislation and study and peruse it carefully and then come back with a recommendation on how to make that Federal interest more perfect.

If we thought that we were covering the chanceries and the Embassies, and so forth, in our original piece of legislation, whether it was under the Home Rule Act or the Fulbright Act, then it would seem to me that we have no problem here; but if there is ambiguity, my suggestion was let us in the spirit of intelligence and time sit down as legislators and make our policy instrument more perfect, so that we could move away from this level of conflict.

Eight of my colleagues chose not to go that way. The question is obviously, why? The State Department suggests that there are paramount issues here. I would suggest that between now and the latter part of January, the first part of February, America's foreign policy is not going to collapse. The State Department is not going to collapse. Our role in the world is not going to deteriorate in any fashion. To believe that is an insult to one's intelligence, to one's politics and to one's person.

It seems to me that 30 days is not going to collapse our role in the world. Therefore, reasonably and intelligently, we have time to work this matter out.

Today I went over to the City Council to meet with a number of them to try to persuade them to enact an emergency piece of legislation that would move back the date of enactment of this legislation for 90 days, then giving the City Council and the State Department an opportunity to try to resolve their differences. We were not able to do that.

My colleague, the gentleman from California, chose to address this issue in the committee and received eight votes. Six of us opposed it. I was one of the people who opposed it.

I think that this is an extraordinary measure. I think we open up floodgates here.

When we voted the Home Rule Act, we were saying to the residents of the District of Columbia, "To the best of our ability, we are going to remove ourselves from your lives."

□ 1940

Mr. Speaker, any time we inject ourselves into their lives it would seem to me there ought to be a timely and overriding and compelling reason to do so. I do not see that overriding and compelling reason to do so, and that is why I am totally and unalterably opposed to the action that is before this body today, this resolution of disapproval. That is a horrible precedent to set. I think every Member of this House who really understands this issue knows that there ought to be another way to do it.

I talked with the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), and a number of other Members, and they have all stated clearly that "we would like to do it differently." There is a way to do it differently. We do not have to jam this resolution down the City Council's throat. I think we can provide the necessary forum.

I agree with my colleague, that I find it almost incredible that a number of my colleagues who find themselves in strong support of freedom and justice and self-determination for the residents of the District of Columbia could find themselves on this floor advocating a resolution of disapproval.

The question here is one of principle. I do not suggest that there is not an issue here. I believe there is an issue, but the overriding question is the principle of home rule. I do not believe we should tamper with home rule unless there is some extraordinary reason to do so. I do not see that extraordinary reason, and I think if my colleague and

a number of my other colleagues would listen to this deeply, we would soundly defeat this resolution.

I am not going to ask for a record vote on this because I do not want to see it go down that way at all. In fact, I would not like to even see it voted on, but I would hope a number of my colleagues would come to my support with a strong voice vote against this proposition.

We should stay out of the business of the District of Columbia. We should go back and look at the organic legislation, and if we failed to make the legislation clear, if the language is ambiguous, then it is within our prerogative to make that instrument more perfect and really define the roles. I think that giving us the 30 or 45 days is not asking too much.

Mr. Speaker, I think the State Department has been guilty of distortion, and I believe its lobbying efforts have been absolutely incredible regarding this one item.

Mr. Speaker, let me make one final comment. I raise a question on two points. No. 1, yesterday the gentleman from California (Mr. STARK) held oversight hearings on this matter. Residents of the District of Columbia who are citizens of the various neighborhoods did not have an opportunity to come before that committee to express their views.

To that extent I challenge the validity of those hearings. They were not full-fledged hearings, they were not well-balanced hearings where all parties to this situation had an opportunity to freely express themselves.

There are chanceries in San Francisco, in New York, and other places, and those city councils have an opportunity to zone wherever they want.

If we have a problem, let us not come down on Washington, D.C. The home rule bill was an effort to try to remove the District of Columbia from this unique posture. If we have a problem nationally, then let the Committee on Foreign Affairs adopt a piece of legislation that develops national standards for the treatment of any embassy or any chancery anywhere in the country, but let us not come down on the residents of the District of Columbia. That flies in the face of the principle of home rule and self-determination.

We have the capacity to intelligently and reasonably, within appropriate time constraints, deal with this matter.

Mr. Speaker, I thank my colleague for yielding to me. I feel very strongly and very emotional about this because I think we do not want to open this floodgate. Heaven knows when we will be able to close it.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, let me point out that the request that was made was for immediate consideration, and I point out further to the gentleman from California (Mr. DELLUMS) that one objection would prevent that consideration. So if that objection were made, there might not be a need for a vote on this issue.

The gentleman has offered a persuasive argument that there is an alternative legislative route. Frankly, the gentleman has posed a real problem for the gentleman from Maryland, having to choose between the District of Columbia City Council and the State Department, I must confess.

Mr. Speaker, with that comment, I yield to my respected colleague, the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.)

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I thank the gentleman from Maryland for yielding.

I would just provide briefly my perspective as the ranking minority member present from the Committee on the District of Columbia.

First, I might point out that the vote in the subcommittee in favor of this resolution was unanimous. If we look at the history of home rule, with its successes and failures, I think that the record will fairly well balance out on this question of prerogative or on the question of home rule against the Federal interest over the past 5 years.

However, if we look at the Home Rule Act, we find that the Council has no authority to engage in zoning matters or matters affecting the Federal interest, and it has clearly exercised such authority which they lack.

So we are the only referee on the field, and the other body has expressed itself on this matter. The subcommittee unanimously expressed itself, and the full committee this afternoon did the same. It is our duty, I believe, to pass this resolution of disapproval, clearly and simply because the legitimate bounds of the jurisdiction of the Council have been exceeded.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I am very pleased to get the judgment of my colleague, whose judgment I respect on this matter.

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

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

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

Mr. Speaker, I have to express my sympathy with the citizens and the government of the District of Columbia, because in New York, as the home of the United Nations, we face many of the same problems the District does.

But the problems that we face in housing foreign missions are not unique. Many of the cities of this country, such as Chicago, Houston, Los Angeles, Miami, New Orleans, and San Francisco, have very significant numbers of foreign missions. We find, however, unlike the situation in the District of Columbia, where the U.S. Secret Service Uniformed Division provides a very significant degree of help to the District in terms of protecting these missions, we are generally forced to provide the security for these missions on our own.

In New York City we spend approximately $8 million a year in providing daily police protection to foreign nations' consulates, residences, and private property, as well as intercity travel coverage for visting foreign dignitaries.

In 1975 we thought our problem was solved when the Foreign Mission Protection Act of 1975 was passed. Alas, we discovered that in the fine print of that bill it provided that the reimbursement we were to get was only to be for "extraordinary" protective functions. While our city administration thought that "extraordinary" protective functions would cover anything other than the routine patrol car or the policeman on the beat going around the neighborhood, in fact the Treasury Department has taken a very narrow attitude as to what constitutes "extraordinary" protective functions. As a result, we are getting very little reimbursement for the very significant amounts of money we are spending and the very significant diversion of our police from their normal routine of protecting the citizens of the City of New York.

Mr. Speaker, I cannot let the opportunity of this resolution slip by without pointing out that I have introduced a bill, H.R. 5459, which is languishing in the Committee on Foreign Affairs and which would give us more generous reimbursement for performing what is, under international law, an obligation of the national government.

Mr. BAUMAN. Mr. Speaker, if I may reclaim my time, I am sure that I am in sympathy with home rule for New York City, but I do seem to remember that the Congress addressed itself to the need for Federal assistance to the gentlemans' city at great length and in great amount only in the last few years, and perhaps you could divert a few of the billions of dollars you borrowed on credit for that purpose.

Mr. GREEN. Mr. Speaker, if the gentleman will again yield, the gentleman will remember that that assistance applied only to capital budget funds and did not apply to expense budget funds such as police operations. So the assistance which the Congress noted in the form of loan guarantees does not cover these mission security problems, and I point this out especially since the gentleman did not vote for that New York City loan guarantee bill.

Mr. Speaker, in conclusion I point out that we do have a problem here. I think all of us have had very forcefully brought to our attention, as a result of the unhappy events in Iran and the attacks on other U.S. Government missions around the world, the fact that it is the obligation of the host country to see that there is adequate security for the foreign missions. In New York City, within the past few months we have had two bombings of the Cuban mission and a bombing of the Soviet mission.

Mr. Speaker, I would hope that the Members of this House would recognize that as we call on other countries to fulfill their obligations to protect our missions, we have an obligation to fulfill the reciprocal duty to protect foreign missions in New York City, and in other cities of the Nation, and that this is an obligation we cannot, without adequate recompense first on those municipalities.

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

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

Mr. STARK. Mr. Speaker, I would like to read to the gentleman a part of the

Home Rule Act. In title VI, under "Reservation of Congressional Authority," the limitations on the Council are very simple. This is what it says:

The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to . . . or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States. . . .

That really basically is what the law says.

Mr. BAUMAN. The gentleman contends that the location of chanceries within the District of Columbia is a function of the United States?

□ 1950

Mr. STARK. Very definitely. It is a relationship to treaties that we have signed with other nations, and it is a function of the Executive.

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

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, on that very point, I was not at the meeting that the gentleman from California chaired yesterday, but I did read each statement which had been filed yesterday and I talked to people who had been there. The statements that were filed and the testimony given at the hearing yesterday indicated that the current Corporation Counsel for the District of Columbia did testify that in her judgment there was indeed authority on the part of the District of Columbia City Council to enact the ordinance which they enacted dealing with the zoning for the implanting or the emplacement of chanceries. So that let not the unanimous verdict at the subcommittee level or statements made turn away from the fact that the current Corporation Counsel stated that in her judgment there was indeed authority. So that what the gentleman from Maryland has asked of the gentleman from California is valid. There may not be—and in the opinion of an eminent legal scholar, there is not—the kind of Federal interest or U.S. interest which would make what was done by the D.C. City Council be bankrupt or be without force of judgment.

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

Mr. BAUMAN. Further reserving the right to object, I yield to my colleague, the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. I thank the gentleman for yielding.

Mr. Speaker, on this point of whether or not there is a Federal interest, I think the interest is very clear. I have the privilege of serving on both the District of Columbia Committee and the Foreign Affairs Committee, and it has become clear to many of us on the Foreign Affairs Committee, from discussions with our colleagues and from discussions with those in the White House and the State Department that not only is there a national interest for the United States with respect to this question, there is an international issue at stake.

The gentleman asked earlier whether or not there is any one embassy or any one chancery that is seeking at this point to have a new location within the District of Columbia that would be affected by this legislation. I was told today by the State Department that there are between 20 and 30 countries that have underway plans for the placement of chanceries within the District of Columbia.

It is an issue of substantial importance to our foreign policy, to our relations with countries all over the world, and it is clearly the kind of national, indeed international, interest that was envisioned when Congress retained in the home rule law the authority to review actions of the city government and to have a 30-day period in which to nullify those actions if they went against the interests of our national and international programs and policies. I think that is precisely what we have before us, an action of the District of Columbia government that is inconsistent with the international interest of the United States.

On that basis, in the committee I was one of the members who voted in the majority to support the resolution of disapproval with some reluctance. I do not think the Federal Government should interfere in the operations of the District of Columbia unless there is some overriding interest. This is clearly an instance in which I came to the conclusion that the case justified that action.

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I would say to the gentleman that I recall, for instance, in the case of the Soviet Union, we had to negotiate with them at great length before we got the permission to expand our Embassy in Moscow. Most governments dictate to foreign Embassies precisely what restrictions will be imposed. I have no great confidence that the residents of the District would be particularly protected by the State Department in the placement of foreign buildings if indeed their typical foreign policy decisions carry over into their zoning decisions.

I can understand the argument for a Federal presence in such decisions, but the gentleman from California (Mr. DELLUMS) has presented an alternate method of dealing with this problem next month.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I do not think that we can take the Soviet Union as a model for our behavior.

Mr. BAUMAN. I certainly hope not.

Mrs. FENWICK. And I really think that whether or not they treat our Embassy with the courtesy which in every civilized country, as a rule, our Embassy and other Embassies receive should not be an overriding consideration here. I attended all of the hearings on this matter and listened to every witness. The Planning Commission and the Zoning Commission were both absolutely opposed to the action of the council.

Maybe they are not important, but we set them up, they are supposed to consider these things, and they were both opposed. They are the bodies which are charged with the proper handling of the affairs of the city in relation to the Federal presence. The Federal presence does bring problems, and everybody knows it. It takes property off of the tax rolls. The Capitol in which we sit here has been considered a detriment to the people of Washington because we pay no taxes. So there is a problem. But in every civilized country the State Department handles these problems for the nations. And all of those new nations who have come now to nationhood will certainly not understand how it is that things are done properly and well in other countries but when you come to the United States you cannot get any answers in a civil and prompt way.

On the matter of planning the Zoning Commission, I think 4 out of 5 of them—and one of them was unanimous, one of these bodies—when we come to the question of whether to do the veto, or the resolution of disapproval, or the new law, prefer the resolution of disapproval. To them it is less binding and humiliating. They are not particularly interested in having the law opened up all over again.

Dr. Walter Lewis has vehemently spoken. He said, "I have been a resident of Washington all of my life, I have always been in favor of home rule, but I think we must have a veto disapproval."

He is on the Zoning Board, so, of course, he feels very strongly against the action of the Council.

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

Mr. BAUMAN. Further reserving my right to object, I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman.

Mr. Speaker, I do not want to prolong this too much, but I would remind the Members, in amplification of what the gentleman said, about how wonderful and congenial the Russians are as hosts to the Americans in Moscow. They only direct all of those microwave beams on our personnel. So they are not really what I would call paragons to be compared to. I fully think the District of Columbia should have a right to ordain and designate how chanceries and embassies are to be held.

One more point, and I will conclude. I think it is important—to me, at least—that where there is any shadow of a doubt, any scintilla of evidence that the District of Columbia has the authority to enact in this case zoning matters with regard to the implanting and emplacement of embassies and chanceries, it seems to me that the Congress ought not to quickly veto or override that power. If the District of Columbia were flouting a direct mandate of the Congress, if they were defying the Congress in a clear statement, then I think there would be no question that they should be chastised, they should be vetoed. But that is not the situation here.

So I would again say to those who would have a feeling for the District of Columbia that in this case I think they have authority. Their own Corporation Counsel thinks they have authority. I believe that in that situation the resolution of disapproval ought not be voted up.

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

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I have been sitting here for the last 35 minutes listening to the debate under the reservation of objection of the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. The gentleman has been very patient.

Mr. KAZEN. I have been listening to the debate very patiently. But I think that this debate has really got to be terminated at some point.

Mr. ASHBROOK. Mr. Speaker, I will just object, then.

The SPEAKER pro tempore. Is there objection to the original request?

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STARK. Mr. Speaker, would the gentleman withhold his objection? Would the gentleman withhold his objection for a question?

Mr. ASHBROOK. Yes, I would reserve it.

The SPEAKER pro tempore. Does the gentleman from Ohio (Mr. ASHBROOK) reserve the right to object?

Mr. ASHBROOK. I reserve the right to object, Mr. Speaker.

Mr. STARK. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have requested this procedure because the alternate procedure is a privileged motion which is at the desk which allows up to 10 hours of debate, which is the identical motion, and it would take the House some more time.

I would be glad to yield to any Member under the other debate procedure and allow every Member time for debate. I would hope to save the House time, and I would urge the gentleman to allow us to call up the Senate resolution.

Mr. ASHBROOK. Mr. Speaker, I will still object.

The SPEAKER pro tempore. Objection is heard.

TO DISAPPROVE THE LOCATION OF CHANCERIES AMENDMENT ACT OF 1979, PASSED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. STARK. Mr. Speaker, under the home rule statute (Public Law 93–198, sec. 604(g)), I move to proceed to the immediate consideration of House Concurrent Resolution 228 as a privileged resolution and ask unanimous consent that general debate thereon be limited to one-half hour, to be equally divided between the gentleman from Virginia and myself.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on consideration of the concurrent resolution.

The motion to consider the House concurrent resolution was agreed to.

□ 2000

The SPEAKER pro tempore. Is there objection to the request offered by the gentleman from California (Mr. STARK) to limite debate to one-half hour?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, we have already had the debate. I do not know why the gentleman needs a half hour, frankly.

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

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

Mr. STARK. Mr. Speaker, it is to accommodate anybody who has not had an opportunity to speak on the issue.

Mr. BAUMAN. I think 10 hours is worth it on this.

I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STARK. Mr. Speaker, I ask unanimous consent that general debate be limited to 20 minutes, to be divided between myself and the gentleman from Virginia.

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

Mr. MAZZOLI. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I move that debate on the concurrent resolution be limited to 20 minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 144, not voting 99, as follows:

[Roll No. 757]

YEAS—190

Abdnor	Bowen	Derrick
Akaka	Brademas	Dickinson
Alexander	Brinkley	Dicks
Andrews, N.C.	Broomfield	Diggs
Annunzio	Broyhill	Dingell
Anthony	Butler	Dougherty
Applegate	Campbell	Drinan
Aspin	Chappell	Edwards, Ala.
Atkinson	Clay	English
AuCoin	Clinger	Erlenborn
Baldus	Coleman	Evans, Ind.
Barnard	Collins, Tex.	Fary
Barnes	Conable	Fascell
Beard, R.I.	Conte	Fenwick
Bennett	Corcoran	Fisher
Bevill	Cotter	Fithian
Biaggi	D'Amours	Flippo
Boland	Daniel, R. W.	Florio
Bolling	Danielson	Foley
Boner	Davis, Mich.	Fowler
Bonker	Davis, S.C.	Frost
Bouquard	de la Garza	Gaydos
Gingrich	Martin	Shannon
Gonzalez	Mattox	Sharp
Gore	Mica	Shelby
Gramm	Mikulski	Shuster
Guarini	Minish	Skelton
Gudger	Mollohan	Slack
Guyer	Montgomery	Smith, Iowa
Hamilton	Moorhead, Pa.	Snyder
Hance	Murphy, N.Y.	Spellman
Harris	Murtha	St Germain
Heckler	Neal	Staggers
Hefner	Nedzi	Stangeland
Heftel	Nelson	Stark
Hightower	Nowak	Stenholm
Hillis	O'Brien	Stanton
Horton	Oakar	Stump
Howard	Oberstar	Swift
Hutto	Obey	Traxler
Ichord	Ottinger	Trible
Ireland	Pashayan	Udall
Jenrette	Patten	Vanik
Johnson, Calif.	Pease	Vento
Jones, N.C.	Perkins	Volkmer
Jones, Okla.	Petri	Walgren
Jones, Tenn.	Peyser	Wampler
Kastenmeier	Pickle	Watkins
Kazen	Preyer	Weaver
Kemp	Price	Whitehurst
LaFalce	Pursell	Whitley
Levitas	Ratchford	Whitten
Livingston	Ritter	Wilson, Tex.
Lloyd	Roberts	Wirth
Long, La.	Robinson	Wolff
Long, Md.	Rodino	Wright
Lott	Roe	Wyatt
Lujan	Rose	Wylie
Luken	Roth	Yatron
McCormack	Russo	Young, Alaska
McHugh	Sabo	Young, Mo.
McKay	Satterfield	Zablocki
Madigan	Sawyer	
Marlenee	Schroeder	

NAYS—144

Ambro	Gilman	Miller, Calif.
Anderson, Calif.	Glickman	Miller, Ohio
	Goodling	Mineta
Archer	Gradison	Mitchell, Md.
Ashbrook	Grassley	Mitchell, N.Y.
Badham	Gray	Moakley
Bafalis	Green	Moore
Bailey	Grisham	Moorhead, Calif.
Bauman	Hall, Tex.	
Bedell	Hammer-schmidt	Murphy, Pa.
Bellenson		Myers, Ind.
Benjamin	Hansen	Natcher
Bereuter	Harkin	Nolan
Bethune	Hawkins	Panetta
Boggs	Hinson	Rahall
Bonior	Holtzman	Rangel
Breaux	Hopkins	Regula
Brodhead	Hubbard	Reuss
Buchanan	Huckaby	Rhodes
Burlison	Hughes	Rinaldo
Burton, John	Hyde	Rousselot
Carney	Jacobs	Roybal
Carr	Jeffords	Royer
Carter	Jeffries	Rudd
Cavanaugh	Kelly	Scheuer
Cheney	Kildee	Seiberling
Clausen	Kindness	Sensenbrenner
Collins, Ill.	Kogovsek	Shumway
Conyers	Kostmayer	Smith, Nebr.
Corman	Kramer	Snowe
Coughlin	Lagomarsino	Solarz
Courter	Latta	Solomon
Crane, Philip	Leach, Iowa	Spence
Dannemeyer	Leach, La.	Stack
Dellums	Lederer	Stanton
Donnelly	Lee	Stewart
Dornan	Leland	Stokes
Downey	Lewis	Studds
Duncan, Tenn.	Loeffler	Symms
Early	Lowry	Tauke
Edgar	Lungren	Thomas
Edwards, Okla.	McDonald	Thompson
Emery	McEwen	Walker
Erdahl	Maguire	Waxman
Evans, Del.	Marks	Weiss
Fazio	Marriott	Whittaker
Fish	Matsui	Williams, Mont.
Frenzel	Mavroules	Wolpe
Garcia	Mazzoli	Young, Fla.

NOT VOTING—99

Addabbo	Blanchard	Cleveland
Albosta	Brooks	Coelho
Anderson, Ill.	Brown, Calif.	Crane, Daniel
Andrews, N. Dak.	Brown, Ohio	Daniel, Dan
	Burgener	Daschle
Ashley	Burton, Phillip	Deckard
Beard, Tenn.	Byron	Derwinski
Bingham	Chisholm	Devine

Dixon	Holt	Richmond
Dodd	Jenkins	Rosenthal
Duncan, Oreg.	Johnson, Colo.	Rostenkowski
Eckhardt	Leath, Tex.	Runnels
Edwards, Calif.	Lehman	Santini
Ertel	Lent	Schulze
Evans, Ga.	Lundine	Sebelius
Ferraro	McClory	Simon
Findley	McCloskey	Steed
Flood	McDade	Stockman
Ford, Mich.	McKinney	Synar
Ford, Tenn.	Markey	Taylor
Forsythe	Mathis	Treen
Fountain	Michel	Ullman
Fuqua	Moffett	Van Deerlin
Gephardt	Mottl	Vander Jagt
Giaimo	Murphy, Ill.	White
Gibbons	Myers, Pa.	Williams, Ohio
Ginn	Nichols	Wilson, Bob
Goldwater	Patterson	Wilson, C. H.
Hagedorn	Paul	Winn
Hall, Ohio	Pepper	Wydler
Hanley	Pritchard	Yates
Harsha	Quayle	Zeferetti
Holland	Quillen	
Hollenbeck	Railsback	

□ 2010

Messrs. MARRIOTT, JACOBS, NOLAN, MATSUI, and BEILENSON changed their votes from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Under the motion, there are 20 minutes for debate. The gentleman from California (Mr. STARK) will be recognized for 10 minutes, and the gentleman from Virginia (ROBERT W. DANIEL, JR.) will be recognized for 10 minutes.

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

Mr. STARK. Mr. Speaker, I had hoped that we would not have to extend the debate which we debated under reservations of objections, but as so many Members have consented to come here, I would like to explain further why this resolution of disapproval is necessary and why I ask the Members' support in its adoption.

The Home Rule Act did not simply cede authority from the Congress to the D.C. City Council. Rather, it also spelled out an elaborate process to insure protection of both Federal and local interests. That process assigned certain responsibilities and powers to the Mayor, the City Council, the National Capital Planning Commission and the Zoning Commission.

The basic issue in this matter is this: Do the City Council and the Mayor have the authority, under the Home Rule Act, to legislate in the area of international projects and developments, or is planning for international concerns fully reserved for the National Capital Planning Commission for implementation by the Zoning Commission?

The committee finds that in enacting the Location of Chanceries Amendment Act the City Council and the Mayor have exceeded their authority under the Home Rule Act. A review of the Home Rule Act leaves no doubt about Congress basic intention. The District government has the authority and chief responsibility for "essentially local" matters and interests, but the decisionmaking authority for Federal issues, including the placement of international chanceries and embassies, rests with the National Capital Planning Commission.

Prior to the effective date of home rule, the National Capital Planning Commission served as the central planning agency for both the Federal and District governments in the Capital, and exercised sole responsibility for the preparation and adoption of the Comprehensive Plan for the National Capital.

When Congress enacted the Home Rule Act, however, it divided the responsibility in the planning area. The NCPC was charged with preparing and adopting the Federal elements of the comprehensive plan for the Capital. The Mayor was assigned the function of serving as the central planning agency for the District government and preparing District elements of the comprehensive plan. The Council was given responsibility for adopting such District elements.

Congress elaborated on this basic division with several other statutory provisions that make it absolutely clear that the NCPC is preeminent in the planning area and that the District government has no authority over the location of chanceries.

First. The NCPC shall review the District elements of the comprehensive plan, prepared by the Mayor and adopted by the Council, to determine whether such District elements have a "negative impact on the interests or functions of the Federal establishment in the National Capitol." Any District element of the plan found by the NCPC to have such negative impact "shall not be implemented."

Second. The Home Rule Act provides that "nothing in (the act shall be construed as vesting in the District government any greater authority over the NCPC * * * than was vested in the Commissioner" (the pre-home rule Mayor) — which basically means the District government has no authority at all to override NCPC determinations.

Third. If these provisions left any doubt about the NCPS's responsibility for placement of the chanceries and embassies in the District, the Home Rule Act also provides that the Mayor's "planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the NCPC."

Fourth. The Home Rule Act specifically states that the Zoning Commission shall "exercise all the powers and perform all the duties with respect to zoning in the District as provided by law."

The District of Columbia Council passed a law, I think 24 days ago, which would have overridden these provisions. We had asked that they withhold. The Mayor signed the bill. There is a clear distinction as to whether the Federal interest will prevail or whether the District Council will determine what is clearly the Federal interest, the executive authority dealing with foreign governments.

For myself, Mr. CHARLES WILSON of Texas, Mr. ZABLOCKI, Mr. BROOMFIELD, Mr. FASCELL, Mr. BROOKS, Mrs. FENWICK, I submitted a concurrent resolution of disapproval. At the time I did so, I did so reluctantly because, as one of the drafters of the home rule bill, it has been 5 years since that was enacted and this has not been necessary.

There is an alternative. We could let the time expire and then legislate, but we would then have this House in the posture of drafting zoning regulations for the District of Columbia. I suggest that is more of an interference than the present procedure. This has been an issue for several years. The State Department, myself, my staff, have tried to negotiate this as late as yesterday. The city council was unwilling to rescind, and we were willing to withdraw this legislation to give additional time.

I regret that we are here to debate this resolution and vote on it. The Senate has passed it, and we would urge its adoption and hope that we would not again need to come to this body with a resolution of disapproval, and that in the future we can negotiate these matters between those with the interest of the Federal Government and the interest of the District of Columbia without the acrimony that has been necessitated by this resolution.

Mr. FASCELL. Mr. Speaker, will the gentleman yield for a question?

Mr. STARK. I am delighted to yield to the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I reluctantly joined in the cosponsorship of this disapproval resolution because I did not see any other way out of the dilemma which we face, but do I understand correctly that the Home Rule Act provided for the National Capital Planning Commission to promulgate and adopt a Federal plan?

Mr. STARK. That is correct.

Mr. FASCELL. Am I correct in understanding that once the Federal plan was adopted by the Commission, on which the District of Columbia was represented——

Mr. STARK. The Mayor was a member.

Mr. FASCELL (continuing). It was adopted unanimously?

Mr. STARK. That is right.

Mr. FASCELL. The plan then went to the Zoning Commission of the District of Columbia for implementation representations?

Mr. STARK. That is correct.

Mr. FASCELL. And those regulations were then issued, am I correct?

Mr. STARK. That is correct.

Mr. FASCELL. Pursuant to that plan then, the Federal Government went ahead with assuring the ministries and other representatives of foreign governments that they could go ahead with their plans pursuant to that capital plan having been approved. It was a year later, just about, that the Council, then in the exercise of their alleged zoning powers, decided to change the capital plan dealing with ministries and limit the location of ministries only to office buildings and certain other small areas, contrary to the arrangements that had been agreed upon between the National Capital Planning Commission, for which

zoning regulations had been issued by the District of Columbia, is that correct?

Mr. STARK. The gentleman states the case exactly.

Mr. Speaker, I yield 1 minute to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Speaker, I rise, obviously, in opposition to this resolution of disapproval. I do so not only because I am loath to see the Congress, for the first time in the 5-year history of our limited form of government, home rule in the District of Columbia, pass a resolution of disapproval, but also because I believe that with a bit more restraint on the part of all the parties involved we could have resolved this whole question without the necessity for this extreme action.

Admittedly, this is the first time that an act passed by the Council has had, or could remotely be considered as, a Federal interest involved. In that sense, while I know we do not have the time to recommend the kind of accommodation which I think ultimately will have to be worked out, I do want to point out several things to the Members as they prepare to vote.

□ 2030

The first is that this should not, therefore, be viewed as a precedent-setting action, which would be the occasion for Members bringing to the attention of the committee disapproval resolutions on every act passed by the Congress. I personally just do not feel that the alleged adverse impact of this action by the Council and the Federal interest is as substantial as the Department of State would have us believe. Some question has been raised as to whether or not the Council in fact has the authority to do this. This is something that certainly should be settled by the courts.

The SPEAKER. The time of the gentleman has expired.

Mr. STARK. I reserve the remainder of my time, Mr. Speaker.

Mr. ROBERT W. DANIEL, JR. I yield myself so much time as I may consume.

Mr. Speaker, I would just say that there has been some obfuscation of the real issues here this evening because I think that the question was abundantly developed before the call of the House and was very clearly explained by the gentleman from California afterward. In fact, if I were not overcome with the spirit of Christmas amity, I would say that a red herring had been dragged across the path of truth here, and this red herring would be that this is somehow a judgment on home rule itself. This is not so.

The fact is that the Council has no authority to engage in zoning matters relating to the Federal interest or national issues. The other body considered this matter and so voted. The subcommittee having jurisdiction voted unanimously to this effect. The full District of Columbia Committee this afternoon similarly voted that the District of Columbia City Council had engaged in an improper activity where it did not have jurisdiction. I would hope that very shortly the House would vote accordingly.

I see no apparent requests for time on this side, so I would reserve the remainder of my time.

Mr. MAZZOLI. Mr. Speaker, would the gentleman from Virginia yield to the gentleman from Kentucky 2 minutes out of the generosity of his heart at Christmastime?

Mr. ROBERT. W. DANIEL, JR. In the Christmas spirit I will yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman from Virginia for yielding, who is a true gentleman from the University of Virginia in heart and in spirit.

I would like to take the 2 minutes the gentleman yields to be sure that the House labors under no misapprehension that the only gentleman in the House who stands against this motion of disapproval is the gentleman who represents the District, Mr. FAUNTROY, because the gentleman from Kentucky is against the motion of disapproval, as I voted accordingly at our meeting this afternoon.

I think, Mr. Speaker, when you scrape away all of the words and all of the legal niceties and all of the syllogisms and all of the sophistry, you come down to a really very hard, cold fact, and that is, should the elected representatives of 750,000 people in this District have anything whatsoever to say about the quality of life, or the lifestyle of their community? The gentleman from Kentucky, having heard the evidence and having read the statements, came to the conclusion this afternoon that, indeed, the District of Columbia does have the authority to do what it did, and that the gentleman's opinion is shared and amplified and reinforced by the opinion of the Corporation Counsel of the District of Columbia who testified yesterday at the hearing that, indeed, she felt that the District of Columbia had this power.

I would conclude, Mr. Speaker, by saying that any time there is any shadow of evidence, any scintilla as those of us who went to law school would say, that there is the authority on the part of the elected body to take action, I believe this House ought to be loathe, very loathe to do anything which would veto that power, which would roll that power over, or which would, in a sense, assert ourselves where we should not be involved. So accordingly, I would urge my friends in the House to take this opportunity to think it out and to vote against the motion of disapproval which has been put forward by my friend, the gentleman from California (Mr. STARK).

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I will have to regain my time at this point.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding. I would like to point out that, yes, the corporation counsel said there was a way, although totally illegal for the mayor, which was felt to be perhaps legal for the council; but three other counsels said it was not—the counsel for the Planning Commission, the counsel for the Zoning Board, and another counsel said it was not. So if one is going to weigh the views of counsels, one out of four said it might be appropriate three did not. That it was illegal for the mayor, was declared by all.

Mr. MAZZOLI. If the gentleman from Virginia would yield for one final statement on my part, there is only one corporation counsel, and that corporation counsel said there was authority. There are other counsels, but the corporation counsel who said that was resident in the District of Columbia.

Mrs. FENWICK. If the gentleman from Virginia would yield further, the prior corporation counsel said three times it was illegal. This is the first time it has been said to be legal, and it was one, not three, who said it was legal. Three said it was not.

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I yield back the remainder of my time.

Mr. STARK. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STARK. Mr. Speaker, I call up from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) to disapprove the Location of Chanceries Amendment Act of 1979 passed by the city council of the District of Columbia, an identical concurrent resolution, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. BAUMAN. Reserving the right to object, do we have to pass this?

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

Mr. BAUMAN. I yield to the gentleman.

Mr. STARK. I thank the gentleman for yielding. If we could gain the concurrence of the House to Senate Concurrent Resolution 63, it would save the Parliamentarian the trouble of running a resolution we have just passed over to the Senate where Mr. EAGLETON would pass it tonight.

Mr. BAUMAN. The other body has already acted on this?

Mr. STARK. Yes, it has.

Mr. BAUMAN. It is identical?

Mr. STARK. It is an identical resolution.

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

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Congress disapproves of the action of the District

of Columbia Council, described as follows: The Location of Chanceries Amendment Act of 1979, act 3–120, passed by the Council of the District of Columbia on October 9, 1979, signed by the Mayor on November 9, 1979, and transmitted to the Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, on November 19, 1979.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate Concurrent Resolution 63 just concurred in.

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

There was no objection.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RHODES. Would the Chair tell the House what the next order of business is?

The SPEAKER. The Chair is going to recognize the gentleman from Washington (Mr. FOLEY) for a joint resolution.

Mr. RHODES. I am pleased about that, but I would like to be recognized at some time.

The SPEAKER. The Chair will advise the minority leader, that the conferees are about 10 minutes away from bringing the Chrysler bill back from conference. It was about 2 hours ago that the managers signed the report, and the staff people informed us at 8 o'clock that they should be here in a half hour. That has already gone by. The Chair said earlier that he would give the House notification of 15 minutes. So for that reason we would like to see if we can continue along without going into a recess.

The Chair now recognizes the gentleman from Washington (Mr. FOLEY).

□ 2040
EXTENDING DATE FOR SUBMISSION OF PRESIDENT'S BUDGET AND ECONOMIC REPORT

Mr. FOLEY. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 468), extending the date for submission of the President's Budget and Economic Report, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 468

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. 11), the President shall transmit to Congress not later than January 28, 1980, the budget for the fiscal year 1981, and (b) notwithstanding the provisions of section of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than January 30, 1980, the Economic Report.

The joint resolution 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.

RECESS

The SPEAKER. The House will stand in recess until the hour of 8:50 p.m.

Accordingly (at 8 o'clock and 42 minutes p.m.), the House stood in recess until 9:02 p.m.

□ 2100
AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock and 2 minutes p.m.

CONFERENCE REPORT ON H.R. 5860, CHRYSLER CORPORATION LOAN GUARANTEE ACT OF 1979

Mr. REUSS submitted the following conference report and statement on the bill (H.R. 5860) to authorize loan guarantees to the Chrysler Corp.:

CONFERENCE REPORT (H. REPT. NO. 96–730)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5860) to authorize loan guarantees to the Chrysler Corporation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Board" means the Chrysler Corporation Loan Guarantee Board established by section 3;

(2) the term "borrower" means the Chrysler Corporation, any of its subsidiaries or affiliates, or any other entity the Board may designate from time to time which borrows funds for the benefit or use of the Corporation;

(3) the term "Corporation" means the Chrysler Corporation and its subsidiaries and affiliates;

(4) the term "financing plan" means a plan designed to meet the financing needs of the Corporation as reflected in the operating plan and indicating in accordance with the requirements of section 8 the amounts to be provided at dates specified (for each year of the plan) from internally generated sources (including earnings and cost reduction measures), from loans guaranteed under this Act, and from nonfederally guaranteed assistance as required pursuant to section 4(a)(4);

(5) the term "fiscal year" means the fiscal year of the Corporation;

(6) the term "going concern" means a corporation the net earnings of which, as projected in the plan required under section 4(a)(3), are determined to be sufficient to maintain long-term profitability after taking into account probable fluctuations in the automobile market, and which meets such other tests of viability as the Board shall prescribe;

(7) the term "labor organization" has the same meaning as in section 2 of the National Labor Relations Act;

(8) the term "operating plan" means a document detailing production, distribution, and sales plans of the Corporation, together with the expenditures needed to carry out those plans (including budget and cash flow projections), on an annual basis, a productivity improvement plan setting forth steps to be taken by the Corporation and its workers to achieve a higher productivity growth rate, and an energy efficiency plan setting forth steps to be taken by the Corporation to reduce United States dependence on petroleum, in accordance with section 4(a)(3);

(9) the term "persons with an existing economic stake in the health of the Corporation" means banks, financial institutions, and other creditors, suppliers, dealers, stockholders, labor unions, employees, management, State, local, and other governments, and others directly deriving benefit from the production, distribution, or sale of products of the Corporation; and

(10) the term "wages and benefits" means any direct or indirect compensation paid by the Corporation to employees of the Corporation and shall include, but is not limited to, amounts paid in accordance with wage scales, straight time hourly wage rates, base wage rates, base salary rates, salary scales, and periodic salary grades, overtime premiums, night shift premiums, vacation payments, holiday payments, relocation allowance, call-in pay, bonuses, bereavement pay, jury duty pay, paid absence allowances, short-term military duty pay, paid leaves of absence, holiday pay including personal holidays, and medical, health, accident, sickness, disability, hospitalization, insurance, pension, educational, and supplemental unemployment benefits.

CHRYSLER CORPORATION LOAN GUARANTEE BOARD

SEC. 3. There is established a Chrysler Corporation Loan Guarantee Board which shall consist of the Secretary of the Treasury who shall be the Chairperson of the Board, the Chairman of the Board of Governors of the Federal Reserve System, and the Comptroller General of the United States. The Secretary of Labor and the Secretary of Transportation shall be ex officio nonvoting members of the Board.

AUTHORITY FOR COMMITMENTS FOR LOAN GUARANTEES

SEC. 4. (a) Subject to the provisions of this Act, the Board, on such terms and conditions as it deems appropriate, may make commitments to guarantee the payment of principal and interest on loans to a borrower only if at the time the commitment is issued, the Board determines that—

(1) there exists an energy-savings plan which—

(A) is satisfactory to the Board;

(B) is developed in consultation with other appropriate Federal agencies;

(C) focuses on the national need to lessen United States dependence on petroleum; and

(D) can be carried out by the borrowers;

(2) the commitment is needed to enable the Corporation to continue to furnish goods or services, and failure to meet such need would adversely and seriously affect the economy of, or employment in, the United States or any region thereof;

(3)(A) the Corporation has submitted to the Board a satisfactory operating plan (in-

cluding budget and cash flow projections) for the 1980 fiscal year and the next succeeding three fiscal years demonstrating the ability of the Corporation to continue operations as a going concern in the automobile business, and after December 31, 1983, to continue such operations as a going concern without additional guarantees or other Federal financing; and

(B) the Board has received such assurances as it shall require that the operating plan is realistic and feasible;

(4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such plan, and which includes an aggregate amount of nonfederally guaranteed assistance of at least $1,430,000,000 as determined under subsection (b)—

(A) from financial commitments or concessions from persons with an existing economic stake in the health of the Corporation in excess of commitments or concessions outstanding as of October 17, 1979, or from other persons;

(B) from capital to be obtained through merger, sale of securities or otherwise after October 17, 1979;

(C) from cash to be obtained from the disposition of assets of the Corporation after October 17, 1979; and

(D) from the issuance of $100,000,000 of common stock of the Corporation which shall be made available by the Corporation to its employees and labor organizations which are parties to collective bargaining agreements with the Corporation;

(5) the Board has received adequate assurances regarding the availability of all financing contemplated by the financing plan and that such financing is adequate (taking into account the amount of guarantees to be made available and the amount of wages and benefits not to be paid as a result of section 6) to meet all the Corporation's projected financing needs during the period covered by the financing plan;

(6) the Corporation's existing creditors have certified to the Board that they will waive their rights to recover under any prior credit commitment which may be in default unless the Board determines that the exercise of those rights would not adversely affect the operating plan submitted under paragraph (3) or the financing plan submitted under paragraph (4);

(7) no credit extended or committed on a nonguaranteed basis prior to October 17, 1979, is being converted to a guaranteed basis pursuant to this Act; and

(8) the financing plan submitted under paragraph (4) provides that expenditures under such financing plan will contribute to the domestic economic viability of the Corporation.

(b)(1) For the purpose of computing the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance required to be provided under subsection (a)(4)—

(A) the term "financial commitment" means a legally binding commitment to provide additional nonfederally guaranteed assistance to meet the financing needs of the Corporation in excess of any such commitments outstanding as of October 17, 1979;

(B) the term "concession" means a legally binding commitment (or in the case of a concession from a State, local, or other government, a concession for which the Board has received adequate assurances) which will result in a reduction in the financing needs of the Corporation by an amount which is more than the amount of any reduction accomplished by any concessions outstanding as of October 17, 1979, and, except for a loan or other credit, shall be nonrecoupable;

(C) the term "capital" means sales of equity securities, any other transactions involving non-interest-bearing investments in the Corporation, or subordinated loans on which payment of principal and interest is deferred until after all guaranteed loans are repaid; and

(D) the amount of "cash to be obtained from the disposition of assets of the Corporation" shall be determined by the Board based on a conservative estimate of the minimum value realizable in a sale, with reference to the potential circumstances surrounding such a sale.

(2) In computing the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance required to be provided under subsection (a)(4), there shall be excluded—

(A) the extent of any contribution, concession, or other element that does not actually and substantively contribute to meeting the Corporation's financing needs as defined in the financing plan required by this section; and

(B) deferral of any dividends on common or preferred stock outstanding as of October 17, 1979.

(c) The aggregate amount of nonfederally guaranteed assistance of at least $1,430,000,000 required to be provided under subsection (a) shall include—

(1) at least $500,000,000 from United States banks, financial institutions, and other creditors, of which—

(A) at least $400,000,000 shall be new loans or credits, in addition to the extension of the full principal amount of any loans committed to be made but not outstanding as of October 17, 1979; and

(B) at least $100,000,000 shall be concessions with respect to outstanding debt of the Corporation;

(2) at least $150,000,000 shall be from foreign banks, financial institutions, and other creditors in the form of new loans or credits, in addition to the extension of the full principal amount of any loans committed to be made but not outstanding as of October 17, 1979;

(3) at least $300,000,000 shall be from the disposition of assets of the Corporation;

(4) at least $250,000,000 shall be from State, local, and other governments;

(5) at least $180,000,000 shall be from suppliers and dealers, of which at least $50,000,000 shall be in the form of capital as defined in subsection (b); and

(6) at least $50,000,000 shall be from the sale of additional equity securities.

The Board may, as necessary, modify the amounts of assistance required to be provided by any of the categories referred to in this subsection, so long as the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance is provided under subsection (a)(4).

REQUIREMENTS FOR LOAN GUARANTEES

SEC. 5. (a) A loan guarantee may be issued under this Act only pursuant to a commitment issued under section 4. The terms of any such commitment shall provide that a loan guarantee may be issued under this Act only if at the time the loan guarantee is issued, the Board determines that—

(1) credit is not otherwise available to the Corporation under reasonable terms or conditions sufficient to meet its financing needs as reflected in the financing plan;

(2) the prospective earning power of the Corporation, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable taking into account the current average yield on outstanding obligations of the United States with remaining periods to maturity comparable to the maturity of such loan;

(4) the operating plan and the financing plan of the Corporation continue to meet the requirements of section 4 and appropriate revisions to such plans (including extensions of such plans to cover the then current four-year period) have been submitted to the Board to meet such requirements;

(5) the Corporation is in compliance with such plans;

(6) the Board has received such assurances as it may require that such plans are realistic and feasible;

(7) the Corporation has agreed for as long as guarantees issued under this Act are outstanding—

(A) to have prepared and submitted on or before the thirtieth day preceding each fiscal year beginning after December 31, 1980, a revised operating plan and financial plan which cover the four-year period commencing with such fiscal year and which meet the requirements of section 4; and

(B) to prepare and deliver to the Board within one hundred and twenty days following the close of each fiscal year, an analysis reconciling the Corporation's actual performance for such fiscal year with the operating plan and the financial plan in effect at the start of such fiscal year;

(9) there is no substantial likelihood that Chrysler Corporation will be absorbed by or merged with any foreign entity; and

(9) the borrower is in compliance with the terms and conditions of the commitment to issue the guarantees required by the Board pursuant to section 9(b), except to the extent that such terms and conditions are modified, amended, or waived by the Board.

(b) Any determination by the Board that the conditions established by this Act have been met shall be conclusive, and such determination shall be evidenced by the issuance of the guarantee or commitment for which such determination is required. The Board shall transmit to the appropriate committees of the Congress a written report setting forth each such determination under this Act and the reasons therefor not less than fifteen days prior to the issuance of any guarantee. The validity of any guarantee when made by the Board under this Act shall be incontestable in the hands of a holder, except for fraud or material misrepresentation on the part of such holder. The Board is authorized to determine the form in which any guarantee made under this Act shall be issued.

(c) The Board shall prescribe and collect no less frequently than annually a guarantee fee in connection with each guarantee made under this Act. Such fee shall be sufficient to compensate the Government for all of the Government's administrative expense related to the guarantee, but in no case may such fee be less than one-half of 1 per centum per annum of the outstanding principal amount of loans guaranteed under this Act computed daily.

(d) To the maximum extent feasible, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act, and for such purpose the Board is authorized to—

(1) prescribe and collect a guarantee fee in addition to the fee required by subsection (c);

(2) enter into contracts under which the Government, contingent upon the financial success of the Corporation, would participate in gains of the Corporation or its security holders; or

(3) use other instruments deemed appropriate by the Board.

(e) All amounts collected by the Board pursuant to subsections (c) and (d) shall be deposited in the Treasury as miscellaneous receipts.

(f) Nothing in this Act shall be interpreted to mean that any loan guarantee of the Federal Government under this Act is in any way an asset of the Corporation which can be sold or assigned by the Chrysler Corporation to any foreign entity.

REQUIREMENTS APPLICABLE TO EMPLOYEES

SEC. 6. (a) No loan guarantee may be issued under this Act if at the time of issuance or the proposed issuance the Board determines that—

(1) collective bargaining agreements entered into by the Corporation after September 14, 1979, with labor organizations representing employees of the Corporation which govern the payment of wages and benefits to such employees from September 14, 1979, to September 14, 1982, have not been modified so that the cost to the Corporation of such wages and benefits, as determined by the Board, shall be reduced by a total amount of at least $462,500,000 for the three-year period ending on September 14, 1982, below the cost of such wages and benefits which the Corporation would otherwise have been obligated to incur during such period, except that such dollar amount shall include $203,000,000 in wages and benefits to be forgone pursuant to the master collective bargaining agreement entered into on October 25, 1979, between the Corporation and the International Union, United Automobile Aerospace and Agricultural Implement Workers of America; or

(2) the Corporation has not put into effect a plan for achieving at least $125,000,000 in concessions as defined in section 4(b)(1)(B) from employees not represented by a labor organization.

(b) The limitations set forth in subsection (a) of this section shall not apply to any increase in wages or benefits required by law.

(c) Any increase in the wages and benefits of a person employed by the Corporation resulting from reclassification or reevaluation of a job or a promotion effected in order to evade the provisions of this section shall be considered an indirect form of compensation.

(d)(1) To meet the requirements of this section, the Corporation shall not enter into a collective bargaining agreement with a labor organization which—

(A) reduces the amounts and levels of wages and benefits provided by such a collective bargaining agreement beyond the labor organization's proportionate share, as determined by the Board; or

(B) reduces wages and benefits below the levels and amounts provided on September 13, 1979.

(2) For purposes of this subsection, the proportionate share of a labor organization shall be determined by multiplying the total reduction required by paragraph (1) by the quotient obtained by dividing the total number of the Corporation's employees represented by that labor organization whose proportionate share is to be determined by the total number of the Corporation's employees represented by labor organizations.

(e) The cost reduction realized by the Corporation under the terms of this subsection shall not be recoupable.

(f) If the Board determines that cash contributions from labor organizations or employees are legally committed so that the total contributions from employees and labor organizations during the period of September 13, 1979, through September 13, 1982, will exceed the total amount of wages and benefits not paid as a result of subsection (a), the Board may permit an increase in the levels and amounts of employee wages and benefits beyond the levels and amounts in effect on September 13, 1979, which would otherwise be prohibited by subsection (a), if (1) such increase will not impair the ability of the Corporation to continue as a going concern, or to meet such other tests of viability as the Board shall prescribe, and (2) the amount of such increase does not exceed the amount of the cash contributions committed.

EMPLOYEE STOCK OWNERSHIP PLAN

SEC. 7. (a) No guarantee or commitment to guarantee any loan may be made under this Act until the Chrysler Corporation, in a written agreement with the Board which is satisfactory to the Board, agrees—

(1) to establish a trust which forms part of an employee stock ownership plan meeting the requirements of subsection (c);

(2) to make employer contributions to such trust in accordance with such plan; and

(3) to issue additional shares of qualified common stock at such times as such shares are required to be contributed to such trust.

(b) No guarantee or commitment to guarantee any loan may be made under this Act after the close of the one hundred and eighty day period beginning on the date of the enactment of this Act unless the Chrysler Corporation has established a trust which forms part of an employee stock ownership plan meeting the requirements of subsection (c).

(c) An employee stock ownership plan meets the requirements of this subsection only if—

(1) such plan is maintained by the Chrysler Corporation;

(2) such plan satisfies the requirements of section 4975(e)(7) of the Internal Revenue Code of 1954 (determined without regard to subparagraph (A) of section 410(b)(2) of such Code);

(3) such plan provides that—

(A) employer contributions to the trust may be made only in accordance with requirements of subsection (d);

(B) each participant in the plan has a nonforfeitable right to the participant's accrued benefit under the plan;

(C) each employer contribution to the trust shall be allocated in equal amounts (to the extent not inconsistent with the requirements of section 415(c) of such Code) to the accounts of all participants in the plan; and

(D) distributions from the trust under the plan will be made in accordance with the requirements of section 401(k)(2)(B) of the Internal Revenue Code of 1954; and

(4) such plan benefits 90 percent or more of all employees of the Corporation, excluding the employees who have not satisfied the minimum wage and service requirements, if any, prescribed by the plan as a condition of participation.

(d)(1) Employer contributions meet the requirements of this subsection only if such contributions—

(A) will total not less than $162,500,000 before the close of the four-year period beginning not later than the one hundred and eightieth day after the date of the enactment of this Act;

(B) are made in such amounts and at such times that no time during such four-year period will the amount of employer contributions to the trust be less than the amount such contributions would have been if made in installments of $40,625,000 made at the end of each year in such period; and

(C) are made in the additional qualified common stock which the Chrysler Corporation issues by reason of subsection (a)(3).

(2)(A) In the case of a qualified loan to the trust for the purchase of qualified common stock the amount of such stock purchased with the proceeds of such loan shall be treated for purposes of paragraph (1) as an employer contribution to the trust made on the date such stock is so purchased.

(B) For purposes of subparagraph (A), the term "qualified loan" means any loan—

(i) which may be repaid only in substantially equal installments;

(ii) which has a term of not more than ten years; and

(iii) the proceeds of which are used only to purchase an amount of the additional qualified common stock which the Chrysler Corporation issues by reason of subsection (a)(3).

(e) For purposes of this section, the term "qualified common stock" means stock of the class of common stock of the Chrysler Corporation which is outstanding on October 17, 1979, and which is readily tradeable on an established securities market.

(f) An amount equal to $162,500,000 of the additional qualified common stock issued by the Corporation by reason of subsection (a)(3) shall not be treated for purposes of this Act as assistance received by the Chrysler Corporation from other than the Federal Government pursuant to section 4(c).

LIMITATIONS ON GUARANTEE AUTHORITY

SEC. 8. (a) The authority of the Board to extend loan guarantees under this Act shall not at any time exceed $1,500,000,000 in the aggregate principal amount outstanding.

(b) Subject to subsection (a), the total principal amount of loans which are guaranteed under this Act and which are outstanding at any time shall not exceed the amount of nonfederally guaranteed assistance under section 4(a) and the amount of concessions and contributions under section 6 which have accrued to the Corporation.

TERMS AND CONDITIONS OF LOAN GUARANTEES

SEC. 9. (a) Loans guaranteed under this Act shall be payable in full not later than December 31, 1990, and the terms and conditions of such loans shall provide that they cannot be amended, or any provision waived, without the Board's consent.

(b)(1) Any commitment to issue guarantees entered into pursuant to this Act shall contain all the affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this Act at the time the commitment is made.

INSPECTION OF DOCUMENTS; AUDIT BY THE GENERAL ACCOUNTING OFFICE

SEC. 10. (a) At any time a request for a loan guarantee under this Act is pending or a loan guaranteed under this Act is outstanding, the Board is authorized to inspect and copy all accounts, books, records, memoranda, correspondence, and other documents and transactions of the Corporation and any other borrower requesting a guarantee under this Act.

(b) The General Accounting Office may make such audits as may be deemed appropriate by the Comptroller General of the United States of all accounts, books, records, memoranda, correspondence, and other documents and transactions of the Corporation and any other borrower. No guarantee may be made under this Act unless and until the Corporation and any other borrower agree, in writing, to allow the General Accounting Office to make such audits. The General Accounting Office shall report the results of all such audits to the Congress.

(c) The Board is empowered to investigate and shall investigate any allegations of fraud, dishonesty, incompetence, misconduct, or irregularity in the management of the affairs of the Corporation which are material to the Corporation's ability to repay the loans guaranteed under this Act.

PROTECTION OF GOVERNMENT'S INTEREST

SEC. 11. (a) The Board shall take such action as may be appropriate to enforce any right accuring to the United States or any officer or agency thereof as a result of the commitment or issuance of guarantees under this Act.

(b) If the Corporation undertakes a sale of any asset having a value in excess of $5,000,000, and if the Board determines such sale is likely to impair the ability and capacity of the Corporation to repay the guaranteed loans as scheduled, or to impair the ability of the Corporation to continue

as a going concern or to meet such other tests of viability as the Board shall prescribe, the Board shall not issue any further guarantees for loans under this Act, and all guaranteed loans made prior to such determination shall be due and payable in full.

(c) If the Corporation enters into any contract, including but not limited to future wage and benefit settlements, having an aggregate value of $10,000,000 or more, the Board shall determine and certify that the performance of the obligations of the Corporation pursuant to such contract will not reduce the ability of the Corporation to repay the guaranteed loans as scheduled, will not conflict with the Corporation's operating plan or financing plan as a request under this Act, and will not impair the ability of the Corporation to continue as a going concern or to meet such other tests of viability as the Board shall prescribe. If in any case such determination and certification cannot be made, the Board shall not issue any further guarantees for loans under this Act until such certification can be made, and all loans guaranteed under this Act shall be due and payable in full.

(d) The Board shall be entitled to recover from the borrower, or from any other person liable therefor, the amount of all payments made pursuant to any guarantee entered into under this Act, and upon making any such payment, the Board shall be subrogated to all the rights of the recipient thereof.

(e) The remedies provided in this Act shall be cumulative and not in limitation of or substitution for any other remedy available to the Board or the United States.

(f) The Board may bring action in any United States district court or any other appropriate court to enforce compliance with the provisions of the Act or any agreement related thereto and such court shall have jurisdiction to enforce such compliance and enter such orders as may be appropriate.

(g) A loan shall not be guaranteed under this Act if the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 or if the guarantee provides significant collateral or security to other obligations, the income from which is so excluded.

(h) If any provision of this Act is held to be invalid or the application of such provision to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(i)(2) Notwithstanding any other provision of law and subject to paragraphs (2), (3), and (4), whenever any person is indebted to the United States as a result of any loan guarantee issued under this Act and such person is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) Subject to paragraphs (3) and (4), the Board may waive the priority established in paragraph (1) if—

(A) the Board determines that the waiver of such priority is necessary to facilitate the ability of the Corporation or any borrower to obtain financing; and

(B) the Board determines that, despite such waiver, there is a reasonable prospect of repayment of the loans guaranteed under this Act.

(3) Subject to paragraph (4), waivers under paragraph (2) may only be issued—

(A) with respect to any State or local government;

(B) with respect to a supplier of the Corporation except that no supplier of the Corporation may receive waivers under paragraph (2) with respect to claims of such supplier in an amount of more than $100,000; and

(C) with respect to loans made after October 17, 1979 by any creditor of the Corporation up to a total of $400,000,000.

(4) A waiver under paragraph (2) with respect to a supplier of the Corporation or any creditor of the Corporation under paragraph (3)(C) may not by its terms subordinate the claims of the United States under this Act to those of any other creditor of the Corporation or of any borrower.

(j) The Corporation may not pay any dividend on its common or preferred stock during the period beginning on the date of the enactment of this Act and ending on the date on which loan guarantees issued under this Act are no longer outstanding.

LONG-TERM PLANNING STUDY

SEC. 12. (a) The Secretary of Transportation, after consultation with the Secretary of Energy and the Secretary of Labor, shall submit to the Board and to the Congress as soon as practicable, but not later than six months after the date of enactment of this Act, an assessment of the long-term viability of the Corporation's involvement in the automobile industry. The study shall assess the impact of likely energy trends and events on the automobile industry, including long-term capital requirements, productivity growth rate, rate of technological change, shifting market characteristics, the capability of the industry as a whole to respond to the requirements of the 1980's, and shall evaluate the adequacy of the industry's existing structure to make necessary technological and corporate adjustments. The study shall include an examination of the Corporation's capability to produce for sale an automobile similar to those vehicles developed under the research safety vehicle program of the National Highway Traffic Safety Administration. The study shall consider government procurement as one means of establishing a market for this automobile.

(b) The Secretary of Transportation shall prepare and transmit to the Congress annual comprehensive assessments of the state of the automobile industry and its interaction in an integrated economy. Each annual assessment shall include, but not be limited to, issues pertaining to personal mobility, capital and material requirements and availability, national and regional employment, productivity growth rate, trade and the balance of payments, the industry's competitive structure, and the effects of utilization of other modes of transportation.

(c) The Board shall take the results of the study and each annual assessment into account when examining and evaluating the Corporation's financing plan and operating plan.

(d) In the study and assessments required by subsection (a) and (b), the Secretary in consultation with appropriate agencies and departments shall identify any adverse effects on the economy of or on employment in the United States or any region thereof and shall make recommendations for dealing with the adverse economic and employment trends identified in such study and for proposed programs or structural or modifications of existing programs, as well as funding requirements, in such areas as economic development, community development, job retraining, and worker relocation. In addition, the Secretary may make any additional recommendations he deems appropriate to address the long term national and regional impact of reduced activity of the Corporation or of the automobile industry.

PROHIBITION ON USE OF THE FEDERAL FINANCING BANK

SEC. 13. Notwithstanding the provisions of section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) or any other provision of law, none of the loans guaranteed or committed to be guaranteed under this Act shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank or any other Federal agency or department or entity owned in whole or in part by the United States.

REPORTS TO CONGRESS

SEC. 14. (a) The Board shall submit to the Congress semiannually a full report of its activities under this Act during fiscal years 1980 and 1981, and annually thereafter so long as any loan guaranteed under this Act is outstanding. The final report for 1981 shall include an evaluation of the long-term economic implications of the Chrysler loan guarantee program, with findings, conclusions, and recommendations for legislative and administrative actions considered appropriate to future Federal loan guarantee programs. The study shall also consider for inclusion in any guidelines covering future assistance to corporations the following factors:

(1) the prospective economic environment at the time the assistance would have its intended effect, and the impact that either the granting or denial of assistance will have on the environment,

(2) the importance, in terms of size and in terms of goods and services rendered, of the corporation or business entity to the national economy,

(3) the appropriateness of aggregate limits for such Federal assistance per fiscal year,

(4) the order of preference for specific types of assistance, and

(5) the degree to which assisted corporations or business entities should be required to adhere to other governmental policies as a condition for the assistance.

(b) Not less than 15 days before the issuance of any loan guarantee under this Act, the Board shall transmit to the appropriate committees of the Congress a written report containing—

(1) the details of such loan guarantee;

(2) the specific assurances received by the Board under the provisions of sections 4 and 5; and

(3) the specific determinations made by the Board under the provisions of sections 4 and 5.

(c) The Board shall have the power to require the Secretary of Transportation to complete, within six months of such request, an assessment of the economic impact on the automobile industry of Federal regulatory requirements and the necessity thereof.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. (a) There are authorized to be appropriated beginning October 1, 1979, and to remain available without fiscal year limitation, such sums as may be necessary to carry out the provisions of this Act.

(b) Notwithstanding any other provision of this Act, the authority of the Board to make any loan guarantee under this Act shall be limited to the extent such amounts are provided in advance in appropriation Acts.

TERMINATION

SEC. 16. The authority of the Board to make commitments to guarantee or to issue guarantees under this Act expires on December 31, 1983.

ASSISTANCE TO AUTOMOBILE DEALERS

SEC. 17. (a) The Congress finds that—

(1) automobile dealerships are, for the most part, small businesses, and

(2) current economic conditions have adversely affected automobile dealers to an unusual extent.

(b) The Administrator of the Small Business Administration (hereinafter in this section referred to as the "Administrator") shall investigate the financial problems faced by small business automobile dealers and de-

termine what assistance through loans and loan guarantees may be needed and can be made available to alleviate such problems. The Administrator shall report the results of such investigation to the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act.

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT AMENDMENTS

SEC. 18. Section 13(c) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2512 (c)) is amended by adding the following new subparagraphs:

"(1) The Secretary of Energy in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency is authorized and directed to conduct a seven-year evaluation program of the inclusion of electric vehicles, as defined in section 512(b)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2012(b)(2)), in the calculation of average fuel economy pursuant to section 503(a) (1) and (2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a) (1) and (2)) to determine the value and implications of such inclusion as an incentive for the early initiation of industrial engineering development and initial commercialization of electric vehicles in the United States. The evaluation program shall be conducted in parallel with the research and development activities of section 6 and demonstration activities of section 7 (15 U.S.C. 2505 and 2506) to provide all necessary information no later than January 1, 1987, for the private sector and Federal, State and local officials to make required decisions for the full commercialization of electric vehicles in the United States.

"(2) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, shall implement immediately the evaluation program by promulgating, within sixty days of enactment of the Act, regulations to include electric vehicles in average fuel economy calculations under section 503(a) (1) and (2) of the Motor Vehicle Information and Cost Savings Act. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003), as amended, is further amended by adding a new section 503(a)(3) (15 U.S.C. 2003(a)(3)), which reads as follows:

"(3) In the event that a manufacturer manufactures electric vehicles, as defined in section 512(b)(2) (15 U.S.C. 2012(b)(2)), the average fuel economy will be calculated under 503(a) (1) and (2) to include equivalent petroleum based fuel economy values for various classes of electric vehicles in the following manner:

"'(A) The Secretary of Energy will determine equivalent petroleum based fuel economy values for various classes of electric vehicles. Determination of these fuel economy values will take into account the following parameters:

"'(i) the approximate electrical energy efficiency of the vehicles considering the vehicle type, mission, and weight;

"'(ii) the national average electricity generation and transmission efficiencies;

"'(iii) the need of the Nation to conserve all forms of energy, and the relative scarcity and value to the Nation of all fuel used to generate electricity;

"'(iv) the specific driving patterns of electric vehicles as compared with those of petroleum fueled vehicles.

"'(B) The Secretary of Energy will proposed equivalent petroleum based fuel economy values within four months of enactment of the Act. Final promulgation of the values is required no later than six months after the proposals of the values.

"'(C) The Secretary of Energy will review these values on an annual basis and will propose revisions, if necessary.'.

"(3) The Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall include a full discussion of this evacuation program in the annual report required by section 14 (15 U.S.C. 2513) in each year after promulgation of the regulations under paragraph (2). The Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall submit to the Congress on January 1, 1987, a final report on the results of the evaluation program and any recommendations regarding the continued inclusion of electric vehicles in the average fuel economy calculations under the Motor Vehicle Information and Cost Savings Act.".

And the Senate agree to the same.

HENRY REUSS,
WILLIAM MOORHEAD,
JAMES J. BLANCHARD,
STANLEY N. LUNDINE,
J. W. STANTON,
STEWART B. MCKINNEY.
Managers on the Part of the House.

WILLIAM PROXMIRE,
DAN RIEGLE,
PAUL TSONGAS,
JAKE GARN,
NANCY LANDON KASSEBAUM,
RICHARD G. LUGAR.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5860) to authorize loan guarantees to the Chrysler Corporation, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. On the issue of the contributions to be made by those with a stake in the economic health of the Corporation, the bills were identical except with respect to the contributions by the company's union and nonunion employees. The conference reported bill is exactly between the Senate and House versions. The contribution of employees represented by a union must be $462,500,000 and that of the non-union employees $125 million.

2. On the issue of the Board that will administer the program, the conference reported bill accepts the Senate provision with the voting Members of the Board to be the Secretary of the Treasury as Chairman, Chairman of the Board of Governors of the Federal Reserve System, and the Comptroller General. The Secretaries of Transportation and Labor would be nonvoting ex-officio Members of the Board.

3. On the issue of security of the guaranteed loans and federal priority as a creditor in case of insolvency or bankruptcy, the conference reported bill reflects a compromise. The guaranteed loans must be secured, but there is not a requirement that they be fully collateralized. The Federal Government will have full priority as a creditor with respect to existing loans to the Corporation.

It can waive priority with respect to claims of state and local governments and can accept equal position with respect to dealer claims of up to $100 thousand and with respect to up to $400 million of new loans to the Corporation. This later provision is intended to permit the Board to waive its priority with respect to up to $400 million in aggregate principal amount outstanding at any one time. The provision is intended to permit the Board to place the guaranteed loans on a parity with these new loans both as to security and as to priority.

4. On the issue of the requirements for an employee stock ownership plan, the bills were essentially identical except for the value of the stock to be issued to the plan by the Corporation. The conference reported bill is exactly between the two versions, with a required stock issuance of $162,500,000. House provisions were adopted on two largely technical differences.

5. On the issue of the binding nature of the concessions or assistance that must be guaranteed by non-federal contributors prior to loan guarantees, the conference reported bill adopts essentially the House provision. The Board must have adequate "assurances" of the required total value of the non-federal contribution before issuing commitments to guarantees. Before issuing guarantees themselves, there must be at least $1 of such nonfederal contribution actually in place for each dollar of guarantee. This compromise is not intended to authorize the Board to provide short-term bridge loan financing to the Corporation.

6. It is the view of the conferees that the President should not submit to Congress any future request for Federal loans, grants, loan guarantees or any other assistance to an individual company or business in excess of $250,000,000 until such time as a thorough evaluation has been performed by the Executive and reported to the Congress. Such evaluation shall—

(1) compare the economic benefits to be derived from such assistance with benefits from alternative uses of the resources by government and market allocations of such resources;

(2) compare the economic benefits to be derived from such assistance with economic costs of a failure to provide such assistance;

(3) analyze the long-term viability of the firm and industry in question;

(4) consider technological advances and production trends affecting the firm and industry in question;

(5) analyze foreign competition affecting the industry in question;

(6) analyze general economic trends which affect the firm and industry in question;

(7) consider the long-term prospects for improving the productivity and potential for innovation of the industry in question;

7. Inclusion in the conference reported bill of language concerning acquisition of the Corporation by a foreign entity does not preclude acquisition of the Corporation by a domestic Corporation owned in whole or in part by a foreign entity.

HENRY S. REUSS,
WILLIAM S. MOORHEAD,
JAMES J. BLANCHARD,
STANLEY N. LUNDINE,
J. W. STANTON,
STEWART B. MCKINNEY,
Managers on the Part of the House.

WILLIAM PROXMIRE,
DON RIEGLE,
PAUL TSONGAS,
JAKE GARN,
NANCY LANDON KASSEBAUM,
RICHARD G. LUGAR,
Managers on the Part of the Senate.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state his parliamentary.

Mr. BADHAM. The parliamentary inquiry is this, Mr. Speaker:

According to the so-called Burton rule, would a point of order not lie in that the Members have not had this report for a 2-hour period, even though the other rules have been waived?

The SPEAKER. The Chair will state that the gentleman from Pennsylvania (Mr. MOORHEAD) made a unanimous-consent request yesterday to bring the conference report up at this particular time, and that waives the Burton rule providing a 2-hour filing requirement.

Mr. BADHAM. Then, Mr. Speaker, as a further parliamentary inquiry, do I understand the Burton rule has been waived?

The SPEAKER. The Chair will state that it was waived yesterday by the approval of the unanimous-consent request of the gentleman from Pennsylvania (Mr. MOORHEAD).

The Chair recognizes the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I call up the conference report on the bill (H.R. 5860) to authorize loan guarantees to the Chrysler Corp., and ask unanimous consent that the statement of the managers be read in lieu of the report.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, the gentleman from Maryland seems to recall that yesterday when the gentleman from Pennsylvania (Mr. MOORHEAD) made his request, I inquired as to whether printed copies would be available, and the gentleman assured us that they would.

Mr. Speaker, I will ask the Chair, are any printed copies of this conference report available?

The SPEAKER. The Chair will state that there are Xerox copies of the statement on the floor.

Mr. BAUMAN. Where are they, Mr. Speaker?

The SPEAKER. Well, the Chair will state that he does not have them with him, but the Chair can assure the gentleman that they are on the floor.

Mr. MCKINNEY. Mr. Speaker, will the gentleman from Maryland yield?

Mr. BAUMAN. Mr. Speaker, I would rather get an explanation from the Chair, from the distinguished Speaker, the gentleman from Massachusetts (Mr. O'NEILL).

The SPEAKER. The Chair will assure the gentleman from Maryland that we were anticipating a statement of the type made by the gentleman from Maryland, and the Chair is sure, in view of that anticipation, that Xerox copies are ready and available. The Chair has been informed they are available.

The Chair will ask, would some Member be kind enough to place a copy in the hands of the gentleman from Maryland?

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, the only reason I have reserved the right to object at this time is that, if there are no copies available, it might behoove the House to have the statement read to the Members so they would know for once what they are voting on.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the gentleman will yield, I believe the chairman of the full committee has handed a copy to the distinguished gentleman from Maryland. There are other copies available, but they are not printed.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, this is only a statement of the managers. Is there a copy of the conference report here?

Mr McKINNEY. Mr. Speaker, will the gentleman from Maryland yield?

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, yes, I yield to the gentleman from Connecticut.

Mr. MCKINNEY. Mr. Speaker, without boring the House, I will try somehow or other to deliver to the gentleman from Maryland a full copy. In fact, I see Dr. NELSON right here now. We will give the gentleman a full copy, and we will try to explain it and answer any questions the gentleman may have.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I assume that what I hold in my hand, as they used to say, is a copy of the conference report, and it appears to be the only one.

Further reserving the right to object, Mr. Speaker, I would like to say that if any of the other Members wish to see this conference report, they may come to see me.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. BADHAM. Mr. Speaker, reserving the right to object, I grant to the Speaker the fact that the gentleman from Maryland has been provided a copy of the conference report and of the statement of the managers. But as far as I am able to determine, Mr. Speaker, and reserving my right to object, no other Member on this side of the aisle has been provided a printed copy of the conference report or of the statement of the managers or anything else that pertains to this conference report.

It would be my question, Mr. Speaker, under my reservation of a right to object, whether or not the House intends to go ahead with this exercise without any of the Members on this side of the aisle save the gentleman from Maryland knowing what is going on.

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

Mr. BADHAM. I would be delighted to yield to the gentleman from Connecticut.

Mr. MCKINNEY. Mr. Speaker, I suggest to the gentleman that the gentleman from Ohio (Mr. STANTON), who took a posture against the bill during its consideration on the floor, is here, and he was at the conference and was aware of what went into the conference report. The gentleman from Connecticut (Mr. MCKINNEY), who took a posture for the bill, was also at the conference. I might say that that was one of the most harrowing experiences I have had, Mr. Speaker, in my years in this House.

We would be delighted to answer any questions the gentleman from California (Mr. BADHAM) has. As soon as the best ability of America's copy machines is brought to bear to crank them out, we will get the gentleman a copy and we will get a copy for any other Member who wants one. But we are straining the capacity of that great American technology and of the ingenious machine called the duplicator to its extreme at the moment.

Mr. BADHAM. Further reserving the right to object, Mr. Speaker, could we then call this one a "quickie"?

Mr. MCKINNEY. Mr. Speaker, if the gentleman will yield to me for another moment, I would suggest to the gentleman, despite what he might have read in the paper and despite what he might have heard here on the floor, this has taken 3 months out of this gentleman's life, and it was no "quickie."

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Pennsylvania under my reservation of objection.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am informed that both the statement of the managers and the conference report were delivered to the minority side 20 minutes ago, so we are doing the best we can. We are not trying to keep this in the dark; we are trying to get it out in the light.

Mr. BADHAM. Mr. Speaker, I thank the gentleman.

Further reserving the right to object, Mr. Speaker, and I will not object, I just wanted it to be clear in the RECORD what we are doing here.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. SEIBERLING. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Pennsylvania (Mr. MOORHEAD) whether there are any extraneous or nongermane matters which have nothing to do with the Chrysler bill attached to this bill by the Senate.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the answer is no.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

□ 2110

The Clerk read the statement.

Mr. MOORHEAD of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dis-

pensed with and that I be permitted to explain it and answer questions.

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

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. MOORHEAD) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. STANTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

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

Mr. Speaker, I am pleased to be able to bring back to the House a conference report on H.R. 5860, the Chrysler financial assistance bill, that resolves all the outstanding questions between the House and Senate bills in a fashion that is workable and equitable.

Let me summarize some of the key items in the conference report.

As Members will appreciate, one of the most important issues was the contribution that must be made by the company's employees, both union and nonunion. The conference report exactly splits the difference between the two bills. The union workers' contribution must be $462,500,000, which includes the $203 million in concessions already made to Chrysler, and that of the nonunion workers must be $125 million.

An excellent compromise, I think, was reached on the twin issues of security behind the guaranteed loans and Federal priority as a creditor in case the company becomes insolvent or bankrupt. What we sought was the greatest possible protection for the taxpayers without making the entire bill unworkable. Under the conference report, the guaranteed loans must be secured. The Federal Government will have first priority as a creditor with respect to all existing loans. It can waive that priority with respect to claims of State and local governments, as in the House bill, and it can take an equal position—not subordinate but equal—with respect to small supplier claims of up to $100,000 and also with respect to new, nonguaranteed loans to the corporation of up to $400 million. This is crucial to enable the company's lenders to provide new credit in addition to the guaranteed loans.

The House conferees, faced with unyielding resistance from the Senate, agreed to go along with the Senate provision for a three-member Board to administer the Chrysler loan program, with the Secretary of the Treasury as Chairman and the other members the Chairman of the Federal Reserve Board and the Comptroller General. The Secretaries of Labor and Transportation will be nonvoting, ex officio members of the Board.

The House prevailed in its insistence on some flexibility in putting together the package of non-Federal assistance for Chrysler. The Board may issue commitments to guarantee once it has assurances that the non-Federal concessions and contributions will be forthcoming. It need not have legally binding commitments at that stage. Then, in order actually to issue guarantees, a dollar of hard cash must be in hand from non-Federal sources for each dollar of loan guarantees issued.

On the employee stockownership plan provision, the two bills were essentially identical except for the dollar amount. Again the conferees split the difference, with the amount of stock required to be issued the employee stockownership plan put at $162,500,000.

Mr. Speaker, I have no hesitation whatever in recommending this conference report to the House. The basic approach of the two bills was similar to begin with, and where they differed I believe that reasonable compromises have been reached in those instances where the House position did not prevail in its entirety.

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

Mr. Speaker, I am only going to take a couple of minutes to give the Members my own personal viewpoint of the conference.

Relatively speaking, probably if you voted against this legislation on Tuesday, you will vote against it today. And, for sure, if you voted for it on Tuesday, you will vote for it today. To those who voted against it, I would say that, from our point of view, it is a better bill. It is a better bill on two very important principles.

This bill will be passed and, hopefully, it will be passed within a couple of hours in the other body, and the President of the United States will sign it and it becomes the law of the land. It leaves our hands forever. The people who will monitor the Chrysler Corp. are now a Board, consisting of the Secretary of the Treasury, the Comptroller, and the Chairman of the Federal Reserve Board. When I say the "Comptroller," I mean the Chairman of the GAO. They are as nonpartisan a body as we could provide. It is a vast improvement, in my mind, from the House-passed version in which there was a five-man Board, three members of the President's Cabinet. I do not have any reflection on the present members of the Cabinet, but this loan guarantee goes on for 10 years and, obviously, there will be other administrations, other political parties, and so forth. But I think we assure the American people, as best we can, that, with the Chairman of the Federal Reserve Board and the head of the GAO, we bring an independence that what the intent of Congress is will be carried out to the best of their ability without political interference, and this we owe to the American taxpayers.

The second reason, I say to those who voted against it, was on the subject of sacrifice to those who are involved in which we would want more sacrifice, hopefully, under the premise that more sacrifice given locally, the less inclined someone else would be to follow shortly along. In this regard, as the chairman has so eloquently pointed out, we have split the difference in the amount of money, and since we were the lowest figures, the $400 million for the union contribution is now $462,500,000, and up from $100 million to $125 million for the white-collar workers. Hopefully, this contribution will deter maybe in the future other companies from coming along.

Mr. Speaker, that is fundamentally it. As we leave for home and we face our constituents next Tuesday, as I said the other night, let me in the next couple of minutes reflect on the problem that will be ours.

I sincerely expect that this conference report will pass.

Maybe to the city of Detroit, when we came out of that conference and all of the cameras were around from television stations from Detroit, I am sure that they will interpret this tomorrow morning in the city of Detroit and the surrounding areas in Michigan that Santa Claus came 5 days early. And rightfully so. We all understand that sentiment and we all welcome the help, some job or the other, that we could give to them.

We will be returning on the 22d of January, the bills will be paid come February or March, and then the totals will be added up. Then we have a strong responsibility to the citizens of our congressional districts to try to put into focus the path that we have started on with our vote on Tuesday.

□ 2120

I wrote to the 136 who voted "no," truthfully, the other day, and signed the letters today. Maybe 15 years from now people will look back, and unless we change the course on which we have started to travel, we will look back on last Tuesday as a turning point in our country in which there was no turning back, if we started on the path to Great Britain and to its path to complete socialism and the separation of government interference into every facet of our daily lives and into the control of businesses and the way in which we live.

Hopefully, sentiment will prevail, and we will come back; and we will tackle this problem, because the vote was most interesting from the liberals and the conservatives. It was a vote in which pressures were given, and the greatest pressures that I have known in 15 years, and hopefully, they will succeed.

Hopefully, the fact that the 243 Chrysler dealers who are not in business today, who were in business a year ago, will save by their efforts, of the details who are there, jobs in the future. We hope that.

On the other hand, while you have had your Chrysler dealers, in the last year of 242 lost businesses, maybe the others, and some of us have not lost sight of the fact that 195 Ford and General Motors dealers went out of business within the last year.

So in the overall picture, as I leave my colleagues tonight with an honest opinion, this is a better conference and a better bill than what we had before. I hope that our combined efforts in a nonpartisan basis will look to the problem and help to solve what is obviously down the road, and somebody from New York City, the transit workers up there, can come

back within 2 years and say, "You did not have a freeze on those. We are going to leave our freeze, and you did not do this. You did not do that. You did it for Chrysler. We want to do it for Ford."

The problems are so overwhelming ahead. Maybe, in conclusion, ladies and gentlemen, we would say to ourselves, let Chrysler, let the city of Detroit, enjoy their Christmases. Maybe when the bills come in, it is up to us to solve, and by the combined efforts and of the great and tremendous talent that is in this body, I know we are equal to the challenge. If we put our heads and shoulders to the job, I am sure we will solve them.

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

Mr. STANTON. I yield to the gentleman from Ohio.

Mr. LATTA. I wish to commend my colleague from Ohio for all the hard work that he has put in on this piece of legislation and for the assurances he has given the House here tonight. I have only one question, and that deals with the matter of the position of the Federal Government in case of insolvency or bankruptcy.

Is this legislation now before us identical with what it was when it left the House, or what change has been made?

Mr. STANTON. The answer to that question, no, it is not identical. The language that was in the House version which we passed the other day, came from our colleague from Iowa (Mr. LEACH), who fundamentally went on the principle of the first-in, first-out protection for the taxpayers' dollar.

What was reached was an agreement far better. We had adopted the Leach language. The other body had taken the opposite point in which there was fundamentally no protection, as the gentleman from Michigan will agree with me, of this first-in, first-out protection.

We had the gentleman from Iowa come over to the conference.

The Secretary of the Treasury had difficulty with this problem, and by his cooperation and working out with the minority, the majority of the Members came to a conclusion that I think was satisfactory personally. I would be glad if the gentleman from Iowa would explain it, because it is a very important point to a lot of people.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

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

Mr. LEACH of Iowa. What has occurred in that particular issue is that the Government of the United States will be first protected with several exceptions. One exception is State and local government. One exception will be small suppliers, which will have an equal position but not a preferential position to the Government.

The third exception, which is the new provision, is that for new money put in by banks and by insurance companies, approximately half of the new money will be given an equal position to the Government.

The prior amendment, as it passed the House, gave the U.S. Government the prior position both with respect to old and new money. This language today will give it old money plus approximately half of the new cash that is expected from the banks.

I am not enormously pleased with this compromise, but I appreciate the difficulties that the Treasury is under. I accepted it, and I would urge my colleagues to support this bill as it is currently drafted.

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

Mr. STANTON. I yield to the gentleman from Ohio.

Mr. LATTA. Let me say I am a little bit disturbed by the third provision that was put in, which the gentleman indicated was new, because it actually has the position of the Federal Government, the taxpayer position, on new money, so if we have got a $1.5 billion input by the Federal Government of the taxpayers and then on the new money put in by outsiders, it still shared 50 to 50. So it actually halves the position of the taxpayers as the $1.5 billion.

Mr. LEACH of Iowa. If the gentleman will yield further, that is almost correct.

Mr. LATTA. The only other exception would be one and two, dealing with the rights of the State and local government and suppliers of small business below $100,000.

Mr. LEACH of Iowa. That is correct, except that instead of halving the position, it really quarters the position, because approximately half of the new money the Treasury will have in equal position, and so in effect, that will mean that the new advantage to the new inputs of capital will be quarterized rather than divided by two.

Mr. LATTA. If the gentleman will yield further, let me call the attention to the gentleman in the well and perhaps get further elucidation of the gentleman from Iowa.

I notice a $400 million on new loans provision that is added to this section. Would the gentleman from Iowa care to explain that?

Mr. LEACH of Iowa. The expectation is that the Treasury will be achieving approximately $800 million in new loans, and so $400 million represents approximately half of that. That is the reason for the $400 million.

Mr. LATTA. Would that be a limitation $400 million?

Mr. LEACH of Iowa. Yes, that is correct. It should be stressed that the old money is frozen with the taxpayer having an advantage over it, depending on what set of figures one uses in inclusiveness, that comes to approximately $2 billion.

Mr. LATTA. I thank the gentleman.

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

Mr. STANTON. I yield to the gentleman from Ohio.

Mr. REGULA. We had some controversy this morning about whether the guarantee was $1.5 billion plus accrued interest or whether the $1.5 billion was the cap on the entire obligation of the Government. Now is this clarified?

Mr. STANTON. Well, it was clarified to the degree that the limitation is still $1.5 billion, and the accrued interest would be the same way as it was considered with New York City. It would be in addition.

Mr. REGULA. Does the U.S. Government guarantee to the principle plus the interest that might have accrued at the time of the default?

Mr. STANTON. Yes, that would be true, in case of default. You would guarantee the interest and the principle.

Mr. REGULA. So in effect you have an open end on the interest, because the principle guarantee is $1.5 billion, plus whatever might have accrued in interest up until the time of the default? Is that correct?

Mr. STANTON. That is correct. It would be up to the Board to figure out what amount would be outstanding at any one time, and the going interest rate, we get a 1 percent up, one-half of 1 percent cap of 1 percent on the fee that we would add on it.

Mr. REGULA. I understand, but in the event of a default, the obligation would be the principal plus whatever interest would have accrued until that point.

Mr. STANTON. That is correct.

□ 2130

Mr. REGULA. A second question. Who makes the determination that there is a default since this is an underwriting or guarantee by the United States Government and the principal lender will be an outside body; will the determination on a default be made by the Government, or will it be made by the outside lender? I guess what I am saying is could the outside lender that has guaranteed both principal and interest allow this thing to slide when it should, in fact, be placed in default?

Mr. STANTON. Well, I would say if it is an outside interest, and people had bought these obligations, they would be the first, but then it would be backed by the Board and, there again, those are the type of decisions I felt were so extremely important and fought for, as long as we have the determination of the Federal Reserve Board.

Mr. REGULA. If the gentleman will yield further, can the Board make the decision that there is, in fact, a default?

Mr. STANTON. Well, that is a technical question that did not come up. But, if in the bond market there were a default, then I would say the Board would have no choice.

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

Mr. STANTON. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Speaker, I would suggest that the Senate language does not express who will declare a default. But the Board is responsible for requiring that Chrysler live up to its financial plan. The financial plan will require payment schedules and everything else. The Board also is composed of people who will classify loans.

So the way I think it is rather clearly interpreted in the other body's language, which is what we finally ended up working off of, is that the Board would declare, and the Board would have enough control, I feel, so that if one, I think

what the gentleman is saying, what about if one of those guaranteed lenders should suddenly say well, they are in default, I would think that the Board would have the right to reject that claim rather out of hand if it were not a reasonable claim. In other words, it seems to me that the control—though the default issue was not directly addressed—is clearly in the Board with the people who both classify loans, determine loans, and run the financial system. I cannot imagine anyone better qualified to decide whether or not, in fact, the corporation is in default.

Mr. REGULA. Will the gentleman yield further?

Mr. STANTON. I yield to the gentleman.

Mr. REGULA. My concern is, and maybe the gentleman from Connecticut (Mr. McKINNEY) could answer this, my concern is that if there is not a de facto fault, but the private lender lets it slide because that group knows that they are guaranteed both the principal and the interest, they may let it slide in the interest of protecting some other loan that they have in this package.

Mr. McKINNEY. Following right along with what the gentleman is saying, I would suggest just the opposite, that the Board is charged with protecting the Federal interests, and the Federal Government has the priority interest in this conference and report that we are voting on. I think that the Board will turn around, and if it sees a sliding, it would have a right to declare and move in and get the Federal Government's priority interests.

Mr. REGULA. If the gentleman will yield further, for the legislative history then, the gentleman is saying then categorically that this Board does have the right to make the decision as to when there is a default?

Mr. McKINNEY. It is my clear impression that they do. But I would also suggest, I am going to say that it is my clear impression they do. That is why STEWART McKINNEY voted for it, and that is what I thought we were talking about. I just wish the gentleman would not use the word "categorical" when discussing the Government.

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

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

Mr. VENTO. I appreciate the gentleman yielding. I think the difficulty arises as to the limit. The limit is $1.5 billion, and I think, of course, there would be an endorsement of that particular guarantee paper to the individual that would purchase it. If they chose to let the loan go into arrears, that does not mean we go back and endorse whatever element of interest would build up and accrue under those circumstances. We certainly would not. The only thing that I understand is being endorsed is the actual Board itself, and I understand exactly, I think, what the gentleman from Ohio's concern is. I think that the endorsement flows only to the Board itself.

Mr. REGULA. Will the gentleman yield further?

Mr. STANTON. I yield to the gentleman from Ohio.

Mr. REGULA. I do not believe that is quite the interpretation that was placed on this in answer to my earlier question, at least as I understood it. I understood the guarantee goes to the principal of the loan plus the accrued interest. I think it is a very important element. We discussed it this morning in the issue of the appropriation which was, at least, intended to be, and there was dispute on the language, and it was intended to be open ended as it passed through the Committee and the floor.

Mr. STANTON. All I can say is we went over this in great detail at the time of the loans to New York City, and there is no way out; you cannot get out of the fact of guaranteeing not only the principal but the interest if the interest is outstanding on the principal.

Mr. McKINNEY. Will the gentleman yield?

Mr. STANTON. I yield to the gentleman.

Mr. McKINNEY. If I could attempt to answer the gentleman's question, I would express to the gentleman just two simple points. This is a nebulous, philosophical point, and I am the guy who put the McKinney amendment on the New York bill which clarified this, and everybody said why did you do it? Still, in all, the House passed an appropriation bill which limits the appropriation to $1.5 billion. I would suggest that the floor record fairly clearly shows that this House and this Government cannot pay out what has not been appropriated. I do not care what the argument was up to that point. This House, which holds the purse strings of the United States of America, appropriated only $1.5 billion in set-aside loan guarantee authority. I am sure they are far better experts in the appropriations process here than I am, but I do not see how we can pay out past that.

Now, we might end up in Federal court, the Supreme Court, or the Court of Appeals, and everything else, but I would suggest to the gentleman that the limit is $1.5 billion, because I have never seen this Government recently, since we have started to pay attention, pay out what we have not appropriated to pay out, because that is a violation of the Constitution. That did not bother some Presidents at certain times, but we have gotten a little bit more classy about that.

Mr. REGULA. Will the gentleman in the well yield further?

Mr. STANTON. I yield to the gentleman.

Mr. REGULA. As I listened to the chairman of the Appropriations Committee this morning, I do not believe that this was explained as being limited to $1.5 billion. I think it was his interpretation that it is $1.5 billion plus whatever interest is accrued. I think that was the gentleman in the well's response to me as to what this language provides.

Mr. STANTON. That was my original response about 15 minutes ago, and I stand by it right to the moment because it is different than it was in New York City where the gentleman from Connecticut had an amendment limiting, at that time, I think it was to $1.52 billion, including principal and interest. So when we got up to a point they had to back off and, in reality, the $1.5 billion, let us say, to New York City, was really $1.1 to $1.2 billion with accrued interest.

Mr. VENTO. Will the gentleman yield further?

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

Mr. VENTO. I think that point is worth noting. If the gentleman says they are going to guarantee the interest, I think that is a different matter. But they are still under that aegis, in other words, they have to put an endorsement on the guaranteeing of the payment of that interest in order for it to occur, which then runs up against the ceiling of $1.5 billion. As the gentleman from Connecticut has said, we cannot exceed that, and if they do not place an endorsement on it, then there is no guarantee. So I do not think we can work it greater than the $1.5 billion guaranteed loan authorization under the bill.

Mr. REGULA. Will the gentleman in the well yield?

Mr. STANTON. I yield to the gentleman.

Mr. REGULA. I think if we read the appropriations, at least the intent, the legislative history will demonstrate that, as explained by the chairman this morning, it was not intended to be limited to $1.5 billion. That is the point I am trying to clarify in this whole colloquy.

Mr. STANTON. Let me say one final word to my friend from Ohio as we move on here quickly. I am glad to have his interest in this particular subject. I hope in three or four years when this problem arises that he will be here. I know I will not, and I am very pleased to know that he will be around.

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

Mr. STANTON. I yield to the gentleman.

Mr. McKINNEY. For the last time, I want to correct a statement. I apologize to my friend from Ohio. When I asked unanimous consent to strike my words out on the appropriation bill, and let us be honest, it very definitely says "as passed by the House today and for such sums as it may be necessary for interest payments." So we have the $1.5 billion plus such sums as may be appropriate.

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

Mr. STANTON. I am most pleased to yield.

Mr. BAUMAN. Mr. Chairman, the gentleman from Connecticut perhaps did not have the benefit of listening to the debate on the appropriations. There was a direct conflict in the interpretation of the members of the Appropriations Committee and the ranking minority member, Mr. CONTE, disagreed with the gentleman's interpretation. The interpretation of the gentleman from Mississippi (Mr. WHITTEN), myself and others, said that the $1.5 billion was a limit. It was never resolved. I do not know whether this legislation resolved it, but I still interpret it as being a $1.5 billion limit, as the gentleman just stated.

□ 2140

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a sentence was inadvertently omitted from the statement of the managers on the issue of Federal priority and security of the loans. The sentence would have come at the end of point 3. It would have read, and I quote:

While security is required for the guaranteed loans as in the Senate bill, such security (at such level as the Board approves) may be shared with the $400,000,000 of new loans as to which priority may be waived and with such other new loans as the Board may approve.

That conforms with the statement made by the gentleman from Iowa (Mr. LEACH).

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

Mr. STANTON. Mr. Speaker, I have a request for time. I yield 5 minutes to the gentleman from Florida (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I want to tell my colleagues that I really appreciate the ovation. I have not really been a strong proponent of this legislation, and one of the reasons for that is because I think that this legislation is very dangerous to the free enterprise system. Several of the proponents of the Chrysler bailout have argued that the Government should acquire an equity interest in Chrysler and as part owner control the items to be produced. The bill before us gives much control of the company to Government as it was passed by the House. And the whole exercise brings us to the threshold of an industry controlled by Government.

The strangest thing happened during the course of the time that this House and this Congress has been considering the Chrysler legislation. The strange thing is that the free enterprise system and the proponents of that system——

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. KELLY. I will be happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I would like to ask one simple question. Are we or are we not limited to $1.5 billion for principal and interest, so that there will be no other charges to which we are committed?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the gentleman will yield——

Mr. KELLY. What I would like to do is simply regain my time and finish my statement. The gentleman has plenty of time, and he can answer that at a later time. I think the gentlewoman certainly is entitled to that answer; I doubt that she will ever get it.

But, you know, it was an enormously funny thing because the proponents of the free enterprise in this country depended on this Congress to defend the free enterprise system, and I think that is the funniest choice of defenders for the free enterprise system because I do not think the Members of Congress constitute a good defender.

I think that the conduct of the business of this Nation by this Congress has practically killed the free enterprise system. This Congress has overregulated it, damaged it with inflation, starved it of capital, tilted the situation in favor of the unions and distorted the economy with inconsistent policy. It was also a strange thing that this legislation that was so overwhelmingly lobbied by the proponents of the bill, and yet there was a total absence of any kind of lobbying effort on behalf of the free enterprise system.

I just wanted to take the well to call attention and make historic note of the fact that at a time of great jeopardy for the free enterprise system, and this legislation constitutes such jeopardy, that the proponents and champions of free enterprise never came forward and were never heard to defend it. I am not talking about Members of the House. I am talking about this great horde of lobbyists, the many organizations, and the captains of industry that are out there and would normally be expected to be responsible for defending the free enterprise system. They were conspicuous by their absence, and I think this Nation is probably going to suffer for this failure, because if we do not protect our freedom we are going to lose it.

We have failed to protect it in this case, and I think we have suffered a great damage to occur to the free enterprise system and we as a nation will probably pay bitterly for this failure.

Free enterprise as a system of economics has served us well.

The people of no nation on earth have the opportunity for individual financial improvement enjoyed by every citizen of this country.

The free enterprise system has been and is the most productive system in the world. With it we produce more as a single nation than all of the communist nations on earth.

The damage we do to our freedom here tonight is classic, we squander our hope for prosperity and security in the cause of short-term political advantage.

We have done nothing to cure the cause of Chrysler's weakness, and for no long-range purpose to have damaged the free enterprise system more by Government interference and distortion.

One more time the free enterprise system has failed to fight the battle in a war that is being lost and it is the people that will lose the most.

● Mr. CORCORAN. Mr. Speaker, I rise to express my strong support for one particular section of the Chrysler legislation. This section provides that the Secretary of Energy in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency shall conduct a 7-year evaluation program which would study the effects of the inclusion of electric vehicles in the calculation of corporate average fuel economy standards (CAFE standards). The implementation of this program is to begin with the promulgation within 60 days of regulations to include electric vehicles in average fuel economy calculations.

The language of this section closely parallels the language of H.R. 3718, the Electric Vehicle Act of 1979, which I introduced on April 25. H.R. 3718 is the companion bill to S. 624, introduced March 12 by Senator JAMES MCCLURE.

This language, with only a very insignificant administrative cost to the Department of Energy, will provide the incentive to auto manufacturers to do what they should be doing—developing alternative, marketable vehicles which do not rely on gasoline for fuel. This is significant because over 40 percent of the petroleum used in the United States today is utilized for surface transportation. In addition to decreasing our dependence on foreign oil, the encouragement of electric vehicles is desirable because EV's are far superior to internal combustion engine powered vehicles in terms of noise and emissions.

Mr. Speaker, it is indeed gratifying that the House has approved this particular section of the Chrysler legislation.●

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have no further requests for time.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

RECORDED VOTE

Mr. STANTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 124, answered "present" 1, not voting 67, as follows:

[Roll No. 758]

AYES—241

Akaka	Coughlin	Hanley
Alexander	Danielson	Hansen
Ambro	Davis, Mich.	Hawkins
Anderson, Calif.	Davis, S.C.	Heckler
Andrews, N.C.	Dellums	Heftel
Annunzio	Derrick	Hightower
Applegate	Dicks	Hillis
Ashley	Diggs	Hollenbeck
Aspin	Dingell	Holtzman
Atkinson	Dixon	Horton
Bailey	Donnelly	Howard
Baldus	Dougherty	Hubbard
Bedell	Downey	Huckaby
Benjamin	Drinan	Hutto
Biaggi	Duncan, Oreg.	Hyde
Blanchard	Duncan, Tenn.	Ireland
Boggs	Eckhardt	Jacobs
Boland	Edgar	Jenkins
Bolling	Evans, Del.	Jenrette
Boner	Evans, Ga.	Johnson, Calif.
Bonior	Evans, Ind.	Johnson, Colo.
Bonker	Fary	Jones, N.C.
Bouquard	Fascell	Jones, Tenn.
Brademas	Fazio	Kastenmeier
Breaux	Fish	Kazen
Brinkley	Fithian	Kildee
Brodhead	Flippo	Kogovsek
Broomfield	Florio	Kostmayer
Brown, Calif.	Foley	Kramer
Buchanan	Ford, Mich.	Latta
Burlison	Fowler	Leach, Iowa
Burton, John	Frost	Leach, La.
Byron	Garcia	Lederer
Carney	Gaydos	Lee
Carr	Gilman	Leland
Carter	Gonzalez	Lloyd
Chappell	Goodling	Long, La.
Chisholm	Gore	Luken
Clausen	Grassley	Lundine
Clay	Gray	McCormack
Coelho	Guarini	McDade
Collins, Ill.	Gudger	McHugh
Conte	Guyer	McKay
Conyers	Hall, Ohio	McKinney
Corman	Hall, Tex.	Madigan
Cotter	Hamilton	Markey
	Hance	Marks

Marlenee	Pease	Staggers
Marriott	Pepper	Stangeland
Mathis	Perkins	Steed
Matsui	Peyser	Stenholm
Mattox	Pickle	Stewart
Mavroules	Preyer	Stokes
Mazzoli	Price	Stratton
Mikulski	Pursell	Studds
Miller, Calif.	Rahall	Thompson
Mineta	Railsback	Traxler
Minish	Rangel	Udall
Mitchell, Md.	Ratchford	Ullman
Mitchell, N.Y.	Reuss	Vander Jagt
Moakley	Rinaldo	Vanik
Moffett	Roberts	Vento
Mollohan	Rodino	Volkmer
Moorhead, Calif.	Roe	Walgren
	Roybal	Wampler
Moorhead, Pa.	Royer	Waxman
Murphy, Pa.	Russo	Weiss
Murtha	Sabo	Whitehurst
Myers, Ind.	Sawyer	Whitley
Natcher	Scheuer	Whitten
Nedzi	Seiberling	Wilson, C. H.
Nelson	Shannon	Wilson, Tex.
Nolan	Sharp	Wolff
Nowak	Skelton	Wolpe
O'Brien	Slack	Wright
Oakar	Smith, Iowa	Wyatt
Oberstar	Solarz	Wylie
Obey	Spellman	Yatron
Ottinger	Spence	Young, Alaska
Pashayan	St Germain	Young, Mo.
Patten	Stack	Zablocki

NOES—124

Abdnor	Fenwick	Mica
Anthony	Findley	Michel
Archer	Fisher	Miller, Ohio
Ashbrook	Forsythe	Montgomery
AuCoin	Fountain	Moore
Badham	Frenzel	Neal
Bafalis	Gibbons	Panetta
Barnard	Gingrich	Petri
Barnes	Glickman	Pritchard
Bauman	Goldwater	Regula
Beard, R.I.	Gramm	Rhodes
Beilenson	Green	Ritter
Bennett	Grisham	Robinson
Bereuter	Hagedorn	Rose
Bethune	Hammer-schmidt	Roth
Bevill		Rousselot
Bowen	Harkin	Rudd
Brooks	Harris	Satterfield
Broyhill	Hefner	Schroeder
Butler	Hinson	Schulze
Campbell	Hopkins	Sensenbrenner
Cavanaugh	Hughes	Shumway
Cheney	Ichord	Shuster
Clinger	Jeffords	Smith, Nebr.
Coleman	Jeffries	Snowe
Collins, Tex.	Jones, Okla.	Snyder
Conable	Kelly	Solomon
Corcoran	Kemp	Stanton
Courter	Kindness	Stark
Crane, Philip	Lagomarsino	Stump
Daniel, R. W.	Lewis	Swift
Dannemeyer	Livingston	Symms
de la Garza	Loeffler	Tauke
Dickinson	Long, Md.	Thomas
Dornan	Lott	Trible
Early	Lowry	Walker
Edwards, Ala.	Lujan	Watkins
Edwards, Okla.	Lungren	Weaver
Emery	McDonald	Whittaker
English	McEwen	Wirth
Erdahl	Maguire	Young, Fla.
Erlenborn	Martin	

ANSWERED "PRESENT"—1

Gradison

NOT VOTING—67

Addabbo	Ford, Tenn.	Quillen
Albosta	Fuqua	Richmond
Anderson, Ill.	Gephardt	Rosenthal
Andrews, N. Dak.	Giaimo	Rostenkowski
	Ginn	Runnels
Beard, Tenn.	Harsha	Santini
Bingham	Holland	Sebelius
Brown, Ohio	Holt	Shelby
Burgener	LaFalce	Simon
Burton, Phillip	Leath, Tex.	Stockman
Cleveland	Lehman	Synar
Crane, Daniel	Lent	Taylor
D'Amours	Levitas	Treen
Daniel, Dan	McClory	Van Deerlin
Daschle	McCloskey	White
Deckard	Mottl	Williams, Mont.
Derwinski	Murphy, Ill.	Williams, Ohio
Devine	Murphy, N.Y.	Wilson, Bob
Dodd	Myers, Pa.	Winn
Edwards, Calif.	Nichols	Wydler
Ertel	Patterson	Yates
Ferraro	Paul	Zeferetti
Flood	Quayle	

□ 2000

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Stockman against.

Mr. Mottl for, with Mr. Sebelius against.

Mr. Quillen for, with Mr. Paul against.

Mr. Lent for, with Mr. Burgener against.

Mr. Quayle for, with Mr. Daniel B. Crane against.

Mr. McClory for, with Mrs. Holt against.

Mr. Deckard for, with Mr. Devine against.

Mr. Winn for, with Mr. Brown of Ohio against.

Mr. Williams of Ohio for, with Mr. Beard of Tennessee against.

Mr. Derwinski for, with Mr. Wydler against.

Mr. Ginn for, with Mr. McCloskey against.

Mr. LaFalce for, with Mr. Cleveland against.

Until further notice:

Mr. Phillip Burton with Mr. Taylor.

Mr. Bingham with Mr. Bob Wilson.

Mr. Dodd with Mr. Anderson of Illinois.

Mr. Ford of Tennessee with Mr. Andrews of North Dakota.

Mr. Gephardt with Mr. Harsha.

Mr. Levitas with Mr. Nichols.

Mr. Murphy of New York with Mr. Myers of Pennsylvania.

Mr. Patterson with Mr. Murphy of Illinois.

Mr. Lehman with Mr. Holland.

Mr. Rostenkowski with Mr. Simon.

Mr. White with Mr. Van Deerlin.

Mr. Zeferetti with Mr. Yates.

Mr. Synar with Mr. Williams of Montana.

Mr. Rosenthal with Mr. Santini.

Mr. Runnels with Mr. Shelby.

Mr. Giaimo with Mr. Leath of Texas.

Ms. Ferraro with Mr. Fuqua.

Mr. D'Amours with Mr. Dan Daniel.

Mr. Albosta with Mr. Daschle.

Mr. FLIPPO changed his vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the conference report just agreed to.

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

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 600. An act to incorporate United Service Organizations, Inc.;

H.R. 2771. An act to change the name of the Palmetto Bend Reservoir on the Navidad River in Texas to Lake Texana;

H.R. 5015. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes;

H.R. 5025. An act to amend title 10, United States Code, to provide that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for such disability under CHAMPUS solely because such person is eligible for care and treatment for such disability in Veterans' Administration facilities;

H.R. 5537. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia; and

H. Con. Res. 202. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3091) entitled "An act to extend for 1 year the provisions of law relating to the business expenses of State legislators."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3398) entitled "An act to amend the Food and Agriculture Act of 1977 relating to increases in the target prices for the 1979 crop of wheat, corn, and other commodities under certain circumstances, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NUNN, Mr. HARRY F. BYRD, JR., Mr. CULVER, Mr. MORGAN, Mr. EXON, Mr. JEPSEN, Mr. WARNER, and Mr. COHEN to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 3398, AGRICULTURE ADJUSTMENT ACT OF 1979

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3398) to amend the Food and Agriculture Act of 1977 relating to increases in the target prices for the 1979 crop of wheat, corn, and other commodities under certain circumstances, and for other purposes, with Senate amendments thereto, disagree with the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. FOLEY, DE LA GARZA, JONES of Tennessee, MATHIS, BOWEN, ROSE, NOLAN, BALDUS, BEDELL, ENGLISH, FITHIAN, SKELTON, DASCHLE, HANCE, STENHOLM, WAMPLER, SEBELIUS, FINDLEY, SYMMS, JOHNSON of Colorado, HAGEDORN, COLEMAN, and MARLENEE.

RESIGNATION FROM SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, AND COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER laid before the House the following resignation from the House Select Committee on Narcotics Abuse and Control, and the Committee on Standards of Official Conduct:

DECEMBER 19, 1979.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: As you know, I have recently been released from Mercy Hospital in Chicago where I have been confined as a result of a recurrent and serious medical problem. This problem and its attendant effect upon my family and legislative career has caused me, with deep sadness and reluctance, to announce that I would not stand for reelection to the House of Representatives after the expiration of the 96th Session. In light of this serious health problem and my convalescence period mandated by my physicians, I am not certain, at this point, whether I will be able in good conscience to attend to both my House duties once I recuperate and, at the same time, keep up with the substantial commitments which I have made to the House Select Committee on Narcotics Abuse and Control and the Committee on Standards of Official Conduct.

As you know, I have been a loyal member of both Committees and it would be unfair for me to continue my membership on both these Committees without giving them the time and commitment they rightfully deserve. Consequently, with sadness and great reluctance, I respectfully request that you relieve me of my duties on both these Committees and appoint two other members to each Committee to serve in my stead.

Respectfully,

MORGAN F. MURPHY,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Following a resolution to be offered by the majority leader, the House will stand in recess subject to such time as we hear from the Senate that they have adopted the resolution that we have sent to them.

HOUR OF MEETING DECEMBER 24, 1979, DECEMBER 27, 1979, MONDAY, DECEMBER 31, 1979, AND JANUARY 3, 1980

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. on Monday, December 24, 1979; that when the House adjourns on that day it adjourn to meet at 10 a.m. on Thursday, December 27, 1979; that when the House adjourns on that day it adjourn to meet at 10 a.m., on Monday, December 31, 1979; that when the House adjourns on that day it adjourn to meet at 11:55 a.m. on Thursday, January 3, 1980.

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

There was no ojection.

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 96TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 1980 OF SECOND SESSION

Mr. WRIGHT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 232) and ask unanimous consent for its immediate consideration.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 232

Resolved by the House of Representatives (the Senate concurring), That when the Senate completes action on the conference report on the Act providing loan guarantees for the benefit of the Chrysler Corporation, and any other matter the majority leader (after consultation with the minority leader) deems necessary, on Thursday, December 20, 1979, or Friday, December 21, 1979, or Saturday, December 22, 1979, or Thursday, December 27, 1979, or Friday, December 28, 1979, or Saturday, December 29, 1979, or Monday, December 31, 1979, or Wednesday, January 2, 1980, it stand in adjournment sine die.

SEC. 2. That when the Congress convenes on January 3, 1980, for the second session of the 96th Congress, neither the House nor the Senate shall conduct organizational or legislative business until Tuesday, January 22, 1980, except as provided in section 4 of this resolution.

SEC. 3. That when the House adjourns on January 3, 1980, it shall meet at 12 meridian only on Thursdays and Mondays, and that when the Senate recesses on January 3, 1980, it stand in recess until 12 meridian on January 10, 1980, followed by a recess until 12 meridian on Thursday, January 17, 1980, and that when the House adjourns on January 17, 1980 and when the Senate recesses on that date, they stand in adjournment and recess, respectively, until 12 meridian on January 22, 1980.

SEC. 4. Notwithstanding any other provision of this resolution, on any day before January 22, 1980, the two Houses, or either of them, shall convene upon 24 hours' notice to the Members of the Senate and the House, respectively, by the majority leader of the Senate (acting after consultation with the minority leader of the Senate), and by the Speaker of the House (acting after consultation with the minority leader of the House).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEES TO FILE REPORTS WITH THE CLERK FOLLOWING SINE DIE ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that committees authorized by the House to conduct investigations may file reports with the Clerk following the sine die adjournment and that such reports be printed by the Clerk as reports of the 96th Congress.

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

There was no objection.

□ 2210

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER AND SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment including the sine die adjournment of the first session of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker and Speaker pro tempore be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment including the sine die adjournment of the 1st session of the 96th Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

PERMISSION FOR ALL MEMBERS TO REVISE AND EXTEND THEIR REMARKS AND TO INCLUDE SHORT QUOTATIONS ON ALL DAYS THAT HOUSE MEETS IN PRO FORMA SESSION

Mr. WRIGHT. I ask unanimous consent that notwithstanding the fact that the House will be meeting in pro forma sessions until January 22, 1980, that all Members of the House shall have the privilege of extending and revising their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks. This will apply to all days that the House meets in a pro forma session. Remarks will be accepted until 4:30 p.m. at room H–132, Official Reporters of Debates, and signed by the Member submitting.

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

There was no objection.

ELECTION OF THE HONORABLE JOE MOAKLEY AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 519) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 519

Resolved, That Honorable JOE MOAKLEY, a Representative from the State of Massachusetts, be, and he is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than January 22, 1980.

Resolved, That the President and the Senate be notified by the Clerk of the election of

the Honorable JOE MOAKLEY as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JOE MOAKLEY AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER. The Chair will administer the oath of office to the gentleman from Massachusetts (Mr. MOAKLEY) as Speaker pro tempore.

Mr. MOAKLEY assumed the chair and took the oath of office administered to him by the Speaker.

CONGRATULATIONS TO SPEAKER PRO TEMPORE MOAKLEY AND BEST WISHES TO THE SPEAKER, MEMBERS, AND STAFF FOR THE HOLIDAY SEASON

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

Mr. RHODES. Mr. Speaker, the first thing I would like to do is congratulate the gentleman from Massachusetts (Mr. MOAKLEY) on being the Speaker pro tempore.

The next thing I would like to do is to wish the Speaker, my good friend TIP, and the majority leader, my good friend JIM, and all the Members of the House the very happiest that anybody could possibly have in the way of a Merry Christmas and a Happy New Year, a good vacation, and when we all come back here I am sure that we will tackle the work of the second session of this Congress newly rejuvenated in body and spirit and do the things that are necessary for the salvation of the country.

Mr. Speaker, I have spoken.

Mr. O'NEILL. Will the gentleman yield?

Mr. RHODES. I yield to my friend, the Speaker.

Mr. O'NEILL. I know and have great admiration and respect for the minority leader, my colleague of 27 years in the Congress of the United States. I know we share equally great affection for this institution. Both of us have the utmost respect for our fellow colleagues and for all the help of the staff that goes with the Congress of the United States.

I join the minority leader in saying thanks for this great institution that we so proudly represent.

To you, our fellow colleagues who are always understanding, even though our positions of leadership at times can be times of trial, and to the staff who have been so marvelous and courteous and respectful, to all of you, Merry Christmas and a Happy New Year to everybody.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 518) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President that the two Houses have completed their business of the session unless the President has some other communication to make to them, the gentleman from Texas (Mr. WRIGHT) and the gentleman from Arizona (Mr. RHODES).

REPORT OF COMMITTEE TO THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

□ 2220

GEORGE F. WILL'S PUNGENT COMMENTS ON THE LONGER RANGE IMPLICATIONS OF THE CURRENT IRANIAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, many Members of Congress are already familiar with the direct, frank, and perceptive comments on issues facing both the Congress and the American people offered regularly in the columns of Newsweek and the Washington Post by George F. Will.

This week's Newsweek magazine contains an especially perceptive and pungent analysis of the longer range implications of the present crisis in Iran and our current response to that crisis.

Most of all Mr. Will makes some points that many Americans, I fear, have been hesitant to face up to in this crisis, but which could lead to very damaging developments in the years ahead unless we recognize them and take them into account as we shape our day-to-day policy in dealing with the crisis.

In our natural concern for the safety of the hostages in Iran, Mr. Will reminds us, we must not overlook the impact of our actions—or inactions—on the future of America and the American people, something that is, whether we in Congress like it or not, also our responsibility too, since we have sworn to defend our country "against all enemies foreign or domestic."

Under leave to extend my remarks I include the text of Mr. Will's column from Newsweek for the week of December 24,1979:

HOW TO DEAL WITH IRAN

(By George F. Will)

Russia certainly is ungrateful, supporting Iran's seizure of the U.S. Embassy. In August, when Soviet agents hustled a ballerina aboard a Soviet plane on U.S. soil, the U.S. treated the plane as an embassy, inviolable. Instead of kicking off the agents and freeing the ballerina to think in peace about her future, U.S. policy condemned the hostage—that's what she was—to the uninterrupted custody of the agents. Today, as then, the U.S. has chosen "restraint" rather than other, better options. Even if the crisis ends tomorrow, "favorably" in that the hostages are safe, the U.S. will have hurt itself by advertising its reluctance to act unilaterally.

The U.S. should immediately have jammed radio and television transmissions in Iran, and from Iran. Khomeini, a seventh-century man dependent on twentieth-century technology, fought for power with telephone calls and tapes from Paris. Jamming broadcasts (and perhaps sabotaging the telephone system) would sever the ligaments of his regime, and would make impossible what otherwise is impossible to stop: Iranian manipulation of the international media.

An immediate blockade of Iran, keeping food out and oil in, would have had the secondary benefit of discomfiting our allies. They should be reminded with pain, not rhetoric, that our fates are linked. The U.S. could have bombed the dam that supplies much of Teheran's electricity. If Iranians want the Dark Ages, we can provide the dark. The Abadan kerosene refinery could have been put out of commission. Iran has cold winters. Shivering in the dark would concentrate Iranian minds on the cost of Khomeini. Iran is mountainous. Railroads can be cut easily by bombing tunnels and bridges. And don't forget the pipeline that sends natural gas to the Soviet Union.

MANY CHOICES

The U.S. should seek to lease the Sinai air bases, and the former British base on Oman's island of Masirah. The U.S. could occupy the three islands off Iran's coast that the Shah seized in order to settle a sovereignty dispute. The U.S. should ready the island of Diego Garcia in the Indian Ocean for B–52s, aircraft carriers and missile-carrying submarines.

From the start, many Americans felt a vague relief that "there is nothing we can do." In fact, there are many choices the U.S. chose not to make. Instead, it spent weeks emitting chaotic signals about avoiding bloodshed, force, even pressure. Carter waited 39 days before even expelling most Iranian diplomats. If the U.S. had wanted this crisis prolonged, would it have acted otherwise? Washington is not wholly unhappy when immersed in a crisis that enlivens conversation without actually compelling hard actions. I detect something like enjoyment of this crisis, with its vigils, public praying and telegenic gestures.

But while Washington is dimming the national Christmas tree, the Soviet Union is forging an iron ring around the Middle East—in South Yemen, Ethiopia, Afghanistan, Libya, and with its Mediterranean fleet. Soviet radio spreads instability, as in Iran. Soviet military maneuvers are honing a quick-reaction capability to exploit insta-

bility. Within the closing ring, Arab leaders are not reassured by U.S. "restraint."

At the U.N., U.S. "restraint" was rewarded with a resolution of awful "even-handedness." It did not condemn Iran; instead it asked the aggressor and the aggressed-against equally for "restraint." The U.S. should have replied: "You won't condemn Iran, we won't subsidize this travesty. Henceforth, we pay 1/151, not a fourth, of the U.N.'s budget." Instead, the U.S. hailed the U.N. resolution as a victory. As John Jay Chapman said, "One need not mind stealing, but one must cry out at people whose minds are so befuddled that they do not know theft when they see it." The U.N. "victory" was a call for the criminal and the victim "to resolve peacefully" the "issues between them." Issues, shmissues, they've stolen our citizens. That's not an "issue," that is an act of war.

The U.N. debacle, the effort at the World Court and Secretary Vance's travels in search of supportive allies were attempts to cultivate world opinion. But what the world needs is a demonstration that, at times, the U.S. doesn't give a damn about "opinion." There is, as Jefferson wrote, such a thing as "decent respect for the opinion of mankind." But he wrote that in a declaration of independence. The U.S. needs a declaration of independence from the ideal of restraint in the face of government-sponsored terrorism.

When Pravda supported Iran, many staff members at the U.S. Embassy in Moscow complained that the U.S. was too mild in dealing with the Soviets. Only the State Department could contrive to find Soviet policy on Iran ambiguous. Vance called Pravda "deplorable" (is deplorabe worse than "unacceptable," as in the "unacceptable status quo" in Cuba?). Earlier, in Moscow, some Soviet officials were disinvited from an embassy screening of "Goodbye Girl." Thus did the American eagle show its talons.

VIETNAM COMPLEX

Last week, the Wall Street Journal noted that when, last August, Aleksandr Godunov defected, "a contingent of burly Soviets" flew in from Moscow. Then "a carload of husky Soviet 'tourists' paid a sudden visit to the Tolstoy Foundation estate in Valley Cottage, N.Y., a frequent stopping place for Russian refugees. The 'tourists' clumsily but effectively searched the premises, in the apparent hope of finding the defected star before he received asylum." Have you heard the eagle scream about that? Or about Soviet violations of the Atmospheric Test Ban Treaty? Or of the Threshold Test Ban Treaty? Or of the SALT I ABM treaty?

The Administration is decorous with the Soviets, in part because of its paralyzing obsession with SALT II ratification. Last week, Carter yielded to Senate pressure and endorsed increased defense spending. An aide said this marked the end of "the Vietnam complex." Nonsense. Carter wants the increases because he wants SALT II, which embodies a complacent world view that is part of "the Vietnam complex." Were SALT II ratified, Carter probably would no longer want the increases. He has a record of watching quietly as Congressional allies trim his paper proposals.

Three months ago he opposed what he now proposes. And three months from now? If his sudden, Saint Paul-like conversion is real, he is too plastic for comfort. But his rebirth as a realist is too convenient for comfort, coinciding as it does with the imperatives of the SALT debate and the mood of the moment, both of which will end.

Soviet troops have entered the Afghan civil war; another Soviet inhibition is being shed. When told that the Soviet Union is helping starve Cambodians, impeding the delivery of relief and diverting supplies to its proxy soldiers, Carter exclaimed, "Is there no pity?" No, Virginia, there is no Santa Claus, no pity and no one listening to White House appeals to "the responsible leaders in both Hanoi and Moscow." ●

WHERE "NOW" HAS A POINT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

● Ms. HOLTZMAN. Mr. Speaker, Last year Congress voted to extend the deadline for ratification of the equal rights amendment. The States of Idaho and Arizona and four legislators are now challenging that extension in a Federal court in Idaho. The case is being heard by Judge Marion Callister, a regional representative in the Mormon Church. As a regional representative, Judge Callister is near the top of the church hierarchy (much like an archbishop in the Catholic Church) and admits to communicating church policy to members of the church. Part of that policy is opposition to both the equal rights amendment and the extension. Members of the church have been urged to work actively for the rejection of the amendment.

For this reason, the Justice Department filed a motion asking Judge Callister to disqualify himself from consideration of the case under a statue requiring that a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." The statute reflects the principle basic to our judical system that the appearance of justice, as well as its reality, must be evident in all judicial proceedings. It is inconsistent with that principle to allow a judge to rule on the equal rights amendment and the extension of the deadline for its ratification when he is a prominent leader in a church that has formally and clearly opposed the passage of the amendment.

Nevertheless, Judge Callister refused to disqualify himself. His opinion raises serious questions about his refusal. First, he did not apply the correct legal standard, disregarding the question of the appearance of impartiality. And nowhere in his opinion did he deny that he had taken a position against the equal rights amendment (a singularly curious omission). Indeed, the tenor of his opinion suggests that he may have made private statements against it. For these reasons, I believe it would be wrong for the Justice Department to acquiesce in Judge Callister's refusal to disqualify himself. Unfortunately, the Justice Department has so far declined to appeal the judge's decision.

The Department's refusal to appeal the decision is even more troubling in light of the Mormon Church's recent excommunication of Sonia Johnson, a devout Mormon who supports the equal rights amendment. If a woman who is merely a member of the Church is excommunicated for her support of the amendment, the pressure on a high-ranking church official to do everything in his power to undermine the amendment will be enormous.

Further, it is unrealistic to suggest that any decision by the judge could appear to be unbiased. If the judge upholds the extension, it will be alleged that he was not ruling on the merits but rather was bending over backwards to appear fair. If, on the other hand, he rules against the extension, it will appear that he is acting on the basis of church doctrine and policy rather than constitutional principles.

I therefore urge the Justice Department to reconsider its position, and I commend to my colleagues' attention two recent editorials on the subject. The first appeared in the New York Times on December 19, 1979. The second was in the December 5, 1979 edition of the Boston Globe.

The texts follow:

WHERE NOW HAS A POINT

The National Organization for Women and other groups have raised a more persuasive complaint against a Federal judge in Boise, Idaho, who is hearing a court challenge that could kill the Equal Rights Amendment. The judge, Marion Callister, also holds a high position in the Mormon Church, one of the most energetic opponents of the amendment.

Nobody argues that Judge Callister is unfit to try the suit merely because of his religion. Catholic judges are not and should not be disqualified from abortion cases; Quaker jurists are not barred from disputes over military service. But Judge Callister holds the lay Mormon post of Regional Representative. He is one of about 100 men who supervise congregations and keep local churches in touch with the national church about policies and programs, including some political objectives. It seems entirely reasonable for supporters of the amendment to be concerned that the judge's high church rank and duties might influence his judgment on a matter of such importance to the Mormon high command.

The suit before Judge Callister was brought by Arizona and Idaho. They seek to invalidate Congress's extension of the time in which the amendment may be ratified by the states. They also ask for a judicial declaration that states are free to withdraw previous ratification. The Justice Department, defending what Congress has done, contends the suit is premature.

Moreover, the department shares the concerns of the women's groups and asked the judge to remove himself from the case. He refused, with a memorandum that glosses over the demands of the Federal law on disqualification and fails to allay the doubts about his impartiality. Solicitor General McCree decided not to appeal the ruling, saying it would delay the case, including appeal of this point.

The women's groups have asked the Attorney General Civiletti to press again for Judge Callister's withdrawal. They fear that an adverse judgment, even if ultimately overturned, would cripple their political drive for ratification in legislatures early next year. Whatever the legal and political merits of all these tactics, the bid for a more clearly impartial judge is in no sense frivolous. Indeed, Congress made clear in 1974, when it changed the rules of disqualification, that the appearance of justice has a lot to do with the reality of it.

Mr. Civiletti can address that problem immediately, as we think he should, or later, as the course of the case might justify. NOW has raised a serious question that the courts, sooner or later, will have to face.

A CONFLICT OF INTEREST

Sonia Johnson is a Mormon who supports the Equal Rights Amendment. The description is simple enough and yet it presents an elementary, if painfully clear, conflict of interest for the 43-year old Virginia woman and others like her.

On Saturday night Johnson stood trial before a three-man church tribunal on

charges that she had spread false doctrine by making pro-ERA speeches in Utah, Nevada, Arizona and Florida, states where Mormons have orchestrated successful anti-ERA lobbying efforts. Mormons say they aren't opposed to equal rights for women; they are simply opposed to the amendment that would guarantee them. Johnson doesn't buy this distinction and she may be excommunicated as a result.

Her dilemma dramatizes one that many men and women have lived in recent years as they've been pushed to weigh their own beliefs against the sometimes contradictory tenets of their religions. But, while the tribunal's verdict, expected any day now, is strictly church business, there's something at stake for all of us in a less private conflict of interest case that has surfaced in conjunction with the Sonia Johnson story.

Last August the Justice Department asked Marion Callister, a federal judge in the U.S. District Court in Boise, Idaho, to disqualify himself from hearing a suit that challenges the constitutionality of Congress' extension of the deadline for ERA ratification. The case also involves the question of whether states that have already voted to ratify the amendment can vote again to rescind ratification. Callister, a member of the Mormon hierarchy, refused to disqualify himself in October despite the church's well delineated position on both questions. And the issue was dropped.

The Justice Department could have asked the circuit court of appeals to order that Judge Callister be removed from the proceedings. In fact it still can. That would certainly make more sense than having the National Organization for Women do the government's legal work. NOW announced on Monday that it will file an appeal with the 9th U.S. Circuit Court of Appeals in San Francisco because the Administration has been lax in pursuing the question.

Even if Judge Callister were capable of separating his personal beliefs from the legal questions before him, his presence in the courtroom would certainly color, and possibly distort, the proceedings. And supposing Callister found in favor of the ERA? Would he then find himself in the same untenable position as Sonia Johnson? Would he face a reprimand or punishment from his church? For justice's sake and his sake, the Justice Department should move quickly to see that Judge Callister is disqualified.●

AIRPORT LEGISLATION SEEN AS WEAKENING AIRCRAFT NOISE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CORMAN), is recognized for 5 minutes.

● Mr. CORMAN. Mr. Speaker, earlier today, I voted against taking up the conference report to accompany H.R. 2440, the Airport and Airway Development Act. My objection to this legislation is that it seriously weakens the Federal Aviation Administration fleet noise rules that all aircraft were required to meet by certain dates. Families living near Burbank Airport which borders my congressional district have been subjected to almost unbearable noise emanating from aircraft traffic. Several of my colleagues and I have fought long and hard for these FAA standards and it is terribly frustrating to see so much of our work undone.

H.R. 2440 was conceived as a noncontroversial measure to provide discretionary funds for airport and airway development, but was amended in the Senate to roll back noise standards. I regret the House did accept the rule for consideration of the conference report by a slim margin of 195 to 192. I hope more of my colleagues can be persuaded to change their minds before the final vote is taken. We must stand firm on these standards which are the only means we have of relieving all of those Americans who must live close to airports.●

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House agreed to earlier today, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2230
AFTER RECESS

The recess having expired, at 11 o'clock and 32 minutes p.m., the House was called to order by the Speaker pro tempore.

HOW CONGRESSIONAL ENERGY INITIATIVES ARE WORKING

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

● Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement prepared by the Office of the House majority whip entitled, "How Congressional Energy Initiatives Are Working."

The report, dated December 19, 1979, follows:

HOW CONGRESSIONAL ENERGY INITIATIVES ARE WORKING

Over the past six years since the Arab oil embargo, Congress has enacted many new laws and programs to help alleviate the nation's energy problems. These laws include measures to help increase the efficiency with which America uses energy and to help increase the supplies of domestic energy resources.

Hopefully, these programs will greatly reduce U.S. dependence on oil imports, and make energy shortages much less likely in the future. However, the congressional initiatives take time to work, and U.S. energy problems have worsened faster than prospective solutions have had time to take effect.

For example, although it now takes 8 percent less energy to produce a given unit of GNP than it took in 1972, domestic oil production has also fallen, and thus U.S. oil imports have risen sharply over 1972 levels. Therefore, Congress has also enacted programs to better prepare the nation to cope with energy shortages when they occur. These include the Strategic Oil Reserve, and the formulation of standby contingency plans.

This report was prepared for Speaker O'Neill's Energy Task Force to summarize some of the programs that Congress has enacted to help alleviate America's energy problems.

I. ENERGY CONSERVATION

Congress has enacted a number of different programs to encourage the more efficient use of our energy resources including:

Automobile Fuel Efficiency Standards.—Model year 1980 cars will be almost 50 percent more fuel efficient than those in 1974. The Energy Policy and Conservation Act (enacted 12/75) requires auto companies to double the average fuel efficiency of their fleets between 1974 and 1985; fuel efficiencies are to increase from an actual 14 miles per gallon in 1974, to 20 mpg in 1980 and 27.5 mpg in 1985.

Energy Conservation Tax Credit.—Conservation investments in homes (only principal residences) are eligible for a tax credit equal to 15 percent of what homeowners spend, up to $2000 expended, for a maximum credit of $300. This credit applies to spending on insulation, weatherstripping, caulking, storm doors and windows, as well as to furnace efficiency improvements.

Low Income Weatherization Program.—Low income renters and owners (up to 125 percent of the poverty level, about $8,700 a year) are eligible to receive grants under this program which will install energy conserving improvements in these families' homes at no cost. Although there have been implementation problems, over $500 million has been made available to this project since 1977, and Congress is working to improve administration of this program.

Residential Energy Conservation Service.—The National Energy Conservation Policy Act requires gas and electric utilities to offer energy audits to all residential customers and to provide information about the availability of contractors and sources of credit. In November, the Department of Energy issued final regulations implementing this program, mandating that it be made available to most Americans within one year.

Schools and Hospitals Grant Program.—The National Energy Act enacted in November 1978 created a program to provide matching grants to schools and hospitals that wish to weatherize their buildings, for which approximately $250 million has been provided so far.

Federal Buildings Program.—The Federal government is committed to weatherizing all of its buildings within a 10 year period.

Building Energy Performance Standards.—The federal government has proposed a set of building energy performance standards, with national applicability, to encourage local construction codes which would require new energy efficient commercial and residential buildings.

Energy Extension Service.—Congress created the Energy Extension Service to work through the states to encourage all energy consumers to adopt energy efficient practices. This program will be available throughout the country in 1980.

Other Conservation Programs.—There are many other conservation programs including those to encourage the states to adopt energy efficient practices, to enforce the 55 mile per hour standard, and to require that energy efficiency data on appliances and industrial equipment be made available to energy consumers. Various research and development programs throughout the government are exploring new ways to use energy resources more efficiently. Also, the federal government has been directed to run its activities so as to save energy, for example, in deciding what cars to purchase and how to use them.

II. SOLAR ENERGY

Congress has moved vigorously to encourage the development and use of solar energy as a major energy resource for the United States, with a goal of providing 20 percent of our nation's energy requirements from all forms of solar energy by the year 2000. Federal support, including tax credits, has increased from $15 million in fiscal 1974 to over $1 billion in fiscal 1980. These programs include:

Solar Tax Credits.—Last year, Congress made available major tax credits, now in effect, to encourage solar energy use, providing tax credits for 30 percent of the first $2,000 spent and 20 percent of the following $8,000 spent, for a maximum credit of $2,200.

Solar Research, Development, and Demonstration Funding.—These programs provide for the continued development and demonstration of solar energy for applications such as: residential and commercial heating and cooling; the conversion of sunlight to electricity through photovoltaic systems and through thermal electric power plants; use of wind energy and ocean thermal gradients; small scale hydroelectric dams; and biomass conversion processes, including alcohol fuels.

III. FOSSIL ENERGY PROGRAMS

Congress has enacted a variety of research and development, tax credit and regulatory programs to increase the use of domestic coal resources, and to increase and make better use of limited U.S. oil resources. These include:

Fossil Energy R&D Programs.—These programs have grown from $60 million in 1973 to over $840 million in 1980. They are designed to assist technologies which would help produce clean liquid or gaseous fuels from coal, as well as for improving the burning of coal directly. In 1980 two coal liquefaction pilot plants will begin producing coal liquids in Catlettsburg, Kentucky and at Baytown, Texas, for processing 500 tons of Eastern coal a day.

This year, as a result of congressional initiatives, DOE will contract to build at least one demonstration plant to produce gas from coal. Two large demonstration plants, costing approximately $1 billion each, will be built to produce clean liquid and solid fuels from ordinary coal. These are the "solvent refined coal" plants.

Also, DOE funded the development of the so-called "fluidized bed" technology to burn high sulfur coal cleanly without scrubbers. The first industrial-size commercial-scale unit in the United States, started in 1976, was dedicated at Georgetown University this past November 15.

The federal government will also spend almost $100 million in 1980 to help develop new sources of domestic oil and gas, including better techniques for recovering existing oil and shale oil reserves, and techniques for making use of geopressured gas reserves.

Tax Credit Programs.—Last year, Congress enacted a variety of additional tax inducements to make the production of coal, and its use, more attractive; and to increase the attractiveness of geopressured gas and shale oil.

Regulatory Programs.—Last year Congress enacted a "coal conversion act" to ensure that coal, rather than oil or gas, was used by electric utilities and industry whenever possible. Also, the Environmental Protection Agency has been streamlining some of its requirements to make it easier for utilities and industries to convert toward using coal, rather than oil and gas, while still protecting the quality of the air we breathe.

IV. GASOHOL PRODUCTION

Congress has enacted a series of programs to encourage the increased use of gasohol to power our country's automobiles. Gasohol is a blend of ethyl alcohol, made from agricultural products and wastes. The usual blend contains 10 percent alcohol and 90 percent gasoline. Congress has funded several major research grants and large pilot plants.

Tax Incentives.—In 1978 Congress enacted important new tax incentives for the production of gasohol including: a speical 10 percent investment tax credit, in addition to the regular 10 percent investment tax credit, for equipment designed to help produce gasohol, as well as an important exemption of gasohol from the 4-cent federal gasoline excise tax. This latter inducement is the equivalent of a $16.80 a barrel subsidy for the production of ethyl alcohol which is used for making gasohol. In addition, many states have adopted still more generous tax exemptions for gasohol. Consequently, gasohol supplies are growing extremely rapidly even though there is a long way to go before they supply a significant percentage of the 7.0 million barrels a day of gasoline consumed in the U.S.

Grants and Loans.—In November the Administration announced a new program to provide $11 million in grants and loans to 100 small-scale gasohol plants.

V. NATURAL GAS POLICY ACT

In 1978, the Congress enacted the controversial Natural Gas Policy Act which eliminated the artificial regulatory distinction between gas sold within a producing state's boundaries, and that sold in a consuming state. The result is that this winter there is virtually no chance of a natural gas shortage. Since its enactment, large additional quantities of gas have been flowing from the producing to the consuming states. In fact, many gas companies have started connecting new customers for the first time in five years. Even though prices of natural gas are higher than in past years, there is no argument that more gas supplies are now available to the interstate gas market, at prices below those of oil.

VI. NUCLEAR ENERGY

At present, there are about 70 nuclear power plants in operation, generating approximately 13 percent of the nation's electric output. Another 90 nuclear plants are in various stages of design and construction.

A typical large (1100 megawatt) nuclear power plant produces about the same amount of electricity as would be obtained from the burning of about 10 million barrels of oil per year, and does so at an average cost of approximately 1.5 cents per kilowatt-hour. This compares to about 2.3 cents per kilowatt-hour for coal and 4 cents for oil.

It is these two features, oil displacement and low generating costs, that make nuclear power, to some, an attractive energy option. On the other hand, nuclear energy is seen by others as presenting unacceptable risks due to problems, real or perceived, in reactor safety, waste management, weapons proliferation, and other areas.

The March 28, 1979 accident at Three Mile Island, while not resulting in any deaths, heightened concern over reactor safety and raised significant questions about the adequacy of federal regulations. The President's Commission on Three Mile Island made a number of recommendations for implementing the lessons learned from the accident, and the President adopted most of them. The Congress has funded a requirement that each nuclear plant have a federal inspector.

In late November the House of Representatives defeated an amendment to the NDC authorization bill that would have imposed a temporary moratorium on the issue of construction permits for new nuclear plants. Recent actions by the Nuclear Regulatory Commission, however, have the effect of imposing an interim halt on both construction permits and operating licenses. While the debate continues, a vigorous program of research, development, and demonstration of improved generation of nuclear power is under way. Congress will continue to debate these nuclear safety issues, as well as issues relating to radioactive waste management and the need for the breeder reactor, among others.

VII. STRATEGIC PETROLEUM RESERVE

The Congress has enacted and funded the development of a strategic oil reserve that would ultimately contain at least 500 million barrels of oil, and provide valuable protection to the United States in case of an oil embargo or other international oil incident. At present, the Reserve contains 90 million barrels of oil and has the capability to pump out at a one million barrel-a-day rate. If this country were to lose 2 million barrels a day of our oil imports (roughly 25 percent of the amount imported), with a full reserve the United States could offset this loss with reserve oil for a period of over 8 months.

VIII. EFFORTS TO RESTRAIN OPEC OIL IMPORTS

The Administration is engaged in an effort to convince the major oil importing nations of the world that it is in their collective interest to jointly reduce their imports of foreign oil supplies. The Administration argued its case at a December Paris meeting of the International Energy Agency, and got initial agreement on a plan to moderately reduce consuming country oil imports. The President has announced that he will impose a quota on U.S. oil imports for next year at levels below 8.5 million barrels a day. Oil consumption in 1980 is expected to be low enough that oil imports will be below that level.

IX. ELECTRIC UTILITY RATE REFORM

In 1978, the Congress enacted a comprehensive law requiring that state public utility commissions review the rates they allow their electric utilities to charge so as to ensure that they are cost justified, and provide proper incentives for consumers to save energy and thus ultimately reduce their electric power bills.

X. RESEARCH AND DEVELOPMENT

Congress continues to fund a large-scale energy research and development program to help create new energy resources and improve old ones. The program is currently funded at levels exceeding $4 billion a year as Congress works to move the nation towards greater energy independence.●

AN ENERGY ASSESSMENT FROM THE SPEAKER'S TASK FORCE

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

● Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD a document, prepared by the office of the House majority whip, entitled, "An Energy Assessment for the Speaker's Task Force."

The report, dated December 19, 1979, follows:

AN ENERGY ASSESSMENT FROM THE SPEAKER'S TASK FORCE

Speaker O'Neill's Energy Task Force, composed of members of the House leadership and committees with energy jurisdictions, has had prepared an assessment of the national petroleum situation, based on the most recent data available. The assessment is the first of periodic reports planned on energy outlooks and related legislation.

Short Term Assessment.—Current indications are that the United States will be able to get through this winter without a major, widespread oil shortage, if Iranian and other world production continues at current levels, even without direct U.S. importation of Iranian oil. However, there is some chance of sporadic gasoline lines possibly early this winter or perhaps by spring. World market uncertainties make more definitive predictions impossible. U.S. oil companies already have started raising prices in response to this weeks OPEC pricing conference.

Longer-run Assessment.—Furture developments depend on the continued availability of oil production, including Iranian oil, to the world market at current levels. There is great uncertainty about Iran's willingness and capability to maintain current production. Several other producers have announced cutbacks next year. The world demand picture is clouded by indications foreign economies are slowing down. Thus, this country could experience recession, but possibly not an oil shortage. The full impact of the new OPEC rate increases, plus the gradual decontrol of U.S. oil, will continue driving up prices here.

Current U.S. Supply and Demand Factors.—The picture includes:

United States Imports.—While this country was depending on foreign sources for nearly half its oil last year, in recent weeks the figure has been closer to 42 percent, still much too high, but improved because of decreased demand. Net imports currently are 7.7 to 7.8 million barrels a day. In the past month, imports were 5.4 percent below the comparable figure in 1978.

Home Heating Oil and Diesel Fuel (Distillates).—Stocks are reported in reasonable shape and the nation should not experience more than special localized problems. Some $1.6 billion in low income fuel assistance is in place. Although distillate stocks fell slightly the past two weeks, this is normal for this time of year. Stocks still are about 4 percent above last year's levels at 238 million barrels. This winter's stocks should remain sufficient unless there is a severe interruption of oil supplies to the world market.

Distillate Prices.—Heating oil retail prices average 83 to 86 cents a gallon (considerably higher in some areas), and diesel fuel prices average 99 cents a gallon—prices more than 60 percent higher than last year's. Predictions are that OPEC price increases may push up distillate prices another 10 to 13 cents by the end of the year, and that the gradual decontrol of U.S. oil may add another 5 to 6 cents a gallon.

Gasoline Stocks.—Although U.S. demand in recent weeks has been 5 to 10 percent below last year at this time, refiners' stocks are so low that there is at least a potential for a return of sporadic gasoline lines. Stocks last week were at 221 million barrels, 2 percent less than the low level at this time last year. Although stock growth had been anticipated, gasoline stocks fell slightly last week. Unless more gasoline is produced, and demand stays down, gasoline lines remain a real possibility. The situation is so fluid, however, two week's news could change the outlook.

Gasoline Prices.—Gasoline prices are averaging $1.01 to $1.11 per gallon, depending on the grade. OPEC price increases are expected to result in 10 to 13 cents per gallon increases in gasoline prices, with the gradual decontrol of U.S. oil adding another 5 or 6 cents over the next year.

Crude Oil Stocks.—Currently, U.S. refiners are keeping very high levels of crude oil stocks, about 9.4 percent above the 1978 comparable period. Some analysts believe refiners have been reluctant to process these stocks because of the shaky world market situation. Others contend refiners may be withholding production to boost prices in tandem with OPEC increases. Crude oil stocks last week were about 349 million barrels or 30 million barrels above the 1978 level—a possible temporary insurance against a sharp world supply shortfall.

Refinery Use.—The refiners' decision to maintain high levels of crude oil stocks, and the general lower level of demand for gasoline, dovetail with recent lower levels of refinery utilization. Usage has averaged 86 percent of capacity the past three weeks, significantly under the 90 percent at this time last year. If there are no new international oil shortages, refiners would be expected to step up gasoline production rapidly and reduce the possibility of a return to sporadic gasoline lines. But the situation remains highly uncertain.

ENERGY LEGISLATION IN THE 96TH CONGRESS

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

● Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD a brief summary of the status of key energy legislation in the 96th Congress prepared for Speaker O'NEILL's Energy Task Force.

The summary follows:

Synthetic Fuels Development Program (H.R. 3930; S. 932): Now in conference. Congress is expected to enact a new program to help create a new industry in the United States, capable of producing 2 million barrels a day of synthetic fuels by 1992. These syntheic fuels will come from abundant domestic resources such as synthetic oil from coal and oil shale, alcohol from coal and urban wastes, and synthetic gas from coal. Public Law 96–126, The Interior Appropriations Act, already includes $2.2 billion to begin funding this program.

Energy Mobilization Board (H.R. 4985; S. 1308): Now in conference. Congress is expected to create an Energy Mobilization Board to help expedite—that is "fast track"—the construction of energy projects of critical importance to the nation. Such projects might include synthetic fuel projects, oil pipelines and new or expanded refineries.

Windfall Profits Tax on Domestic Oil Companies (H.R. 3919): Now in conference. Congress is expected to enact a substantial tax on additional oil company revenues created by the gradual decontrol of domestic oil prices now under way and by OPEC price increases. The House version would bring in $277 billion in additional taxes from the additional revenues created by gradual decontrol, while the Senate version would collect $178 billion, over the next decade. In April, the President decided to gradually decontrol oil prices through September, 1981 when price control authorities expire, and recommended passage of a windfall profits tax. The tax receipts could be available to finance new energy development, mass transit and low income assistance programs, or other programs.

Energy Conservation Incentives (H.R. 605; S. 932): Now in conference. Congress is expected to enact a new Energy Conservation Bank which will make subsidized loans available to families making less than 120 percent of median income, approximately $20,000 a year, for such purposes as home insulation in existing buildings. The subsidies on the loans would be substantial, allowing up to a 30 percent reduction of the amount owed, up to $3,333, for a maximum subsidy of $1,000. There would be a variety of additional energy conservation incentive programs as well.

Solar Incentives (H.R. 605; S. 932): Now in conference. Congress is expected to enact a new Solar Bank which would make heavily subsidized loans (of up to 40 percent of the amount borrowed) available to all families for the installation of solar equipment in new or existing buildings. Also, Congress is expected to enact a bill to create incentives for wind power development.

Low Income Fuel Assistance (P.L. 96–126): Congress enacted a substantial $1.6 billion program to help lower income families better cope with the burden of substantially higher energy prices this winter. This program is much larger than last year's $200 million funding.

Emergency Energy Conservation Act of 1979 (S. 1030; P.L. 96–102): Provides for federal conservation targets and state emergency conservation plans to meet those targets. It also creates a new procedure for adopting, and then implementing a standby gasoline rationing plan. A standby Federal Conservation Plan is to be published by February 4, 1980. It could only be implemented if a state plan were found to be ineffective. Proposed conservation targets, a proposed standby gasoline rationing plan, have been published for comment.

Gasohol (H.R. 3905, S. 932): Now in conference. Congress is expected to enact a new program to encourage the production of gasohol from agricultural products and wastes. This will be done by offering a combination of loans, and loan and price guarantees to producers who undertake these projects.

Mass transit: The President proposed, and the Congress is now considering, a 10 year, $13 billion program to increase the capabilities of mass transit systems across the country. The Congressional Budget Resolution for 1980 contains $1.3 billion in budget authority for these programs to meet the first year request. The 1980 DOT Appropriations bill already includes substantial increases in urban mass transit program funding.●

MOTHER TERESA

(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, there is a certain comfort in bad news—a bit of identification and association with the setbacks of every day life we all endure. There is an appeal and an inevitability about it that piques our curiosity. A half-hour of television news or any daily paper will evidence this.

What a remarkable contrast then, when a story such as that of Mother Teresa makes headlines around the world. Like a vibrant rush of fresh air, the facts about this woman open our eyes and our minds to true goodness * * * and to the true capacity of the human spirit.

Mother Teresa of Calcutta, a 69-year-old Roman Catholic nun who has cared for the poor and sick in India for more than 30 years, has been named the 1979 winner of the Nobel Peace Prize.

In naming her, the Nobel Committee said:

This year the world has turned its attention to the plight of children and refugees and these are precisely the categories for whom Mother Teresa has worked so selflessly for many years.

When we stop to think of what that brief sanitized sentence really means—"the plight of children and refugees—Mother Teresa has worked so selflessly"—we get some idea of the lady's greatness.

Working up to 18 hours a day in the world's most sickening slums, Mother Teresa and her "Missionaries of Charity" have managed to provide a measure of consolation for every kind of tragedy. Time magazine reports:

They collected abandoned babies from gutters and garbage heaps and tried to nurse them back to health. They brought in the dying so that they might die under care and among friends. The deepest consolation offered goes beyond physical care. "For me each one is an individual", Mother Teresa explained. "I can give my whole heart to that person for that moment in an exchange of love. It is not social work."

Indeed, it is not. It is the work of Almighty God. It is the carrying out to perfection of the Second Commandment. "Thou shalt love thy neighbor as thyself for the love of me."

Mother Teresa was born in 1910 in Albania, and became a teaching nun at a genteel girl's school in India by her early twenties. In 1946, during a train ride, she explains, she felt the touch of a divine command to leave her cloistered existence and work with the "poorest of the poor" in the slums of Calcutta. She did

that and founded her "Missionaries of Charity," now a worldwide order of 1,800 nuns, 250 brothers and thousands of lay coworkers who serve the sick, the dying and the lonely in 30 countries.

Mr. Speaker, President Carter has said that Mother Teresa's work "has been a great inspiration for many years to those of us who cherish human rights. Mankind is in her debt." We are certainly in her debt, particularly those who will be moved to give of themselves by her saintly example.●

CONSUMER PROTECTION

(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, not too long ago this House registered its lack of confidence in the Federal Trade Commission and its seeming overzealous approach to consumer protection issues. Certainly there has been demonstrated that the staff studies and recommendations in some areas of the business world have been preemptive and ill-directed, having little more basis for complaint than the predilection of the staff itself.

However, I do have a deep concern that one aspect of the FTC mandate to protect the public may be overcast by such more visual and controversial proceedings; that is, the FTC's antitrust mission may be harmed in the general complaint against overextended regulatory harassment.

As a member of the House Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business, I have shared with my colleagues a concern that big business often operates at the expense of small businesses—sometimes in the twilight region of antitrust law violation and abridgement of the Robinson-Patman Act.

I am pleased to see that our colleague, Congressman BERKLEY BEDELL, has filed a written comment with the Senate Consumer Subcommittee chaired by Senator WENDELL FORD objecting to the Heflin amendment. As a prudent statement by the chairman of our Antitrust Subcommittee, the testimony which I bring to the attention of the House fairly states the case. Careful not to throw the baby out with the bath water, we must resist an overzealous impulse to deregulate the business world by stripping away needed defenses for small enterprises.

I would also like to commend to our colleagues a news story related to this issue and the implications of going overboard in a fit of deregulation overkill.

Thank you.

COMMITTEE ON SMALL BUSINESS,
SUBCOMMITTEE ON ANTITRUST AND RESTRAINT OF TRADE ACTIVITIES AFFECTING SMALL BUSINESS,
Washington, D.C., November 29, 1979.

HON. WENDELL H. FORD,
Chairman, Consumer Subcommittee, Senate Committee on Commerce, Science and Transportation.

DEAR MR. CHAIRMAN: In the House of Representatives I serve as the chairman of the Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business. Consequently, it is with considerable interest that I have followed the debate over the actions and policies of the Federal Trade Commission.

I regret that a long-standing commitment to meet with constituents in my home district on November 30 prevents me from appearing in person at your hearing on proposed changes in the FTC's antitrust enforcement authority. Instead, I am submitting this statement for the record.

To get right to the point, I believe it would be a serious mistake for the Congress to adopt the Heflin Amendment or any similar proposal that would create a blanket prohibition on the FTC ordering divestiture, patent licensing or similar remedies for antitrust violation. In the long run, such legislation would be very harmful to the interests of small business.

I do not come to you as a knee-jerk defender of the Commission. In fact, I have voted in the House to overturn the FTC's actions in the funeral industry and the agricultural cooperatives cases, the only two that have come before us for a vote.

There is a widespread public feeling that we are plagued by too many over-eager young lawyers who have created a web of needless nit-picking government regulation. I think this is a valid sentiment, and I especially agree that the FTC in particular has wasted to much time and effort—both its own and the business community's—on trivial matters in the consumer area. So, I do support efforts to curb the bureaucratic excess we have witnessed.

But the Heflin Amendment is something else entirely. It attacks the very essence of the Federal Trade Commission and its antitrust enforcement mechanisms. This I cannot accept.

Mr. Chairman, the FTC has the potential of being the single most important government agency as far as the small business community is concerned. It is the Federal Trade Commission that was established to see that there is true and fair competition in industry, to try to control monopoly practices. It is to the FTC that small business people look for protection and relief from unfair practices by big businesses.

Up to now the debate mostly has been over the FTC's actions to regulate relations between businessmen and consumers; for its recent actions in this area the Commission has earned the criticism it is receiving. But when we take up the issue of antitrust enforcement, we are getting into the policing of competition between big business and small business; this latter activity is the reason why the FTC was created and the reason why it may be the small business community's last best hope.

The FTC does need oversight and some of its actions in the consumer protection area clearly do need to be changed. But let us be careful to avoid overreacting. There still is a serious problem in our economy, a tendency toward monopoly and concentration of ownership. And the FTC's must be left with the tools to deal with that problem.

As the chairman of the House Small Business Subcommittee on Antitrust, and as a businessman myself, I can tell you that civil action by the small business victim of anticompetitive activity is not a practical remedy. The typical small businessman cannot afford the time or expense involved in taking that route.

It is to the FTC, with its promise of administrative remedies, that the small businessman looks.

Moreover, it is of little help to our economy if remedies such as divestiture and patent licensing are no longer available. Why should we bother to outlaw monopolistic and anticompetitive actions if we then make it impossible to correct the consequences of such activity?

Most entrepreneurs, in businesses of any size, want a chance to compete fairly and equitably. It is the government's job to act as a referee, protecting them from those who seek to compete unfairly.

The Federal Trade Commission must be allowed to retain its enforcement powers to assure true competition in the marketplace. That is why I urge you and your colleagues to reject the Heflin Amendment and any similar proposals.

Sincerely,

BERKLEY BEDELL,
Chairman; House Small Business Subcommittee on Antitrust.

SHENEFIELD WARNS ABOUT GUTTING POWER OF FTC

(By Merrill Brown and Larry Kramer)

A proposal to bar the Federal Trade Commission from ordering divestiture in antitrust cases could debilitate the federal government's power to combat monopoly practices, the administration's chief antitrust enforcer charged yesterday.

John Shenefield, assistant attorney general for antitrust matters, made the statements in a letter to Sen. Howard Cannon (D-Nev.), Chairman of the Senate Commerce Committee, which is to consider the proposal today.

"The proposal may interfere, to a substantial degree, with effective allocation of the relatively limited enforcement resources available to the government to combat monopolistic or other anticompetitive practices," Shenefield wrote.

The proposal, submitted by Sen. Howell Heflin (D-Ala.) would curtain dramatically the FTC's antitrust powers. Consideration of the Howell amendment to an FTC funding bill comes at a time when the commission's powers are being wiped away by other proposals already approved by the full House of Representatives and by the Senate Commerce Committee.

A staff memo stating the case for the Heflin amendment was taken verbatim, in parts, from a brief submitted to the FTC by attorneys representing General Mills, Inc., the target of a major FTC divestiture action. The so-called cereal case is among FTC actions that would effectively be killed if the Heflin amendment became law.

In testimony prepared for delivery today, Jack Blum, an attorney representing the Independent Gasoline Marketers Council, urges Heflin to investigate the preparation of the memo.

Charging that the amendment "represents a radical change in antitrust law" and appears to be an "attempt by a major industry to end-run" pending cases, Blum calls on the Senate committee to block the Heflin plan.

Blum also points out that the Heflin staff memo was prepared by the Washington law firm of Howrey & Simon, which also represents Exxon Corp. and Shell Oil Co., the targets of a separate FTC antitrust action.

Heflin's amendment to the FTC authorization bill would include prohibiting any FTC orders involving "divestiture or other similar relief" in investigations of competitive practices.

The amendment would effectively kill five major antitrust proceedings pending at the FTC, all of which have divestiture as a proposed result:

Exxon. The FTC alleges that the eight major petroleum companies combined, or agreed to monopolize, refining operations in the east, Gulf Coast and parts of the midwest.

Kellogg. Here the FTC staff alleges that three manufacturers have monopolized the ready-to-eat cereal market through widespread advertising, brand proliferation and attempts to restrict shelf space at supermarkets to only their products.

ITT-Continental Baking. In this complaint, the FTC claims ITT's Continental Baking subsidiary illegally has monopolized the wholesale bread baking industry through

predatory pricing and other anticompetitive tactics.

DuPont. This controversial FTC probe seeks to break up DuPont's hold on the titanium dioxide (a paint whitener) market.

Brunswick. In this case the FTC only yesterday ruled that a joint venture arrangement between two outboard motor manufacturers was illegal because it gave one of the manufacturers an unfair domination of that market in the United States.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. JEFFORDS, for 15 minutes, today.

Mr. MILLER of Ohio, for 15 minutes, today.

Mr. RUDD, for 15 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. TAUKE, for 10 minutes, today.

Mr. CORCORAN, for 5 minutes, today.

Mr. LEACH of Iowa, for 15 minutes, today.

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

Mr. FLIPPO, for 5 minutes, today.

Mr. NELSON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. MATHIS, for 60 minutes, today.

Mr. LAFALCE, for 15 minutes, today.

Mr. PREYER, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. EVANS of Indiana, for 5 minutes, today.

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

Mr. STRATTON, for 5 minutes, today.

Mr. CORMAN, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. WOLFF.

Mr. BARNARD, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1.544.

Mr. DANIELSON. Notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,509.

(The following Members (at the request of Mr. EDWARDS of Oklahoma) and to include extraneous matter:)

Mr. CONTE.

Mr. WALKER.

Mr. FINDLEY.

Mr. BADHAM.

Mr. LEWIS.

Mr. MICHEL in four instances.

Mr. LEACH of Iowa in two instances.

Mr. GILMAN in three instances.

Mr. WYDLER.

Mr. FISH.

Mr. TAUKE.

Mr. SHUSTER.

Mr. LENT.

Mr. JOHNSON of Colorado.

Mr. DANIEL B. CRANE.

Mr. GREEN.

Mr. DERWINSKI.

Mr. RHODES in two instances.

Mrs. HECKLER.

Mr. PHILIP M. CRANE.

Mr. MILLER of Ohio

Mr. WAMPLER.

Mr. LAGOMARSINO.

Mr. YOUNG of Alaska.

Mr. VANDER JAGT.

Mr. CORCORAN.

Mr. GOODLING.

Mr. HORTON.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. EDWARDS of Oklahoma) and to include extraneous matter:)

Mr. GILMAN.

Mr. BEREUTER.

Mr. BAFALIS.

Mr. CARTER in three instances.

Mr. MILLER of Ohio in two instances.

Mr. PETRI.

Mr. REGULA.

Mr. DORNAN in three instances.

Mr. LEACH of Iowa in three instances.

Mr. SHUSTER.

Mr. KEMP.

Mr. CORCORAN.

Mr. COLEMAN.

Mr. KELLY.

Mr. HANSEN in seven instances.

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

Mr. ROE.

Mr. RODINO.

Mr. MAZZOLI.

Mr. GAYDOS in two instances.

Mr. PATTERSON.

Mr. DODD.

Mr. GUARINI in two instances.

Mr. GUDGER.

Mr. VANIK in six instances.

Mr. McDONALD in five instances.

Mr. LONG of Maryland.

Mr. LAFALCE in six instances.

Mr. BENJAMIN.

Mr. SWIFT.

Ms. MIKULSKI in two instances.

Mr. BIAGGI.

Mr. EDGAR in two instances.

Ms. HOLTZMAN in two instances.

Mr. MINISH.

Mr. OTTINGER.

Mr. HOWARD.

Mr. WEISS in 10 instances.

Mr. MAGUIRE.

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

Mr. SCHEUER in two instances.

Mr. KOSTMAYER in two instances.

Mr. AMBRO.

Mr. EARLY in two instances.

Mr. RUSSO.

Mr. SKELTON.

Mr. LAFALCE.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1654. An act to improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes; to the Committee on the Judiciary; and

S. Con. Res. 56. Concurrent resolution authorizing the reprinting of the committee print entitled "Synthetic Fuels"; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate on the noted dates of the following titles:

On December 19, 1979:

S. 673. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1980, and for other purposes.

On December 20, 1979:

S. 1143. An act to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1980, 1981, and 1982, and for other purposes; and

S. 2096. An act to provide for a study by the Secretary of Health, Education, and Welfare of the long-term health effects in humans of exposure to dioxins.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 595. An act to authorize certain transactions involving the acquisition and disposal of strategic and critical materials for the National Defense Stockpile;

H.R. 2727. An act to modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes; and

H.R. 3948. An act to require a study of the desirability of mandatory age retirement for certain pilots, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on December 20, 1979, present to the President, for his approval, bills of the House of the following titles:

H.R. 1283. An act for the relief of Pang Chong Ae;

H.R. 3343. An act to permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws;

H.R. 3875. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes; and

H.R. 5645. An act to grant to the Little Sisters of the Poor all right, title, and interest of the United States in the land comprising certain alleys in the District of Columbia.

ADJOURNMENT

Mr. HALL of Texas. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, December 24, 1979, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3060. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with Instituto Mobiliare Italiano exceeding $60 million, pursuant to section 2(b)(3)(1) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

3061. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with SABENA Belgian World Airlines exceeding $60 million, pursuant to section 2(b)(3)(1) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

3062. A letter from the Secretaries of Labor, Agriculture and Interior, transmitting the second joint annual report on the Young Adult Conservation Corps, pursuant to section 807 of the Comprehensive Employment and Training Act of 1973 as amended (92 Stat. 2017); to the Committee on Education and Labor.

3063. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on poverty-related research and demonstration projects for fiscal year 1978, pursuant to section 232(b) of the Economic Opportunity Act; to the Committee on Education and Labor.

3064. A letter from the Assistant Secretary of Health, Education, and Welfare for Education, transmitting a letter requesting an extension of 5 months for submission of the report to Congress required by section 453 of Public Law 92–318 analyzing the definition of "Indian" for purposes of the Indian education program; to the Committee on Education and Labor.

3065. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3066. A letter from the Director, Office of Administrative Services, Department of Commerce, transmitting a report on the Department's disposal of foreign excess property during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3067. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease in San Francisco, Calif., pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3068. A letter from the Comptroller General of the United States, transmitting a report on the financial influence of the Organization of Petroleum Exporting Countries (OPEC) in the United States (EMD–80–23, Dec. 19, 1979); jointly, to the Committees on Government Operations, Foreign Affairs, and Interstate and Foreign Commerce.

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. WHITTEN: Committee on Appropriations. H.J. Res. 467. Joint resolution making an urgent appropriation for administrative expenses of the Chrysler Corporation loan guarantee program, and to provide financial assistance to the Chrysler Corporation for the fiscal year ending September 30, 1980; with an amendment (Rept. No. 96–719). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. Report on allocation of budget totals under the second concurrent resolution on the budget for fiscal year 1980 (Rept. No. 96–720). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING. Committee on Rules. H. Res. 513, a resolution providing for the consideration of H.R. 4788. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. (Rept. No. 96–721). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. H.R. 514, a resolution providing for the consideration of H.R. 2471. A bill to authorize appropriations for the United States International Trade Commission and the United States Customs Service for fiscal year 1980, and for other purposes. (Rept. No. 96–722). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. H. Res. 516, a resolution providing for the consideration of H.R. 3051. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. (Rept. No. 96–723). Referred to the House Calendar.

Mr. FROST: Committee on Rules. H. Res. 517, a resolution providing for the consideration of H.R. 5741. A bill to amend section 103 of the Internal Revenue Code of 1954 to provide that the interest on mortgage subsidy bonds will not be exempt from Federal income tax, and to exempt interest on certain savings from Federal income tax. (Rept. No. 96–724). Referred to the House Calendar.

Mr. ULLMAN: Committee on Ways and Means. H.R. 6029. A bill providing for the implementation of the International Sugar Agreement, 1977, and for other purposes; with amendments (Rept. No. 96–725, pt. 1). Ordered to be printed.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 1262. A bill to amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes. (Rept. No. 96–726, pt. 1). Reported, and referred to the Committee on Appropriations for a period not to exceed fifteen legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93–344.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5726. A bill to permit utilities to finance or provide capital investment payments for the installation of energy conservation measures, to establish an Energy Conservation Bank to provide financial assistance to purchasers of energy conserving improvements, to provide new secondary financing authority for the purchase of loans made with respect to energy conserving improvements, to improve the weatherization grant program for low-income persons, and for other purposes; with an amendment (Rept. No. 96–727, pt. 1). Ordered to be printed.

Mr. DELLUMS: Committee on the District of Columbia. H. Con. Res. 228. Concurrent Resolution to disapprove the Location of Chanceries Amendment Act of 1979, passed by the Council of the District of Columbia. (Rept. No. 96–728). Referred to the House Calendar.

Mr. HARRIS: Committee on Post Office and Civil Service. H.R. 4717. A bill to amend title 5, United States Code, to provide for adjustments to Federal personnel ceilings based upon the extent that Federal functions are contracted out, to provide that performance in administering personnel ceilings and contracting-out requirements are taken into account in evaluating the performance of Federal executive and managers, and for other purposes, reported with amendment (Rept. No. 96–729, pt. 1). Referred to the Committee on Government Operations for a period ending not later than May 15, 1980, for consideration of section 3 of the bill and of the amendment. And ordered to be printed.

Mr. REUSS: Committee of conference. Conference Report on H.R. 5866 (Rept. No. 96–730). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHLEY (for himself and Mr. REUSS) (by request):

H.R. 6197. A bill to amend the mortgage amount, sales price, and interest rate limitations under the Government National Mortgage Association emergency home purchase assistance authority, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNARD:

H.R. 6198. A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CLAY:

H.R. 6199. A bill to establish the "Municipal Arts Program"; to the Committee on Education and Labor.

By Mr. DEVINE (for himself, Mr. GRAMM, Mr. LEE, and Mr. LUKEN):

H.R. 6200. A bill to amend the Safe Drinking Water Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 6201. A bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Simon Wiesenthal; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FISHER:

H.R. 6202. A bill to amend the Internal Revenue Code of 1954 to allow individuals renting their principal residences a deduction for a portion of the rent; to the Committee on Ways and Means.

H.R. 6203. A bill to amend the Internal Revenue Code of 1954 to reduce the tax effect known as the marriage penalty by permitting the deduction, without regard to whether deductions are itemized, of 10 percent of the earned income of the spouse whose earned income is lower than that of the other spouse; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 6204. A bill to amend title 5, United States Code, to provide that certain federal holidays occur on Sundays, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALL of Texas:

H.R. 6205. A bill to amend title 10, United States Code, to provide that members of the uniformed services on active duty and their dependents are entitled to free preventive dental care; to the Committee on Armed Services.

By Mr. HANCE (for himself, Mr LOEFFLER, Mr. ALBOSTA, Mr. ALEX-

ANDER, Mr. ANDERSON of California, Mr. ANDREWS of North Dakota, Mr. ANTHONY, Mr. ARCHER, Mr. ASHBROOK, Mr. BADHAM, Mr. BAILEY, Mr. BARNARD, Mr. BAUMAN, Mr. BEARD of Tennessee, Mr. BEREUTER, Mr. BETHUNE, Mr. BLANCHARD, Mrs. BOGGS, Mrs. BOUQUARD, Mr. BOWEN, Mr. BREAUX, Mr. BROOKS, Mr. BROWN of Ohio, Mr. BURGENER, Mr. CAMPBELL, Mr. CHENEY, Mr. CLAUSEN, Mr. CLINGER, Mr. COELHO, Mr. COLLINS of Texas, Mr. CORCORAN, Mr. COURTER, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DAN DANIEL, Mr. DANNEMEYER, Mr. DAVIS of Michigan, Mr. DE LA GARZA, Mr. DECKARD, Mr. DERWINSKI, Mr. DICKINSON, Mr. DORNAN, Mr. DUNCAN of Tennessee, Mr. DUNCAN of Oregon, Mr. EDWARDS of Alabama, Mr. EDWARDS of Oklahoma, Mr. EMERY, Mr. ENGLISH, Mr. ERDAHL, Mr. ERLENBORN, Mr. FAZIO, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. GINGRICH, Mr. GLICKMAN, Mr. GOLDWATER, Mr. GOODLING, Mr. GRAMM, Mr. GRISHAM, Mr. GUDGER, Mr. GUYER, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARKIN, Mr. HIGHTOWER, Mr. HILLIS, Mr. HINSON, Mr. HOLLAND, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HYDE, Mr. ICHORD, Mr. IRELAND, Mr. JEFFRIES, Mr. JENKINS, Mr. JOHNSON of California, Mr. JONES of Oklahoma, Mr. JONES of North Carolina, Mr. KAZEN, Mr. KELLY, Mr. KEMP, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEACH of Louisiana, Mr. LEATH of Texas, Mr. LEE, Mr. LEWIS, Mr. LIVINGSTON, Mr. LLOYD, Mr. LONG of Louisiana, Mr. LOTT, Mr. LUJAN, Mr. LUNGREN, Mr. MADIGAN, Mr. MARLENEE, Mr. MARRIOTT, Mr. MARTIN, Mr. MATTOX, Mr. MAZZOLI, Mr. MCCLORY, Mr. MCDONALD, Mr. MCEWEN, Mr. MCKAY, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MOORE, Mr. MOORHEAD of California, Mr. MYERS of Indiana, Mr. NATCHER, Mr. PASHAYAN, Mr. PATTERSON, Mr. PAUL, Mr. PERKINS, Mr. PICKLE, Mr. PURSELL, Mr. QUAYLE, Mr. QUILLEN, Mr. RAILSBACK, Mr. RITTER, Mr. ROBERTS, Mr. ROSE, Mr. ROUSSELOT, Mr. ROYER, Mr. RUDD, Mr. RUNNELS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SEBELIUS, Mr. SENSENBRENNER, Mr. SHUMWAY, Mr. SHUSTER, Mr. SMITH of Iowa, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mr. SPENCE, Mr. STANGELAND, Mr. STEED, Mr. STENHOLM, Mr. STOCKMAN, Mr. STUMP, Mr. SYMMS, Mr. SYNAR, Mr. TAUKE, Mr. TAYLOR, Mr. THOMAS, Mr. TREEN, Mr. TRIBLE, Mr. VANDER JAGT, Mr. WAMPLER, Mr. WATKINS, Mr. WHITE, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WILLIAMS of Ohio, Mr. WILLIAMS of Montana, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WIRTH, Mr. WRIGHT, and Mr. WYATT):

H.R. 6206. A bill to exempt limited amounts of oil production by independent producers from the windfall profits tax and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. HARSHA, Mr. JOHNSON of California, Mr. SHUSTER, Mr. ANDERSON of California, Mr. CLAUSEN, Mr. BONIOR of Michigan, Mr. EDGAR, Mr. EVANS of Georgia, Mr. HUTTO, Mr. NOWAK, Mr. ROE, Mr. YOUNG of Missouri, Mr. HAGEDORN, Mr. FOWLER, Mr. BRINKLEY, Mr. CLEVELAND, Mr. DOWNEY, Mr. RANGEL, Ms. FERRARO, Mr. RAHALL, Mr. HEFTEL, Mr. ROYER, Mr. ERTEL, Mr. CLINGER, Mr. HAMMERSCHMIDT, Mr. LEDERER, Mr. BRODHEAD, Mr. BAFALIS, Mr. CHAPPELL, Mr. DOUGHERTY, Mr. RINALDO, Mr. SHANNON, and Mr. BONER of Tennessee):

H.R. 6207. A bill to establish a trust fund for public mass transportation projects, to amend title 23, United States Code, to provide for transportation systems management, and for other purposes; jointly to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. JEFFORDS:

H.R. 6208. A bill to improve education and work opportunities for youth; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. LAFALCE:

H.R. 6209. A bill to amend the Internal Revenue Code of 1954 to eliminate the marriage penalty by providing that all individuals shall use the income tax rates applicable to joint returns and that community property laws shall not apply for Federal income tax purposes; to the Committee on Ways and Means.

By Mr. LOWRY (for himself and Mr. PRITCHARD):

H.R. 6210. A bill to permit certain vessels formerly in the reserve fleet to be converted for use, and operate, in the fisheries of the United States to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 6211. A bill to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act; to the Committee on Interior and Insular Affairs.

H.R. 6212. A bill to amend the Atomic Energy Act of 1954 to require each State to provide for the disposal of low-level radioactive waste generated within that State, to authorize States to enter into agreements or compacts with other States for the establishment of regional disposal sites for low-level radioactive waste, and to provide financial assistance to the States in which such sites are located, and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. MOORE:

H.R. 6213. A bill to amend the Internal Revenue Code of 1954 to provide that members of the uniformed services assigned to duty outside the United States shall be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. MOTTL:

H.R. 6214. A bill to amend the Gold Reserve Act of 1934 to impose certain restrictions on the purchase and sale of gold by the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURPHY of Pennsylvania (for himself, Mr. MYERS of Pennsylvania, Mr. BAILEY, Mr. ASHBROOK, Mr. EDWARDS of Oklahoma, and Mr. BUCHANAN):

H.R. 6215. A bill to amend section 3 of the Federal Mine Safety and Health Act of 1977 to exempt from the requirements of the act independent construction contractors who are engaged in certain activities conducted on the surface area of any coal or other mines, and for other purposes; to the Committee on Education and Labor.

By Mr. PATTERSON:

H.R. 6216. A bill to encourage certain financial regulatory agencies to authorize increases in the rate of interest which is payable on passbook savings accounts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PAUL:

H.R. 6217. A bill to prohibit the sale of gold bullion by any agency of the United States unless specifically authorized by law; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHANNON:

H.R. 6218. A bill to provide for changes in the boundary of the Florida Keys Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 6219. A bill to reduce the quantity of petroleum and petroleum products imported into the United States through 1985; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 6220. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institute of Arthritis, Metabolism, and Digestive Diseases with respect to diabetes, to revise and extend the authorizations for the National Diabetes Advisory Board, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Ms. HOLTZMAN, (for herself, and Mr. HOWARD):

H.R. 6221. A bill to amend the Urban Mass Transportation Act of 1964 to require recipients of assistance under such act to establish plans for crime prevention for public mass transportation systems; to the Committee on Public Works and Transportation.

By Mr. KELLY:

H.R. 6222. A bill to prohibit the importation into the United States of certain agricultural products of Cuba, to include citrus, winter vegetables, and tropical fruits until after 1989; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself, Mr. JOHNSON of California, Mr. ABDNOR, Mr. HARSHA, Mr. ROBERTS, Mr. CLAUSEN, Mr. HOWARD, Mr. NOWAK, Mr. GOLDWATER, Mr. EDGAR, Mr. LIVINGSTON, Mr. YOUNG of Missouri, Mr. STANGELAND, Mr. FLIPPO, Mr. CLINGER, Mr. DONNELLY, Mr. SOLOMON, Mr. HUTTO, Mr. ALBOSTA, Mr. LEATH of Texas, and Mr. BONER of Tennessee):

H.R. 6223. A bill to repeal a provision of law relating to the naming of a certain public facility in Baltimore; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. MATSUI:

H.R. 6224. A bill to forbid the Federal courts from requiring (during, or in preparation for, a defamation action) the disclosure by journalists and communication entities of information relating to the editorial process, unless the defamation is established; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself and Mr. BREAUX) (by request):

H.R. 6225. A bill to provide for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the Treaty and non-Treaty harvesters of those resources, and for other purposes; jointly to the Committees on Merchant Marine and Fisheries, and Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 6226. A bill to amend title 38, United States Code, to provide hospital and medical care to certain members of the Canadian Armed Forces; to the Committee on Veterans' Affairs.

By Mr. SATTERFIELD:

H.R. 6227. A bill to repeal the Federal requirement of incremental pricing under the Natural Gas Policy Act of 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. SWIFT (for himself, Mr. LUKEN, Mr. MOTTL, Mr. BROYHILL, Mr. COLLINS of Texas, and Mr. LOEFFLER):

H.R. 6228. A bill to amend the Communications Act of 1934 to provide that the Federal Communications Commission, in considering applications for the renewal of broadcasting station licenses, shall not take into account any ownership interests of the applicant in other broadcasting stations or

in other communications media, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE (for himself, Mr. CORMAN, Mr. COUGHLIN, Mr. EDWARDS of Alabama, Mr. RUDD, and Mr. BOB WILSON):

H.J. Res. 469. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; to the Committee on Post Office and Civil Service.

By Mr. FLIPPO:

H.J. Res. 470. Joint resolution to authorize and request the President to issue a proclamation designating June 27, 1980 as "Helen Keller Day"; to the Committee on Post Office and Civil Service.

By Mr. LUKEN:

H.J. Res. 471. Joint resolution designating the week beginning June 1, 1980, as "National Garden Week"; to the Committee on Post Office and Civil Service.

By Mr. TRIBLE:

H.J. Res. 472. Joint resolution designating October 19, 1981, as a Day of National Observance of the Two Hundredth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Va.; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI:

H. Con. Res. 233. Concurrent resolution to authorize the printing as a House document an anthology of Captive Nations Week proclamations, addresses, and other relevant material; to the Committee on House Administration.

By Mr. FINDLEY (for himself, Mr. BROOMFIELD, Mr. BOB WILSON, Mr. SPENCE, Mr. REGULA, Mr. WINN, Mr. CHARLES H. WILSON of California, Mr. SENSENBRENNER, Mr. CORCORAN, Mr. CARTER, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. BAUMAN, Mr. STANGELAND, and Mr. BADHAM):

H. Con. Res. 234. Concurrent resolution calling upon the President to consult with certain friendly nations in order to devise a Sealane Security System whose purpose would be to insure safe, secure, and free passage through international sealanes adjacent to East and Southeast Asia; to the Committee on Foreign Affairs.

By Mr. REGULA (for himself, Mr. BOWEN, Mr. MICHEL, Mr. LAFALCE, Mr. ROE, Mr. MARRIOTT, Mr. WINN, Mr. NICHOLS, Mr. FORSYTHE, Mr. HORTON, Mr. SCHEUER, Ms. FENWICK, Mr. JONES of Oklahoma, Mr. KRAMER, Mr. WHITEHURST, Mr. CARTER, Mr. PURSELL, Mr. MAZZOLI, Mr. CLEVELAND, Mr. LAGOMARSINO, and Mr. OBERSTAR):

H. Con. Res. 235. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe December 23, 1979, as a national day of prayer and meditation for the hostages in Iran; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. CORCORAN, Mr. DASCHLE, Mrs. FENWICK, Mrs. HECKLER, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LUNGREN, Mr. MAVROULES, Mr. ROTH, Mrs. SCHROEDER, Mr. WAXMAN, Mr. WHITEHURST, and Mr. SIMON):

H. Con. Res. 236. Concurrent resolution calling upon the Union of Soviet Socialist Republics to cooperate with efforts to resolve the Cambodian crisis; to the Committee on Foreign Affairs.

By Mr. THOMPSON (for himself, Mr. BROOKS, Mr. BUCHANAN, Mr. JOHN L. BURTON, Mr. CARR, Mr. CONABLE, Mr. CONYERS, Mr. COUGHLIN, Mr. DE LA GARZA, Mr. DIXON, Mr. EDWARDS of Oklahoma, Mr. FAZIO, Mr. FISHER, Mr. FORD of Michigan, Mr. GREEN, Mr. HAWKINS, Mrs. HECKLER, Ms. HOLTZMAN, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. LEWIS, Mr. LONG of Louisiana, Mr. LOTT, Mr. MARKEY, Mr. MICHEL, Ms. MIKULSKI, Mr. MURPHY of New York, Ms. OAKAR, Mr. PURSELL, Mr. QUAYLE, Mr. RATCHFORD, Mr. ROSE, Mr. ROYBAL, Mrs. SCHROEDER, Mrs. SPELLMAN, Mr. STARK, Mr. SWIFT, Mr. VANDER JAGT, and Mr. WIRTH):

H. Res. 515. Resolution establishing the Congressional Child Care Center; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FOWLER:

H.R. 6229. A bill for the relief of Ohaness Stefan Kabbenjian; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 6230. A bill for the relief of Patricia Krassow and Jake and Gladys Watts; 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. 506: Mr. BEARD of Rhode Island.

H.R. 1473: Mr. ATKINSON.

H.R. 1642: Mr. MONTGOMERY, Mr. WHITEHURST, Mr. HYDE, Mr. BADHAM, Mr. CHARLES WILSON of Texas, Mr. COLLINS of Texas, Mr. BUTLER, Mr. WALKER, Mr. FRENZEL, Mr. BOWEN, and Mr. PANETTA.

H.R. 2139: Mr. DRINAN, Mr. PEPPER, Mr. MOAKLEY, Mr. MOTTL, Mr. EVANS of the Virgin Islands, Mr. DOWNEY, Mr. BONIOR of Michigan, Mr. OTTINGER, Mr. NEAL, Mr. DOUGHERTY, Mr. ROE, Mr. MINETA, Mr. VENTO, Mr. BLANCHARD, Mr. GUDGER, Mr. RAHALL, Mr. FORD of Tennessee, Mr. GRAY, Mr. WEISS, and Mr. OBERSTAR.

H.R. 3357: Mr. BEARD of Rhode Island.

H.R. 3402: Mr. BEARD of Rhode Island.

H.R. 3431: Mr. BEARD of Rhode Island.

H.R. 3432: Mr. BEARD of Rhode Island.

H.R. 3574: Mr. COURTER, Mr. DOWNEY, and Mr. THOMAS.

H.R. 3627: Mr. JOHNSON of California, Mr. CHARLES H. WILSON of California, Mr. THOMAS, Mr. BURGENER, and Mr. LUNGREN.

H.R. 3720: Mr. SPENCE, Mr. KASTENMEIER, Mr. WHITLEY, Mr. LAFALCE, Mr. SEBELIUS, Mr. DICKINSON, Mr. BARNARD, Mr. GRAY, Mr. MURPHY of Pennsylvania, and Mr. BEDELL.

H.R. 3932: Mr. KINDNESS.

H.R. 4045: Mr. ANNUNZIO, Mr. EDWARDS of Oklahoma, Mr. GOLDWATER, Mr. ICHORD, Mr. LAGOMARSINO, Mr. MITCHELL of New York, Mr. RINALDO, Mr. ROE, and Mr. STUMP.

H.R. 4146: Mr. DOWNEY, Mr. FLORIO, Mr. GIAIMO, Mr. GRAY, Mr. HUGHES, Mr. HUTTO, Mr. LEDERER, Mr. MCDONALD, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTEN, Mr. PEPPER, Mr. RICHMOND, Mr. ROE, Mr. SCHEUER, Mr. VENTO, and Mr. WOLFF.

H.R. 4237: Mr. RINALDO, Mr. MOLLOHAN, Mr. JACOBS, Mr. KOGOVSEK, Mr. RITTER, Mr. LLOYD, and Mrs. SPELLMAN.

H.R. 4345: Mr. BEARD of Rhode Island.

H.R. 4379: Mr. GREEN, Mr. HUGHES, Mr. MINETA, Mrs. SPELLMAN, and Mr. WEAVER.

H.R. 4574: Mr. PANETTA.

H.R. 4631: Mrs. HECKLER and Mr. BIAGGI.

H.R. 4646: Mr. SANTINI.

H.R. 4665: Mr. DAVIS of South Carolina and Mr. WON PAT.

H.R. 4717: Mr. BENJAMIN and Mr. UDALL.

H.R. 4885: Mr. DONNELLY.

H.R. 5033: Mr. ANDERSON of California.

H.R. 5119: Mr. BEDELL, Mr. DOWNEY, Mr. JENRETTE, Mr. KASTENMEIER, and Mr. PATTEN.

H.R. 5225: Mr. EDWARDS of Oklahoma and Mr. WINN.

H.R. 5351: Mr. MCCLORY.

H.R. 5409: Mrs. HECKLER.

H.R. 5433: Mr. DIXON and Mr. OTTINGER.

H.R. 5510: Mr. BALDUS, Mr. CARR, Mr. COELHO, Mr. DOWNEY, Mr. DRINAN, Mr. ERDAHL, Mr. FAZIO, Mr. FLORIO, Mr. GRAY, Mr. HARRIS, Mr. HEFTEL, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Ms. OAKAR, Mr. PEPPER, Mr. RAHALL, Mr. ROE, Mr. ROSENTHAL, Mrs. SPELLMAN, and Mr. STOKES.

H.R. 5648: Mr. BLANCHARD, Mr. PURSELL, Mr. ROE, and Mrs. SPELLMAN.

H.R. 5663: Mr. DOUGHERTY, Mr. NOLAN, Mr. MITCHELL of New York, and Mr. CAVANAUGH.

H.R. 5720: Mr. BEDELL, Mr. CAMPBELL, Mr. COURTER, and Mr. GINGRICH.

H.R. 5721: Mr. NOLAN.

H.R. 5722: Mr. NOLAN.

H.R. 5742: Mr. MURPHY of Pennsylvania, Mr. HUGHES, Mr. ANTHONY, Mr. VENTO, and Mr. ROE.

H.R. 5858: Mr. GRAY, Mr. GUDGER, Mr. HARRIS, Mrs. HECKLER, Mr. HEFTEL, Mr. HOPKINS, Mr. LAFALCE, Ms. MIKULSKI, and Mr. MITCHELL of New York.

H.R. 5945: Mrs. HECKLER.

H.R. 5961: Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. CAVANAUGH, Mr. COELHO, Mr. D'AMOURS, Mr. DERWINSKI, Mr. FLORIO, Mr. FORSYTHE, Mr. HANLEY, Mr. HUGHES, Mr. NEAL, Ms. OAKAR, Mr. OBERSTAR, Mr. PEPPER, Mr. RANGEL, Mr. WILLIAMS of Montana, Mr. FASCELL, and Mr. BENJAMIN.

H.R. 5965: Mr. FAZIO, Mr. LAGOMARSINO, Mr. SEBELIUS, Mr. BURGENER, Mr. MARRIOTT, Mr. UDALL, Mr. COLEHO, Mr. THOMAS, Mr. GOLDWATER, Mr. WATKINS, Mr. PASHAYAN, Mr. CLAUSEN, and Mr. MCCLOSKEY.

H.R. 5982: Mr. FORSYTHE, Mr. DEVINE, Mr. ALBOSTA, Mr. HUGHES, Mr. ICHORD, Mr. LUNGREN, Mr. MOTTL, and Mr. DICKINSON.

H.R. 6008: Mrs. HECKLER.

H.R. 6012: Mr. MCKINNEY, Mr. LLOYD, Mr. CARNEY, Mr. BARNARD, Mr. WOLPE, Mr. DODD, Mr. EDWARDS of Oklahoma, Mrs. SCHROEDER, Mr. LEACH of Iowa, and Mr. LEE.

H.R. 6021: Mr. CLEVELAND, Mrs. BOUQUARD, Mr. FUQUA, Mr. NEAL, Mr. FOWLER, Mr. BARNARD, Mr. ANTHONY, Mr. BEDELL, and Mr. JEFFORDS.

H.R. 6070: Mr. JONES of Tennessee, Mr. KRAMER, Mr. SWIFT, Mr. SYMMS, and Mr. COELHO.

H.R. 6083: Mr. MONTGOMERY, Mr. MOLLOHAN, Mr. CHARLES WILSON of Texas, and Mr. FORSYTHE.

H.R. 6109: Mr. HUGHES, Mr. SAWYER, Mr. SIMON, Mr. WEISS, Mrs. BOUQUARD, Mr. BEARD of Rhode Island, Mr. CAVANAUGH, Mr. D'AMOURS, Mr. CHAPPELL, Mr. CLEVELAND, Mr. DANIELSON, Mr. MINETA, Mr. BIAGGI, Mr. FAZIO, Mr. BROOMFIELD, Mr. COLLINS of Texas, Mr. FARY, Mr. LOEFFLER, Mr. KOGOVSEK, Mr. HUTTO, Mrs. HECKLER, and Mr. GRASSLEY.

H.J. Res. 59: Mr. MARRIOTT.

H.J. Res. 69: Mr. ALEXANDER and Mr. BEDELL.

H.J. Res. 321: Mr. SHUMWAY.

H.J. Res. 389: Mr. DICKS, Mrs. SPELLMAN, Mr. BARNES, Mr. MONTGOMERY, and Mr. FUQUA.

H.J. Res. 417: Mr. SHARP, Mr. MITCHELL of New York, Mr. BRODHEAD, Mrs. HECKLER, Mr. FITHIAN, Mr. LEHMAN, and Mr. EVANS of Delaware.

H.J. Res. 421: Mr. ADDABBO, Mr. BAILEY, Mr. BARNES, Mr. BEDELL, Mr. BENJAMIN, Mr. BROWN of California, Mr. BUCHANAN, Mr. CARTER, Mr. CAVANAUGH, Mr. COELHO, Mr. ERDAHL, Mr. FAZIO, Mr. FLORIO, Mr. GILMAN, Mr. GRAY, Mr. GUYER, Mr. HAWKINS, Mr. HORTON, Mr. HOWARD, Mr. HYDE, Mr. LAFALCE, Mr. LUNGREN, Mr. MARKEY, Mr. MATSUI, Mr. MATTOX, Mr. MCHUGH, Ms. MIKULSKI, Mr. MURPHY of Pennsylvania, Mr. MURPHY of Illinois, Mr. NOLAN, Ms. OAKAR, Mr. OBERSTAR, Mr. PANETTA, Mr. PEPPER, Mr. RAHALL, Mr. RICHMOND, Mr. ROE, Mr. RUSSO, Mr. SCHEUER, and Mr. SIMON. Mrs. SPELLMAN, Mr. STEED, Mr. STOKES, Mr. VENTO, Mr. WHITTAKER, Mr. WOLPE, Mr. WINN, and Mr. YOUNG of Alaska.

H.J. Res. 465: Mr. WINN, Mr. DUNCAN of Tennessee, Mr. YOUNG of Florida, Mr. DEVINE, Mr. BAUMAN, Mr. LEE, and Mr. STANGELAND.

H. Res 495: Mr. LAGOMARSINO.

H. Res. 496: Mr. LAGOMARSINO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5741

By Mr. GLICKMAN:

—Insert after page 73, line 22, the following:

"(m) STATE LEGISLATION WAS PENDING ON APRIL 1, 1979, AND ENACTED ON APRIL 26, 1979, WHERE LOCALITY HAD TAKEN ACTION TO UNDERTAKE A STUDY OF LOCAL MORTGAGE MARKET.—

"(A) IN GENERAL.—If—

"(i) on April 1, 1979, legislation was pending in a State legislature limiting the authority of local governments within such State to issue tax-exempt obligations for owner-occupied residence under existing home rule authority, and such legislation was enacted on April 26, 1979,

"(ii) there is written evidence (which was in existence before April 25, 1979) that not earlier than June 1, 1978, but before April 25, 1979, the governing body of a local government in such State had taken action authorizing the undertaking of a demographic or related study of the local mortgage market, which study was intended to serve as a basis for issuance of tax exempt obligations for owner occupied residences,

"(iii) on December 20 1979, an amount was specified by or for the local government as the range of obligations which it expected to issue with respect to the area under any transitional authority provided by the Act, and

"(iv) a majority of the members of the governing body of the local government certify that the city or county was waiting enactment of the legislation described in clause (i) prior to determining to proceed towards the issuance of tax-exempt obligations for owner-occupied residences.

then the amendments made by section 2 shall not apply to obligations issued by such city or county.

"(B) DOLLAR LIMITS.—The aggregate amount of obligations which may be issued with respect to any area by reason of subparagraph may not exceed the maximum amount referred to in subparagraph (A)(iii) which was specified on December 20, 1979, by or for such local government.

"(C) TIME LIMITS.—

"Paragraph (A) shall not apply with respect to any issue unless substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are committed by firm commitment letters (similar to those used in owner-financing not provided by tax-exempt bonds) to owner-financing before January 1, 1981.

SENATE—*Thursday, December 20, 1979*

(Legislative day of Saturday, December 15, 1979)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. HOWELL HEFLIN, a Senator from the State of Alabama.

PRAYER

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

Eternal God, we thank Thee for every revelation of Thyself, in the world about us, in our work, in our friends, in the events of history and especially in Thy word written and Thy word in the person of Jesus. Spare us from missing the glory of Thy coming at Christmas.

In these hard and dangerous days we seek Thy peace amid the storm. Be near to those who are sick or suffering in any way. Show us once more that the greatest contribution we can make to our age is a good life, clean, strong, trustworthy, wise, and serviceable. Wilt Thou receive the gift of ourselves and use us to the glory of Thy name.

Watch over us in our going out and our coming in until we are all safely gathered in one fold with one shepherd.

In the Redeemer's name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 20, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

THE MIDDLE EAST

Mr. ROBERT C. BYRD. Mr. President, just over a year ago, I returned from a trip to the Middle East, where I had traveled in the dual capacity of Senate majority leader and as the special emissary of President Carter.

Upon my return, I reported that there were great difficulties remaining, but that, in my view, the Camp David Accords of September 1978, had established a potential framework for progress toward peace in the region.

Today, the Middle East remains a troubled region. There is turmoil and unrest at a number of points on the belt of instability that encircles the Middle East—from the Horn of Africa to Pakistan, Afghanistan, Iran, and Turkey.

Serious obstacles remain in the effort to achieve a comprehensive peace in the region. Yet there can be no gainsaying the tremendous advances that have been made. The Egyptian-Israeli Peace Treaty, signed at the White House on March 26 of this year, constitutes one of the most remarkable and significant accomplishments of this era.

Subsequently, to aid in the implementation of this agreement, the Congress approved the $4.8 billion special assistance package for Egypt and Israel, most in the form of loans and credits. The Senate passed the special aid measure (S. 1007) by a 73 to 11 vote on May 14. The conference report was approved by the Senate on June 21.

Included in the bill were $800 million for the construction of two new Israeli airbases in the Negev and $2.2 billion in military sales loans and credits for Egypt, $200 million in economic aid, and a $100 million economic aid loan.

This special assistance is an important part of the continuing effort to bring peace to a war-torn region, where war has cost the United States and other countries billions of dollars and great human loss over the years.

Both Egypt and Israel have serious internal economic problems, and we want to be as helpful as possible in making it possible for these two nations to strengthen their economies. Clearly, however, there is a limit to the aid that can be provided by the United States, particularly in view of our own economic difficulties.

Our efforts continue to be directed at the achievement of a comprehensive peace in the region, which will enable Israel and Egypt to pay less attention to military matters and focus instead on important domestic needs. Israel and Egypt have already cooperated in several important areas, including the disposition of oil from the Sinai fields.

The next major step to be taken following the Egyptian-Israeli Treaty involves reaching agreement on the question of Palestinian autonomy. There was never any doubt that this would be a difficult issue.

Making progress on the Palestinian question is essential to progress toward a broader peace. Currently, efforts are aimed at establishing a procedure for the election of self-governing authorities for the Palestinians living on the West Bank and the Gaza Strip. Agreement on such issues as the authority of the proposed Palestinian autonomous council and the status of East Jerusalem is essential.

I am hopeful that the coming weeks will see a breakthrough on the question of autonomy. President Carter's special envoy to the Middle East, Sol Linowitz said, after recent talks in Israel and Egypt, that he is optimistic that common ground can be found and that the final result will be attractive enough to draw