HOUSE OF REPRESENTATIVES—*Tuesday, June 10, 1980*

The House met at 12 o'clock noon.

The Reverend William G. Price, Culmore United Methodist Church, Falls Church, Va., offered the following prayer:

God of our fathers, their stay in trouble, their strength in conflict, their guide and deep resource, we worship Thee. Be to us what our fathers have said You were to them: A fortress, a high tower, a refuge in the day of trouble. We pray today for the Nation that our fathers founded. We thank You for the heritage that has been ours. For the great character that has been woven into the fabric of this Nation. For the great leaders You have lifted up to direct our paths.

Grant those who rule over us and who legislate for us may be of one mind to establish justice and promote the welfare of all our people. Endow all Members of the House of Representatives with a right understanding, pure purposes, and sound speech.

Cleanse our public life of every evil. Subdue in our Nation all that is harmful and make us a disciplined and devouted people, that we may do Thy will on Earth as it is done in heaven. 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.

Mr. JOHN L. BURTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. JOHN L. BURTON. 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 360, nays 14, answered "present" 1, not voting 57, as follows:

[Roll No. 302]

YEAS—360

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bellenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dicks
Dodd
Dornan
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammer-schmidt
Hansen
Harris
Hawkins
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Myers, Pa.
Natcher
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Santini
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—14

Coughlin
Forsythe
Gingrich
Goodling
Harkin
Jacobs
Jones, Okla.
Lloyd
Mitchell, Md.
Quayle
Sabo
Schroeder
Walker
Wilson, Bob

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—57

Alexander
Anderson, Ill.
Applegate
Bingham
Blanchard
Bolling
Bonker
Brown, Ohio
Carney
Cleveland
Collins, Ill.
Conyers
Cotter
Daschle
Davis, S.C.
Dellums
Derrick
Dingell
Dixon
Donnelly
Dougherty
Drinan
Edgar
Evans, Ga.
Giaimo
Goldwater
Hance
Hanley
Harsha
Heckler
Hefner
Heftel
Holtzman
Jenrette
LaFalce
Lundine
McCloskey
McCormack
McKinney
Mathis
Michel
Neal
Nedzi
Nolan
Pritchard
Railsback
Reuss
Rinaldo
Rostenkowski
Runnels
Satterfield
Stark
Taylor
Thompson
Ullman
Whitten
Wright

□ 1210

Mr. MINISH changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

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 of the House of the following title:

H.R. 4453. An act to amend the Saccharin Study and Labeling Act to extend to June 30, 1981, the ban on actions by the Secretary of Health, Education, and Welfare respecting saccharin.

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. 7102. An act to amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate, with an amendment, to a bill of the House of the following title:

H.R. 6614. An act to authorize appropriations to carry out the national sea grant

□ 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.

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program for fiscal years 1981, 1982, and 1983, and for other purposes.

□ 1220

SWEARING IN OF THE HONORABLE JOHN G. HUTCHINSON

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia, the Honorable JOHN G. HUTCHINSON, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

The SPEAKER. Will the gentleman from West Virginia (Mr. HUTCHINSON) kindly step into the well of the House, along with the West Virginia delegation, and take the oath of office?

Mr. HUTCHINSON appeared at the bar of the House and took the oath of office.

GAS RATIONING PLAN

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

Mr. AMBRO. Mr. Speaker, obdurate is a good word. It means adamant, unbending, uncompromising, unyielding stronghearted, hardheaded.

Lazy is another good word. Lax is its best definition.

They both apply to the White House and especially to the so-called gas rationing plan that is coming back to this House for approval.

It is the same old tune from the obdurate and lazy maestros who have orchestrated other ringing cacophonies such as the oil import fee. Queuing up at banks to redeem coupons, white market provisions, a ludicrous 20-percent trigger, 10 gallons per week going to all registered jalopies and no recognition of the differences between mass-transportation-efficient and mass-transportation-deficient areas of the country.

We do need a plan, but this Congress should have developed it and then required the administration to implement it—that is the correct role of these branches of Government.

CLARENCE M. MITCHELL, JR.—THE MEDAL OF FREEDOM

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

Mr. MITCHELL of Maryland. Mr. Speaker, I, along with my other family members, experienced a surging burst of pride yesterday, when Clarence M. Mitchell, Jr., was presented the Medal of Freedom.

An editorial in the Sun newspaper for Tuesday, June 10, 1980, captured my feeling on this historic occasion. The editorial reads as follows:

MITCHELL'S MEDAL

There could have been no better reward for Clarence M. Mitchell, Jr., than the presentation to him by President Carter of the Medal of Freedom. Although he was retired as the NAACP's influential Washington lobbyist (he was often called "the 101st Senator"), Mr. Mitchell still remains active in his life-long mission of fighting for human dignity as chairman of the Leadership Conference on Civil Rights. Yet it is his 38-year quest for civil rights legislation on Capitol Hill for which this country owes him its greatest debt. May Mr. Mitchell, a Baltimorean and a columnist for the Sunday Sun, live to see his dream of full equality for all Americans come closer to fulfillment.

President Lyndon B. Johnson and Vice President Hubert H. Humphrey were also recipients of the Medal of Freedom yesteday. As President Carter presented the Medal of Freedom to Clarence Mitchell, he stated that both President Johnson and Vice President Humphrey, who won acclaim for their leadership in the field of civil rights, would not have been so notably acclaimed if not for the persistent lobbying with the Congress that Clarence Mitchell did.

Monday, June 9, 1980, was a rare experience in my life, for I saw a nation pay tribute to a man, Clarence M. Mitchell, Jr., who, in the words of President Carter, aroused our righteous indignation at intolerance.

We in this Congress salute Clarence M. Mitchell, Jr., recipient of the Medal of Freedom, the Nation's highest civilian award.

● Mr. ECKHARDT. Mr. Speaker, the NAACP dates back to the early years of this century, when racial prejudice in our society was almost universal, taken for granted, and for all that as demeaning and intolerable to this Nation's black citizens as it is today. Clarence M. Mitchell, Jr., has given his lifetime to ending this national disgrace.

In presenting him with the Medal of Freedom on Monday, President Carter added yet another tribute to the long lists of tributes this outstanding American has earned. The NAACP is the eldest of our civil rights organizations. Its half million members have fought the good fights, the just fights, for longer than most of us have lived. It is an old group but by no means senile. Especially under Mitchell's leadership, it has been a prime force in consolidating the gains of black Americans, achieved as the result of incredible striving during the past two decades.

I believe Mitchell will be remembered in history as a builder, a consolidator—surely honorable accolades. President Carter put it as well as anyone can when he praised Mitchell's "brilliant advocacy that helped translate into law the protest and aspirations of millions concerned too long to second class citizenship."

Those of us who hold public office, especially, can echo the President's tribute joyfully, and with good heart. But as we do, we must not forget that the things Mitchell has fought so hard for are not yet finally achieved. I know he will go on battling. The best tribute we can give him is to pledge that we will be there at his side.●

GENERAL LEAVE

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my 1-minute speech on today.

The SPEAKER pro tempore (Mr. BRADEMAS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

A TRIBUTE TO CLARENCE MITCHELL

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

Mrs. FENWICK. Mr. Speaker, I am grateful for the opportunity to address the House following my friend and colleague, the gentleman from Maryland, Mr. PARREN MITCHELL. I would like to speak also about Clarence Mitchell, an old and valued and very dear friend. I think there are many Members of this House who are too young to remember what we owe this man. But those of us who were concerned with civil rights under President Truman, under President Eisenhower, under President Kennedy, under President Johnson, under President Ford, and under President Nixon, all know what we owe him. His was a steady, sound, sure voice for moderation and, above all, for the human rights of everybody in this country. We owe him a great debt. He piloted us in a very important way in very difficult times. He never lost his head, he never lost his vision of what this world could be and, most particularly, what this country owes to our people. He is a very great American, and I am very happy that he has received this honor from the President of the United States.

The SPEAKER pro tempore (Mr. MITCHELL of Maryland). The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

A TRIBUTE TO CLARENCE MITCHELL

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

Mr. BRADEMAS. Mr. Speaker, I, too, want to join in the tributes that are being paid to Clarence Mitchell. When I first came to the House of Representatives 22 years ago, there was a good deal of difficulty with respect to the passage of legislation to open the doors of opportunity to Americans of all races, creeds, and colors. I quickly came to learn that there was one man whose voice commanded respect on both sides of the aisle, among both Democrats and Republicans, among people of every point of view on such legislation, and his name was Clarence Mitchell.

In my view, Mr. Speaker, without the leadership of Clarence Mitchell, our country would not have made the tortuous painful progress that we have made

toward the free and open society promised by our Constitution and our Declaration of Independence.

Mr. Speaker, I commend President Carter for his award of the Presidential Medal of Freedom to Clarence Mitchell.

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

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

Mr. JACOBS. Mr. Speaker, I commend both the gentleman from Maryland (Mr. MITCHELL) and the gentleman from Indiana (Mr. BRADEMAS) for their remarks, and I recall the words of President Kennedy of almost 20 years ago when he said that in America a great revolution is at hand and our job is to make that revolution peaceful and constructive for all.

Mr. Clarence Mitchell was the quintessence of that aspiration of President Kennedy's. I never heard Clarence Mitchell speak a word of hate, even though the cause he represented was a cause that could well produce such in lesser men.

Mr. BRADEMAS. I thank the gentleman for his comments.

□ 1230

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

Mr. BRADEMAS. I would be glad to yield to my colleague, the gentleman from Alabama (Mr. BUCHANAN).

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

Mr. Speaker, our country has no greater wealth than the wealth of citizens like Clarence Mitchell, nor any greater strength than the strength of leaders like Clarence Mitchell.

I thank God for him and for what he has done for the people of my own beloved southland and for what he has done for his country.

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

DEFENSE DEPARTMENT'S NUCLEAR ERRORS

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

Mr. OTTINGER. Mr. Speaker, twice during 4 days of last week the entire world was faced with the realistic prospect of Armageddon. Because of failures of the Department of Defense computers, alerts were instituted within our Defense Department indicating that we were possibly the subject of a nuclear attack from the Russians. Our planes and missiles were put on the alert. If that process had not been ascertained to be in error in time, we could have had destruction of every living thing in this country, in Russia, and, very likely, in a large part of the world.

The No. 1 priority of our Defense Department simply has to be to see to it that that kind of error cannot occur again. I dearly hope that our appropriate committees will make it their No. 1 priority as well.

Furthermore, I would like to point out that this kind of incident makes it imperative that we not proceed with the MX missile, because if we build that missile, we will greatly increase the risk of an accidental nuclear war.

If an MX system is installed capable of penetrating Russia's hardened missile sites, then in the event of a computer error in Russia, Russia would have to launch its missiles immediately without verification of computer errors. Assuming Russia installs a system comparable to the MX, then we would also have to "launch on warning," deprived of the time to verify whether or not the warning was warranted. This creates an intolerable risk of world destruction. It is bad enough that our national security depends on "assured mutual destruction," by way of international deterrence. The prospect of unintentional destruction, made even more real by our MX development and the recently demonstrated failures of our computer warning system is sheer insanity. It must be stopped.

NEBRASKANS THANK PRESIDENT CARTER FOR HELP TO GRAND ISLAND

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

Mr. CAVANAUGH. Mr. Speaker, the President is traveling to Grand Island, Nebr., today to survey the devastation caused by the tornadoes which victimized that city a week ago tonight.

The extent of the tragedy cannot be overstated. There are at least seven confirmed deaths related to the tornadoes, with over 200 more injured. Although officials are still sifting through the rubble and do not have exact figures, it is estimated that over 500 homes were totally destroyed, and another 1,400 suffered major or minor damage, leaving some 2,000 families homeless. In addition, 60 businesses were wiped out and almost 50 more damaged; 13 farms were destroyed and 33 more with major damage. The dollar figure for these losses runs over $300 million, but what cannot be measured is the suffering of those thousands of people whose lives have been traumatized by nature's capricious fury.

President Carter has already declared Grand Island a national disaster area, and his decision to witness the massive destruction in the city firsthand and reassure its victims personally exemplifies his concern for the despair of these citizens as well as the Government's willingness to help them recover as swiftly as possible. For this I thank the President on behalf of all Nebraskans.

COAL—TRANSITION FUEL?

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

Mr. RAHALL. Mr. Speaker, as I reported previously, "coal's message is being heard."

In capitals throughout the world a new realization of coal's potential is being recognized. Both industrial nations and developing countries are evolving programs for long-term coal use, yet, many perceive coal's new portrayal as a transition fuel rather than a long-term fuel source.

This past weekend, a New York Times editorial, "The Catch in Coal," spoke of our need to turn to coal for the next two decades while solar energy and renewable fuels undergo growth and development. While I share the Times' belief that we must further the development of these alternate energy sources, I differ with their interpretation of coal as a transitional fuel source.

The Department of Energy is currently analyzing the hundreds of proposals which have been submitted by companies both large and small to develop facilities to convert our vast coal reserves to liquid and gaseous fuels. Further, the Congress through the development of solvent refined coal facilities, enactment of the Synthetic Fuels Production Act and creation of the Synthetic Fuels Corporation has committed itself to a long-term synthetic fuels energy program utilizing our vast coal reserves.

Mr. Speaker, we have the coal, we have the ability and we have the potential. Coal's time is here, it is now and it is real.

OUR GREATEST DANGER IS STILL INFLATION

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

Mr. WYLIE. Mr. Speaker, the news on Friday of the rise in the national jobless rate to 7.8 percent was very disquieting. It is worse in Ohio. The natural tendency is to panic and start hurling vast sums of money at unemployment through job creation programs, which add nothing to productivity. While joblessness is serious, our greatest danger is still inflation, which is being brought under control.

If the President and this Congress respond as they did in 1977, and I might say not with my vote, we will have over a 25-percent inflation rate the next time.

Ohio and Michigan are hardest hit by the new unemployment figures and statistics show the unemployment rate in Ohio and Michigan is directly related to the automobile industry and its ripple effect on other industries.

Mr. Speaker, I think the administration had better take another look at our import policy on foreign made automobiles.

RAMSEY CLARK—BENEDICT ARNOLD OF THE 20TH CENTURY

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

Mr. RUDD. Mr. Speaker, it has been suggested by Bernie Wynn, the incisive political editor for the Arizona Republic, that someone should nominate former U.S. Attorney General Ramsey Clark as America's Benedict Arnold of the 20th century.

Surely the Clark's delegation participation in the anti-American conference held in Tehran last week was a disgrace.

I believe it was also a violation of at least two U.S. statutes—the Logan Act and the International Emergency Economic Powers Act.

I am today, introducing a resolution, offered yesterday in the other body by Senator DOLE, which expresses the sense of the House that the President should instruct the Attorney General to prosecute to the fullest extent of the law anyone who may have violated these two laws.

I solicit the cosponsorship of all Members in order to repudiate Mr. Clark and his associates for their illegal and contemptible actions.

OUR SERVICEMEN FORCED TO DEPEND ON FOOD STAMPS

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

Mr. GOODLING. Mr. Speaker, a magazine article indicated that there were 11.7 million food stamps discounted in fiscal year 1979 at military commissaries; 4.7 million in the Air Force; 4.8 million in the Army; 2.2 million in the Navy.

Now, if this is true, it seems to me that it is an outrage. It is an outrage if there is abuse, but it is even worse, I would say, if in fact we are paying our military such a meager salary that we lose all of middle management and they have to use food stamps in order to exist.

I would hope that the necessary committees would check into this 11.7 million food stamps that were discounted last year in commissaries and come up with a solution that we can act on so that we can either prevent the abuse of the use of food stamps, or keep our middle management military people in the service.

UNHERALDED BUT IMPORTANT REPORTERS OF DEBATES

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

Mr. YOUNG of Florida. Mr. Speaker, every time we pick up the CONGRESSIONAL RECORD to read the previous day's activities, we take for granted the effort of the Reporters of Debates who diligently take down each word spoken on the floor.

Last year our eight Reporters of Debates transcribed enough words to fill 12,524 pages of the RECORD. That is an average of 1,565 pages per Reporter.

A Washington Post article printed last week about the Reporters of Debates emphasized the benefits they receive, but did not emphasize the unique skills and pressures their job entails. The Reporters must be able to take down 260 words per minute, twice as many as the best secretaries are expected to be able to handle. The expert transcribers must also be able to type 140 words per minute.

In order to follow the legislative debates, the Reporters must be well versed in parliamentary procedure, and they must be able to recognize each of the 435 Members and their varied speaking styles. In addition, the Reporters must be up to date on the issues that come before the House, a responsibility which requires the Reporters to read a great deal of material on current events.

When the Reporters leave the floor, their work is only partially complete. They must coordinate the organizing of the transcript of debate for the CONGRESSIONAL RECORD, including the many revisions and extensions of remarks. Some days that involves processing as many as 10,000 words an hour, words often spoken in heated debate or at the same time another is speaking.

These workers do not have the luxury of regular hours. When the House stays in long hours, they stay in long hours. They have no preset lunch or dinner breaks, they eat when time permits.

Mr. Speaker, I have a great deal of respect for the Reporters of Debates, and I am constantly amazed by the remarkable accuracy of the RECORD. We have become spoiled by the professional job these people do for us. The unheralded work they do keeps the lines of communication open within this great body.

□ 1240

THE WAY TO GET THE COUNTRY BACK ON THE RIGHT TRACK IS ELECT REPUBLICAN ADMINISTRATION

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

Mr. KRAMER. Mr. Speaker, Edmund Muskie has now been on the job for a month, and a clear picture is beginning to emerge of the course he intends to set as Secretary of State. Over the weekend, Mr. Muskie indicated that he sees no reason to prosecute Ramsey Clark even though the former attorney general of the United States—a man who should know the law and be willing to obey it—openly violated President Carter's ban on travel to Iran. Then, in yesterday's Christian Science Monitor, Mr. Muskie is quoted as saying that the administration is making plans to revive the SALT II treaty in the Senate. I, for one, had hoped that the Carter administration had undertaken a major reevaluation of its foreign policy blunders in the wake of the resignation of Cyrus Vance. It is becoming apparent that has not been the case, and the only way to get this country back on the right track, to make it strong once again, is to elect a Republican administration in November.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed on Monday, June 9, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 5997, de novo; House Concurrent Resolution 323 and H.R. 5612 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CODE OF ETHICS FOR GOVERNMENT SERVICE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5997, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. SCHROEDER) that the House suspend the rules and pass the bill, H.R. 5997, as amended.

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

The title was amended so as to read: "A bill to provide for the display of the Code of Ethics for Government Service.".

A motion to reconsider was laid on the table.

COMMENDING AMERICAN SERVICEMEN FOR HOSTAGE RESCUE ATTEMPT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 323).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, answered "present" 1, not voting 32, as follows:

[Roll No. 303]

YEAS—400

Abdnor	Ambro	Andrews,
Addabbo	Anderson,	N. Dak.
Akaka	Calif.	Annunzio
Albosta	Andrews, N.C.	Anthony

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

ANSWERED "PRESENT"—1

Weiss

NOT VOTING—32

Alexander
Anderson, Ill.
Bolling
Collins, Ill.
Davis, S.C.
Dellums
Derrick
Dingell
Dougherty
Evans, Ga.
Giaimo
Goodling
Hance
Hefner
Heftel
Holtzman
Jenrette
McKinney
Mathis
Michel
Moffett
Neal
Nedzi
Nolan
Pritchard
Railsback
Reuss
Loeffler
Rostenkowski
Runnels
Roth
Rousselot
Thompson
Whitten
Wright

□ 1300

The Clerk announced the following pairs:

Mr. Thompson with Mr. Pritchard.
Mr. Nedzi with Mr. Goodling.
Mr. Giaimo with Mr. McKinney.
Mr. Rostenkowski with Mr. Dougherty.
Mr. Wright with Mr. Neal.
Mr. Reuss with Mr. Michel.
Mr. Dingell with Mr. Jenrette.
Ms. Holtzman with Mr. Nolan.
Mr. Whitten with Mr. Railsback.
Mr. Hefner with Mr. Runnels.
Mr. Alexander with Mrs. Collins of Illinois.
Mr. Dellums with Mr. Evans of Georgia.
Mr. Derrick with Mr. Davis of South Carolina.
Mr. Mathis with Mr. Hance.
Mr. Moffett with Mr. Heftel.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)3, rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

MINORITY CONTRACTING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5612, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5612, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 33, not voting 33, as follows:

[Roll No. 304]

YEAS—367

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derwinski
Dicks
Dixon
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lewis
Lent
Levitas
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Myers, Pa.

Natcher
Neison
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pashayan
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Rousselot
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stockman
Stokes
Studds
Swift
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—33

Archer
Badham
Beard, Tenn.
Collins, Tex.
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Devine
Dickinson
Goodling
Gramm
Hagedorn
Hammer-schmidt
Hansen
Jeffries
Kelly
Lagomarsino
Latta
Leath, Tex.
McDonald
Mollohan
Montgomery
Paul
Quillen
Rudd
Satterfield
Snyder
Stenholm
Stratton
Stump
Symms
Taylor

NOT VOTING—33

Alexander
Anderson, Ill.
Bolling
Collins, Ill.
Davis, S.C.
Dellums
Derrick
Dingell
Dougherty
Giaimo
Gibbons
Hance
Hefner
Heftel
Holtzman
Jenrette
Livingston
Long, La.
McKinney
Mathis
Michel
Moffett
Neal
Nedzi
Nolan
Pritchard
Railsback
Reuss
Rostenkowski
Runnels
Thompson
Whitten
Wright

The Clerk announced the following pairs:

Mr. Thompson with Mr. Railsback.
Mr. Reuss with Mr. Pritchard.
Mr. Nedzi with Mr. Michel.
Mr. Whitten with Mr. Livingston.
Mr. Giaimo with Mr. McKinney.
Mr. Wright with Mr. Dougherty.
Mr. Rostenkowski with Mr. Runnels.
Ms. Holtzman with Mr. Nolan.
Mr. Dingell with Mr. Neal.
Mr. Hefner with Mr. Jenrette.
Mr. Long of Louisiana with Mr. Moffett.
Mr. Mathis with Mr. Alexander.
Mrs. Collins of Illinois with Mr. Davis of South Carolina.
Mr. Gibbons with Mr. Dellums.
Mr. Derrick with Mr. Hance.
Mr. Heftel with Mr. Anderson of Illinois.

Mr. CARNEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1310

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

The SPEAKER. The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative CHARLES H. WILSON.

The Clerk will report the resolution.

The Clerk read the resolution as follows:

Resolved,

(1) That Representative Charles H. Wilson be censured;

(2) That Representative Charles H. Wilson be denied the chair on any committee or subcommittee of the House of Representatives for the remainder of the Ninety-sixth Congress;

(3) That upon adoption of this resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this resolution by the Speaker; and

(4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

The SPEAKER. Pursuant to the rules of the House and the unanimous-consent agreement. the gentleman from Florida (Mr. BENNETT) has 12 minutes remaining; the gentleman from South Carolina (Mr. SPENCE), has 8 minutes remaining; the gentleman from California (Mr. CHARLES H. WILSON), or his designee, has 1 hour remaining.

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

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

Mr. Speaker, on May 29, the House voted to postpone further proceedings on House Resolution 660 until today, after my assurances in the May 29 proceedings that the committee would consider in an additional meeting of the committee any rebuttal to the newly offered evidence that Representative WILSON might wish to submit to the committee. I wrote Representative WILSON and his lawyer on May 30 and offered to receive from them "any objection, comments, or additional proof on the new evidence submitted by Representative WILLIAM M. THOMAS on the House floor May 29." The committee met on June 5 and the proceedings of that meeting have been printed and are available to each Member. The matter now before the House is the original report of the committee dated May 8, which the committee has not changed in any respect.

Based on the record of the disciplinary hearing, the committee's findings and recommendations stand.

In debate on disciplinary matters such as this, no rule prohibits any Member at any later time from bringing up material germane to the question whether or not the material had been before the committee previously. This was the effect of the ruling by the Speaker on May 29. Obviously it would be best to receive evidence in the committee's proceedings, where rules govern its admission and the witnesses are under oath, and cross examination is possible. But then the Constitution states in (art. I, sec. 5) that the House is granted the power to "punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member." Therefore, as unwieldly as it may be, these issues can be raised and decided upon before the whole House and it is doubtful that any statute or rule could change this. The House can consider these additional materials in any way it wishes. But the recommendation in this case as made on April 24, 1980, and the committee's report filed on May 8, 1980, are the principal matters before the House today.

I reserve the balance of my time.

The SPEAKER. The gentleman from Florida has 10 minutes remaining.

The Chair recognizes the gentleman from California (Mr. CHARLES H. WILSON).

CALL OF THE HOUSE

Mr. FORD of Michigan. 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. 305]

Abdnor
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Ashbrook
Ashley
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Bedell
Bellenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Howard
Hubbard

Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lowry
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Myers, Pa.
Natcher
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolpe
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

□ 1330

The SPEAKER pro tempore (Mr. SIMON). On this rollcall, 365 Members have recorded their presence by electronic device, a quorum.

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

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to emphasize most emphatically that I am not guilty and have not been guilty of any disorderly conduct insofar as this House of Representatives is concerned or any of my activities in the House of Representatives. I mention that because the chairman just mentioned that the Constitution provides the Congress with the authority to punish its Members if they are guilty of disorderly conduct. Further, I will state most emphatically that I am not guilty of any of the charges which have been brought against me by this committee. I make that statement because in some of the "Dear Colleague" letters which we have sent to you to try and educate you on my side of this problem, some Members have been concerned that I stressed the fact that the committee had not proven its case and I had not denied guilt at any time. I am, therefore, at this time denying guilt absolutely of any crime or any charge whatsoever that this committee has brought against me.

This is the second time that this resolution is before you. We are here again because a member of the committee was unconvinced that certain counts would be supported by the House. We had to have additional evidence. As he said:

> In discussing the matter with Members on the floor, they were indicating that, although it was clear and convincing, that there were perhaps some gaps that made it less clear and convincing.

Quoting further:

> I found that they were not going to agree with the committee based upon the arguments that were made about the gaps.

So here we are again. We have no assurance that additional new evidence may not be offered. But for the moment, the committee now seems satisfied that they have plugged the gaps in their case.

Twice now I have mentioned the committee's case. Many of you may not realize that this particular case was one that the committee initiated. No Member, no private individual or group signed a complaint against me. The committee staff initiated this case on their own in February of 1979. They investigated this case for 9 months, including the issuing of subpenas before the committee had its first majority vote in November. I was then asked to appear before them and answer their questions. You may remember, on page 2 of the committee report, it is mentioned that I declined to testify in this executive session.

Ladies and gentlemen, the committee had not voted at that time to hold an official inquiry into the case. How was I going to refute information in one executive session without knowing what they had discovered in an investigation that spanned two Congresses?

The need to provide the House with an ethics system to protect the institution of Congress is apparent to all of us. This resolution, however, shows that how we go about protecting the institution is still in need of refinement. The most glaring need is to address the issue of the committee initiating, investigating, and prosecuting its own complaint. When the committee proceeds, as in this case, it writes its own script. Rather than objectively viewing the facts, they must prejudiciously support the resolution. The committee develops tunnel vision, seeing only that which proves its own complaint it initiates. This is the process where, once it beings, there can be no stopping it until it reaches the floor of the House. It is natural, under the circumstances, but it must be eliminated from proceedings such as this.

I will wager that there will be major changes made in the procedures of this committee as a result of the case against CHARLES H. WILSON. If the arguments of my lawyers have had any influence at all in any area at all, it will be that there have to be major changes made in the proceedings.

But what of the violations of House rule XLIII? There are two points to keep in mind. First, these alleged violations took place in 1971 and 1972. I think it is a statement of the committee's efforts that six of the seven oldest counts are the ones presented to you. The committee not only dropped the four most recent counts, but they also found no evidence on the counts alleging criminal violations of bribery, perjury, and payroll kickbacks. These last counts are the allegations the press chose to highlight throughout these last 6 months, even after they had been dropped by the committee, and these are the allegations I was accused of during the recent campaign in which I was defeated for renomination. These are the allegations that were leaked the day before the committee chose to vote an official inquiry into this matter.

I have never acted in a criminal manner, I have not violated the rules of the House.

Second, the evidence must show that these violations were in direct conflict with the standards and rules as enforced and observed in 1971 and 1972.

There can be no mixing of rule definitions and application from year to year. The violations must have been those expressly forbidden in 1971 and 1972.

But once again, the committee confuses or counts on confusion when it presents this resolution. It is not surprising that 60 percent of the committee is comprised of Members who are in their second term or less. This is directly reflective of the fact that 60 percent of the Members of this Congress, today, did not even serve their first day in office until after the alleged violations I have been accused of took place. I supported the ethic reform legislation in 1977. The House was right in its decision. But who will argue that retroactive application of stricter rules and enforcement mechanisms is what the House intended? The very fact changes and refinements were made is indicative of the fact that the 1971 and 1972 standards and procedures were far different from the 1977 changes and what they are today. Members must, somehow, reject all they know or understand now about the rules in force now and learn and know the rules as they were in 1971 and 1972.

The years after Watergate brought on a new era as far as this institution is concerned. The committee knows, and I know, that for you to ignore your reactions to that situation, to try to displace that anger caused by Watergate, is beyond your, or my, ability. By issuing this report, the committee is asking each

Member to walk a tight, impossible line of judging standards that are not only alien but unacceptable to many of you. It is the specific purpose of House rule 10 to protect Members under an ethics investigation from being held in violation of House rules for changes in standards from one period to another. It is a protection that prohibits the committee either directly or indirectly to confuse a standard of one era with that of another. House rule 10 is an ethical standard of the House just as House rule 43 is. Unfortunately, House Resolution 660 speaks to the literal reading of the rules. It ignores the compliance and interpretation of those rules in effect in 1971 and 1972 and the conflict that sitting Members have in their post-Watergate experience.

One last word on the background of these allegations. As many of you know, the Obey commission provided the House with a major overhaul of the ethics provisions in 1977. Among the commission's changes were fuller financial disclosure requirements, unofficial office account prohibitions, unearned income provisions, and the prohibition of using campaign funds for personal use. In making these changes, the commission stated that the 1971 and 1972 rules and standards "were essentially unenforceable because of the totally subjective nature of their terms." Standards that were "neither defined nor discussed in the legislative history" when these rules were drafted.

What is this resolution all about? It is a resolution to censure a sitting Member of Congress for action of over 7 and 8 years ago. It is a resolution that asks you to censure a Member because you did not anticipate what would happen to the ethics rules 7 and 8 years later.

This is a matter where the House will agree to be subjected to the same open process and parameters the committee used in the matter of CHARLES H. WILSON. It is the full House that rightly determines its future and that of its Members. This resolution gives the full House that opportunity.

There is no dispute to the need of protecting this institution from ethic abuses. But, the institution is made up of each individual Member as a collective body. When divided into individuals, they should be afforded the same protection the institution deems necessary for itself.

If there is one charge that a Member must refute it is that he used his office for his own gain. I flatly deny these allegations by the committee. No one can buy a piece of me. There is no evidence that shows me selling out my profession. The facts do not support these allegations. The committee has not carried the burden of proof. It continually infers my guilt. It continually circles around the accusation. But they have not proved it because no such action on my part existed.

What is it the committee wants you to believe? It is asking you to take the testimony of an expert in postal legislation at face value. George Gould began gaining experience in postal legislation in 1973, not 1971 or 1972, when he became my staff director of the subcommittee handling postal affairs. To his credit he has become an expert in postal affairs. But the committee makes no note that my postal subcommittee and George Gould's expertise were after these alleged violations took place in 1971 and 1972. The committee would have you believe that in 1971 and 1972 my simple little Committee on Census and Statistics was enough of a position for me to have a conflict of interest in the setting of postal rates. How ridiculous.

But, the committee also ignores two other points; 3 years before my taking the chairmanship of the Postal Subcommittee, postal rates were removed from the full committee and the House when the independent Postal Rate Commission was created. No one on the committee, no one in the House, could after that time change postal rates. To do so would require the influencing of the Postal Rate Commission, not a Member of Congress.

Second, the committee points to specific legislation that showed that I acted with a conflict of interest. This legislation was referred to the Interstate and Foreign Commerce Committee, not the Post Office and Civil Service Committee, of which I was one of 26 Members. The committee would have you believe that my taking the postal subcommittee for the first time in 1973 is clear and convincing evidence of my unethical actions in 1971 and 1972 and for legislation that was pending in the Interstate and Foreign Commerce Committee of which I was not a member.

The committee's own witness, Mr. Lee Rogers, is the one who swore under penalty of perjury that the two $5,000 checks he gave to me were loans. Loans were written on them and in response to questions by members of the committee, he said this was not an unusual procedure for him and he off the top of his head named half a dozen other people who he had made similar loans to under similar circumstances, without notes, without interest or anything of the sort, and yet the committee would tell you that because I did not report in 1977 these two $5,000 checks as unsecured notes on my financial disclosure report that I did not consider them as loans.

Well, let me tell you that in California there is a 4-year statute of limitations on unpaid loans and those loans were not collectible at that time and did not have to be reported in 1977.

Now, Mr. Cheney the other day went through a list of the years prior to 1977 when I did not include these checks as unpaid loans. The law at that time said unsecured loans in excess of $10,000. I was not required to report those on the financial disclosure forms at that time. It was 1977 when the law became effective that required loans of $10,000 or more be reported.

Now, the committee bypasses Mr. Rogers' testimony completely. He swore under penalty of perjury, he had immunity, that was the only thing that he could be caught on was to lie to the committee, and they accepted that testimony without any question at the time and I do not know whether they are going to bring perjury charges against Mr. Rogers at the present time or not, because they are ignoring completely the testimony which he presented to the committee and they are now calling these $5,000 checks gifts, instead of loans which they rightly were. I was not bought by Lee Rogers. I have not been bought by anyone.

The committee has erred to excess in trying to put these charges over on the House. It is disgusting that the committee would attempt such juggling of dates and facts and come up with these allegations, but it is not surprising. This resolution is the end product of the committee's own initiated investigation.

The committee proof lies not in the facts it presents, but in the conjecture and misstatements of events. The committee plays upon what each Member knows to infer the events of almost a decade ago. The committee is under the belief that its mandate requires an accused Member to carry the burden of proof of his own innocence.

With all of the time available to it, its investigative powers, its access to funding, the committee has come up with allegations of 7 and 8 years ago.

This is a resolution based on someone's gut feeling, not on facts. This resolution is based on the proposition where there was one violation, there must be others. The committee feels it is obligated to find other violations, regardless of the time that has passed on or the changes made in the rules and standards.

If you have read the materials I have sent to you, it is apparent that the Ethics Committee has pushed this matter beyond all bounds of realistic fairness. I have worked hard for my constituents. I have never let them down. I would never have knowingly violated their trust. Yet, in June I was defeated in my own primary. That defeat was the most heartbreaking of all. It was as if my whole career in this House was meant to be repudiated, but it really could not be otherwise based upon the 5 and 6 months of extensive press and media and open opposition pronouncements at every turn of the committee process, even to the date before the committee voted to start its proceedings. I was tried and convicted time and again, four times I was tried and convicted. To this very day I could pick up a paper and find the disproved charges of bribery, perjury and payroll kickbacks in the articles.

When will the record finally be set straight? To expect my constituents to ignore such constant reinforcement of unethical behavior and criminal conduct, though there never was, would be disrespectful of their value and standards.

The fact remains I have lost everything of value that I worked so hard to achieve professionally. What is left is my self-respect and my reputation.

I suppose I could have walked away from this whole thing months ago. I suppose I could have walked away from this whole thing yesterday, but I cannot because the committee is wrong. These 18 years have given me enough insight

to know when to fight or not to fight for an issue.

Practicalities bear a great deal on making those decisions. But in this instance, practicalities have no bearing. This resolution brands me as something I am not. I have not acted in any manner that is disrespectful of this House. This institution has been my life. I cannot let these years go by and end as the committee would like.

Every issue in this House is given a full and fair hearing. Every issue in this House has its supporter and detractor. But every issue that comes before this House is judged on its merits in the way in which it came before this House.

Sometimes personalities become more dominant than the facts and the procedures, but the House, in its wisdom, always seems to make the right decision. I believe that this last fight for me can be judged on its merits.

Oh, I recognize I am not a popular person in this House. I have emotionally objected to unanimous-consent requests of people, Ms. HOLTZMAN, Mr. GRAMM. I have even antagonized other people, some of my colleagues on this side because I vote with the folks on this side on some matters of international affairs, which mean so much to me. But I do not think that how you vote on this matter today should be based upon whether I am a popular Member of the House or not. It should be based on what is right and what is wrong.

Reading all that has been presented, listening to all that has been spoken, this House must come to grips with this resolution. My constituents have made their decision based upon what they know.

I have fought this resolution based upon what I know, and what I have been advised to do by my counsel. And let me tell you, I take their advice. They are very expensive.

You must evaluate all that has been presented to you, factually and otherwise.

Let me know, let each succeeding House know what this institution considers to be the facts and the truth. Let each succeeding Congress know what it expects of the Members as individuals, and let each individual Member know what he can expect from the institution as a whole.

I thank my colleagues for their patience.

□ 1350

Mr. FORD of Michigan. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, for the next hour the House will consider a matter of great importance, a matter involving not just the dignity and integrity of the House, but also the reputation and career of one of its most senior Members.

During the course of the next several hours of debate many Members will feel obliged to leave this Chamber to discuss urgent problems such as the upcoming budget resolution, to conduct committee business or simply to keep appointments made weeks ago. But let me urge every Member of the House to resist those other obligations, for the matter at hand will require your undivided attention during every minute of the next several hours.

During the course of the debate the House will hear that the procedures of the Committee on Standards of Official Conduct as established by this body, are so lacking in due process and fundamental fairness that we have already committed a serious injustice by bringing Mr. WILSON to trial here today.

The committee itself will defend its procedure, as they did in motions during their deliberations, by arguing that they do not determine a Member's guilt or innocence, nor do they impose any sanctions: The committee merely puts together a case to be tried before the whole House and merely recommends a punishment. "The full House, not the Committee of Standards of Official Conduct, is the judge and jury in disciplinary matters."

While I cannot agree that this fact cures the many serious deficiencies in the committee's procedures, the fact remains that every Member of this House is a Member of the jury in the case at bar. And like a juror in a criminal court, each Member has a duty to hear all of the testimony presented in this and to listen carefully to every argument.

Regardless of the committee's recommendations, every Member must approach the evidence today with the presumption that Mr. WILSON is innocent of any wrongdoing. For as Mr. HAMILTON said in his remarks in the CONGRESSIONAL RECORD on May 21, the Ethics Committee does not determine guilt or innocence. It acts only as a grand jury, to advise the House that an ethical violation may have occurred and to recommend that a Member be tried: "Obviously, the full House acts as judge and jury and makes the final decision."

Thus, Mr. WILSON is entitled to the same presumption of innocence as any other American citizen would have in a court of law after an indictment has been brought against him.

And when the arguments are finished and each Member has studied the committee's report and the many dear colleagues that have circulated in this matter, only then should this body decide—not whether Mr. WILSON "probably" violated the code of ethics as constituted in 1971 and 1972—but whether the Committee on Standards of Official Conduct has satisfied its burden of proving by clear and convincing evidence that Mr. WILSON breached the code of ethics as it was understood and applied in 1971 and 1972.

Mr. WILSON was found not guilty of any serious charge against him. There is no evidence to support the minor charges with which he is charged. The minor charges are all more than 7 years old.

Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. MCCLOSKEY).

(Mr. MCCLOSKEY asked and was given permission to revise and extend his remarks.)

□ 1400

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

Mr. MCCLOSKEY. I will be glad to yield to the gentleman from California.

Mr. DANIELSON. I thank the gentleman for yielding.

While the gentleman from Michigan (Mr. FORD) was speaking, I made a count of the Members present on the floor. The count is not exactly accurate, but approximately 115 Members out of 435 were present.

Mr. MCCLOSKEY. Mr. Speaker, we participate today in an extremely important part of the legislative process. Under the Constitution we are specifically granted the power to discipline a Member by a majority vote, or to expel a Member under our rules and our Code of Ethics by a two-third vote. We have guides under the Constitution but no mandate as to what rules to apply as to guilt or innocence.

Clearly, a Member has a constitutional right against self-incrimination. He has the right to counsel. But whether we in the House today are sitting as a jury, a trier of the fact, or an appellate court is not clear. We vote as our consciences dictate.

One thing is clear, however. We have adopted our own rules that before we discipline a Member, we apply the test of clear and convincing evidence. We do not apply a civil test of the weight of the evidence on one side or the other, and we do not go so far as to require, under the criminal rule, guilt beyond a reasonable doubt. But we do require clear and convincing evidence. here we recognize, that we as the House sit independent of the committee.

The committee has served as an investigator. It has served as a prosecutor. It has served as grand jury. That committee contains, I think, some of our ablest Members, people that do a job for all of us, and I thank them for the job that they have done in this case. But I respectfully disagree that the quantum of evidence shown in the record—and I have read that record three times now—meets the clear and convincing test. I would not have been presumptuous enough to make this argument on Mr. WILSON's behalf but for having had the privilege of spending 14 years as a small-town lawyer, serving as president of the Conference of Barristers of the State Bar of California, and having edited the procedural handbook on ethics that is used by the California Bar for disciplinary proceedings. I think that as a bar, we attorneys apply to ourselves a higher standard of guilt than we do to criminal defendants, and that for that standard of guilt, in my judgment—were Mr. WILSON to be tried for professional misconduct before the State Bar in California—this evidence would not suffice to meet the clear and convincing evidence test.

Let me take up the eight specific counts and the proof in the record. These eight counts essentially divide into two categories. The first counts 1, 2, and 3 involve three checks that were given to Mr. WILSON by a Mr. Lee Rogers in June of 1971, in June of 1972, and in December of 1972. I think the committee concedes that if those three checks were loans, Mr. WILSON is guilty of nothing. If they were

gifts, then he is guilty of the counts as charged.

We as triers of the fact must look at the record, and I would ask the committee to point to anything in the record which furnishes clear and convincing evidence that the checks were not loans. The sole evidence, the sole witness who appeared before the committee, Mr. Lee Rogers himself who signed these three checks, said that they were loans. Two of the checks bore the word "loan" on the face of them. The committee went to that point and said, well, there was no promissory note; there was no due date on the loan; there was no rate of interest. Mr. Rogers never sued to get the money back. All of those things are true, but Mr. Rogers was in a peculiar relationship with Mr. WILSON. He was a member of his staff.

He was the chairman of his key committee to raise money for Mr. WILSON in his campaigns. He was a multimillionaire. He was a man who testified before the committee that he was not accustomed to sue to get loans back, and that he rarely was repaid. He listed a number of people to whom he had given loans, and only on one occasion had the individual paid him back. So the evidence is in a state of confusion, in my judgment, as to whether or not these transactions were loans or gifts. You could go either way. In our consciences as Members, it is perfectly appropriate for the members of the committee to reach the conclusion that on the evidence that they examined, they believed these were gifts and not loans. But I would submit to you that applying a clear and convincing evidence test to this evidence, you would have to give the benefit of the doubt to Mr. WILSON.

This was a peculiar relationship, to have a man on your staff who was an expert in postal matters; ran three companies engaged in the mail order business; obviously giving advice to Mr. WILSON on his payroll at $1,000 a month, $12,000 a year between 1971 and 1974; taken off of the payroll in 1974; put back in 1976. This was a transaction between a man and his employee, and while it is peculiar and it is strange, it does not seem to me to qualify as clear and convincing evidence that this was a gift of funds and not a loan.

Now take the second set of counts, the last five counts of conversion. These were moneys, about $15,000 in counts 7 and 8 and $9,900 in counts 9, 10, and 11, which were paid from Mr. WILSON's campaign account to him. The first two checks, roughly, $15,000, were repaying bank loans that he had taken out during the 1970 campaign.

I pointed out in a letter to the committee before this matter was heard on May 29 that there was no evidence in the record to show that this $15,000 in debts, incurred during the campaign in 1970, were not taken out by Mr. WILSON to pay his campaign expenses.

The gentleman from California (Mr. THOMAS), with documents that were obtained just before the hearings, showed those documents to me, and those documents conclusively show, in my judgment, that these moneys were not spent for campaign expenses in 1970. There is a statement by Mr. WILSON made to the California authorities, not required by law to the Federal authorities, that he had incurred no personal expenses for campaign purposes in 1970, and I advised Mr. WILSON that if the record stayed in that condition, I would not argue on his behalf that these moneys were used either for campaign expenses or were used for personal expenses. But what were they used for? Mr. WILSON brought forth, and it is in the record of the committee hearings, that he held two fundraisers. The first was held in March of 1969, and his campaign account shows deposits of about $15,700 in that period of time from that fundraiser, and he paid himself $15,500 to pay these two loans back.

In November 1971, 7 or 8 months later, he held a second fundraiser, and in that fundraiser he raised over $13,000. He then wrote three checks, counts 9, 10, and 11, for $9,900 to himself. But where in the record is there any indication or any fact or any evidence to indicate that those were not reimbursement, say, for newsletters, or travel expenses?

We were accustomed, in 1967 when I was first elected to the Congress, until 1977, 10 years later—in fact, I think most Members did—to raise money from our supporters to pay those costs of newsletters and travel which were not covered by the House expense allowances. I can remember in 1967 coming back here as a freshman when the House funded six trips a year back and forth to California. We were accustomed to making 20 or 25 trips a year back and forth to our districts. And there are Members from California who go back every weekend. Until 1977 it was eminently proper, and it was accepted as right, to raise money from your supporters to pay for these business expenses, the additional expenses of newsletters, and travel which were not funded by the House and were not proper campaign expenses.

There is no showing in the record that these funds were not used for this purpose, so we are left with a situation dating back to 1971 that Mr. WILSON applied $25,000 to his own use, but there is no evidence to show that it was not for proper purposes, for congressional expenses. The violation was to use them for personal expenses.

We are faced, then, as a trier of the fact with the question, where should the burden of proof lie, the committee having come forward with evidence of suspicious payments? Should the burden be on the Member to produce records from 9 years ago showing that these expenses were for a specific valid purpose?

We in the Congress have applied a 5-year statute of limitation on crimes to all other citizens. We are not bound by that statute of limitation, but I think we should consider the reasoning behind the statute of limitation. The reason for the statute of limitation is that very few of us can reach back more than 5 years and produce evidence of what we spent money for at any given time. That statute of limitation is founded in a rule of reason that no person should be charged with a crime that occurred so long ago that he cannot easily produce evidence to refute the accusations. I think we should apply in these proceedings the constitutional view that a person is presumed innocent until proven guilty. We have adopted as one of our rules that that proof be by clear and convincing evidence.

I have no disagreement with the gentleman of the committee except on this one point. It seems to me that the clear and convincing evidence of what happened 9 years ago should be on the committee to produce, not on the part of the defendant to try to refute. It is that reason and that reason alone that causes me to urge that we should vote for an acquittal on all eight of the counts with which Mr. WILSON is charged.

□ 1410

It is not a disagreement with the fairness of the proceedings that the committee has undertaken, but it seems to me that we make a record here that is going to stand for 200 years. If we are going to insist on proof that is clear and convincing, then we must do so on the record before us and the record of this evidence is not clear and convincing; it is evidence that raises a suspicion; it may raise a possibility or even a probability of guilt, but it is not evidence that if we were arguing this case before a jury, or we were arguing this case before our peers in the Bar Association or any other professional organization that we could say meets the clear and convincing test.

Mr. FORD of Michigan. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, according to Webster's Dictionary a "kangaroo court" is a mock trial in which the principles of law and justice are disregarded or perverted. I believe that if mock trials exist they should be the exclusive prerogative of dictatorial governments bent on convicting the innocent when evidence does not justify a verdict of guilty. I also believe that truth should prevail over custom and tradition. Unfortunately the custom of this body has been to ignore certain inherent deficiencies in the process of justice. Unfortunately the tradition has been for Members to be polite even while being unjust and to be grateful while being unfair. Today I hope that both custom and tradition will be discarded in favor of truth and fairness. Today I hope this House does not engage in a charade projecting the illusion of an orderly, fair process while at the same time denying one of our Member's his individual and constitutional rights during the proceedings.

Mr. Speaker, without feeling a necessity for restraint or for mincing words, I categorically charge that the proceedings of the Committee on Standards of Official Conduct accurately fit the definition of Webster's "Kangaroo Court." I am not a member of that committee, but I did attend the hearings involving CHARLES H. WILSON. In fact, I attended more sessions than most members of the committee. To be perfectly candid, the chairman and one other member of the committee are the only two who spent as much time as I hearing the evidence. So

I can say to you, my colleagues without being an ally it was indeed a mock trial. The principles of law and justice were totally disregarded. The doctrine of "due process" was without a doubt perverted.

On the first day of the public hearing, three members of the committee were not in attendance. Those who were in attendance acted like kangaroos, hopping in and out of the hearing room. Some for periods which exceeded 2 hours. Apparently, they had more important business than to hear, interrogate and evaluate the testimony of witnesses they had subpenaed. Apparently they had already concluded the guilt of one CHARLES H. WILSON.

What kind of process is it, that allows those who sit in judgment to be absent when the prosecution or the defense presents evidence. But even more fundamental, even more appalling is the procedure by which the committee arrived at a verdict. Our system of judicial justice is molded by and copied after the English common law. Our system mandates that the finding of guilt be based on the principle of equity, that evidence is substantial, and clear and convincing. It prescribes that a jury of one's peers convene to deliberate in secrecy for the purpose of determining if sufficient evidence exists to bring charges. It demands that if the evidence justifies, that a bill of particulars or an indictment be issued. Then a neutral third party is appointed to preside. An impartial jury is impanelled to decide innocence or guilt. None of these guarantees were afforded CHARLES WILSON during the committees' deliberations. No court in the land would tolerate such crass denial of an individual's basic legal and constitutional rights as did the House committee. True, a finding of guilt was issued by a panel of his peers. But not in accordance with the principles of equity. The committee did not deliberate in secrecy. The press was made privy to all deliberations. Members were not present to evaluate evidence. A third party neutral did not serve as judge.

Twelve members of the Committee on Standards of Official Conduct acted as district attorneys in investigating the allegations. Those same 12 acted as grand jurors in voting an indictment. Those same 12 acted as petit jurors in making a finding of guilt and also those same 12 served as judges in dispensing a disciplinary sentence. The whole process is devoid of fairness, justice, and equity. It flies in the face of the constitutional guarantee of due process.

Mr. Speaker, the other part of this disgraceful equation which renders fairness impossible and makes a mockery of our system of justice is that we sit here today as the final judge ready to arrive at a decision which could adversely affect the future and reputation of one of our colleagues without benefit of the facts.

The committee report consists of some 382 pages including exhibits. Two members of the committee, Mr. STOKES and Mr. RAHALL, wrote dissenting opinions. Mr. WILSON's attorney issued a lengthy legal brief refuting point by point the accusations. I think I can safely say that less than 25 percent of the Members of this body have read the committee report, the dissenting views, and the defendant's brief. They certainly did not attend the hearings. And less than 25 percent are present now. So there is no way for them to be privy to the facts involved in this transaction. What criteria will they use to determine the innocence or guilt of CHARLES WILSON?

One whole hour has been set aside to argue the merits of this case. In a matter of 60 minutes, 200 Representatives will storm through those doors to determine the fate of one CHARLES H. WILSON, a Member of this House for the last 18 years. Fairminded people of necessity will conclude that decision arrived at under these circumstances is tainted. That decision will be based either on media publicity, a letter from Common Cause, or fear of voter reaction. In a matter of minutes, this Chamber will be stampeded by Members who know not the facts and care not of the consequences. They are not aware that 7 of the original 15 charges against CHARLES WILSON, all seven felonies were dismissed because the committee found no clear and convincing evidence to sustain a finding of guilt. They are not aware that the remaining eight charges, all misdemeanors, date back more than 7 years. They are not aware that all eight charges exceed the statute of limitations by 2 years. They are not aware that the committee produced no evidence to substantiate wrong doing or impropriety in the remaining eight counts.

Mr. Speaker, the Members of this body should view this episode in its broadest dimension. CHARLES WILSON as an individual is on trial, but this House as an institution is also being judged. A body so cavalier, so insensitive to protecting the rights of one of its own, cannot and will not be perceived as having the capacity, inclination, determination, or the will to protect the rights of the public at large.

Mr. Speaker, CHARLIE WILSON is not seeking compassion, charity, or mercy. He has already been defeated in his primary. Today he simply seeks justice. Justice in this instance means rejection of the recommendations of the Committee on Standards of Official Conduct. I urge my colleagues to do just that.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I firmly believe that we must approach the issue before us with the utmost objectivity. Certainly the dignity of this body is on view, but we must also keep in mind that our concept of American justice as it applies to each citizen must also prevail.

I find it unusual that the Committee on Standards of Official Conduct would, as part of this resolution, take it upon itself to secure the removal of Representative WILSON as chairman of a postal subcommittee and place this question before the full House of Representatives.

I respect the traditions and rules which govern the organization of the House and its committees, and submit that the question of his chairmanship rightfully belonged before the Democratic Committee membership or the Democratic Caucus. It is my understanding that this issue has in fact, been removed to the Democratic Caucus and I believe such procedure is most proper.

Then, I am concerned about the span of time which has elapsed between the alleged violations and the bringing of charges. I do not have any formal training in jurisprudence, so I do not pretend to have legal expertise in the interpretation or application of the law. However, I have read the committee report and other documents which have been circulated with respect to the charges brought against Representative WILSON.

In my opinion he deserves the same standing before the law as any other citizen; that is, he is innocent until proven guilty.

It seems to me that with certain of these allegations dating back 8 or 9 years, the passage of time has eroded adequate documentation. It is my feeling that the burden of proof must rest with the committee to produce the documentation which supports the charges. Fairness dictates that Representative WILSON should not be required to produce evidence which proves his innocence; the committee must prove his guilt beyond reasonable doubt.

We are not in a court of law. But we, above all bodies, ought to be sensitive to the precepts of elementary justice. I am hopeful that when we conclude this matter we can be satisfied that these ideals have prevailed.

Mr. Speaker, my congressional service with Representative WILSON dates from the early 1960's when he was appointed to the Committee on Post Office and Civil Service. During that time, he has ably and effectively chaired a series of postal service subcommittees with the genuine goal of insuring a quality postal system for the American public.

We share this objective, although at times we have differed on the proper approach. But throughout his tenure as subcommittee chairman he has worked in the best interest of the Postal Service, postal employees, and above all, the postal customer. He has earned my respect for this consistency, dedication, and sincerity.

□ 1420

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Speaker, it is not this Member's ordinary approach to things to assume this well and try to preempt the opinions of any committee that serves in this House. But, before I came to this House I spent over a decade, probably in more States than any other Member, and probably in many more courthouses than any Member I know, defending something that has come to be part of my way of life; and that is, that the system of trial by jury and justice in the court rooms of this country is far more important than any judge or juror or defendant affected by that system.

I think it logical and just that we, as

lawmakers, should be willing to transplant into this House of Representatives the same system of justice for which we are responsible across this land. I think there are forces at work that we have not considered yet in the case of CHARLES H. WILSON, and I think there are matters that probably transcend in importance the outcome of this case today, and certainly should be considered and should have an impact on what this House does.

Many speakers have already pointed out that the House today probably is unaware of the true facts in this case. I would say that is probably true. But, whether you know it or not, my colleagues, when we come through these doors to vote, I have studied it and I have watched it and I have seen a presumption at work that is dangerous if this House or any system of justice in this country is to survive, and that is a presumption we have that if a committee of the House brings a matter to the House floor, the presumption is that the facts are accurate, that the procedure by which that matter was brought here was proper, and that the conclusion ought to be supported by the body at large.

I contradict that without reservation in this matter because we are dealing more with the destiny of this House and this system than we are with the life of CHARLES H. WILSON. The presumptions that fly here and there, that if there is accusation against a Member of this House, then there must be merit to it and that merit should be held up to public scorn and ridicule and censure, is a presumption and an impact and a force that we cannot allow to continue.

There is a conversation in a piece of literature, "A Man for All Seasons," between Sir Thomas More and his prospective son-in-law, Roper, in which Roper points out that he, being an enemy of the devil—and I am sure all of us of the House are enemies, and we work to ferret out unethical conduct—but Roper, being a true enemy of the Devil, says he would cut down all the laws in England to get after the Devil. The rejoinder of Sir Thomas More ought to mean something to us as individuals today, because Sir Thomas More said:

> If you cut down all the laws to get after the Devil, and you pursue him until the Devil turns round about, and all the laws being laid flat, where will you turn for protection?

I submit to you that this procedure—and these gentlemen on the Committee on Standards of Official Conduct are ethical and honorable gentlemen—but this procedure is nothing more or less than a leveling of all the laws and constitutional protections that are written into our system and, my fellow Members of this House, once we have leveled the laws and procedures designed to protect the rights and privileges, and when that system of us getting after the Devil turns around about on each one of us, we having leveled the rules and the laws, where will we turn for protection? Because, there will be no protection if we do not reject this committee recommendation today and rewrite these procedures. There is no protection for any individual Member of this House.

I urge the Members to reject this committee proposal.

The SPEAKER. The gentleman from Michigan (Mr. FORD) has 14 minutes remaining.

Mr. FORD of Michigan. Mr. Speaker, I would like to reserve my time.

The SPEAKER. The gentleman from South Carolina (Mr. SPENCE) has 8 minutes remaining, and the gentleman from Florida (Mr. BENNETT) has 10 minutes remaining.

Who desires time?

Mr. BENNETT. Mr. Speaker, has the respondent used up all his time?

Mr. FORD of Michigan. No; I have not used up all my time, but I would rather not. I have reserved some time.

Mr. BENNETT. Would the minority like to use some of their time? I only have 10 minutes remaining, and I have got to yield to one other Member.

Mr. SPENCE. Mr. Speaker, we have 8 minutes remaining. I will yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I did not seek to serve on the Committee on Standards of Official Conduct. I was drafted to serve in this position, recognizing that it is an essential job to investigate matters of these serious allegations and to bring the best judgment of the committee to the floor of the House. We should remember at all times during this proceeding that this is not a criminal trial. It is a proceeding in response to allegations that the standards of this House, the rules of this House, have been violated.

□ 1430

In other ethics proceedings the courts have consistently determined that all that is required is fundamental fairness in the discharge of the proceedings.

I would submit that the Committee on Standards of Official Conduct has been more than fundamentally fair to the gentleman from California (Mr. CHARLES H. WILSON) in this matter. In every instance when the gentleman from California, either in person or through his attorneys, asked to be heard before the Committee on Standards of Official Conduct, the gentleman from California or his attorneys were heard, and if the gentleman from California did not put his full case in before the Committee on Standards of Official Conduct, that was the decision that he made at the time.

The committee is accused of being both the prosecutor and the judge. This is similar to practically every professional licensor in disciplinary proceedings against a licensee that are held in the 50 States of this Union, whether it is before a bar commission, whether it is before a medical examining or licensing board, or whether it is before an accounting licensing board or a board of any of the other licensed professions. When there is an allegation of professional misconduct, it is the licensing board that investigates, it is the licensing board that conducts the trial, and it is the licensing board that considers whether the license should be revoked or suspended. The courts have upheld this procedure consistently in licensing boards, and they deal with ethical violations similar to the way the House is proceeding here today.

The Committee on Standards of Official Conduct has been objective. Originally 15 charges were levied against Representative WILSON in the committee's statement of alleged violations. Eight of those charges were sustained, some in an amended form, and seven of the 15 charges were dismissed entirely.

If the committee was a "kangaroo court," as has been alleged, why, then, would 7 of the 15 charges be dismissed? The fact is that those seven charges were not sustained on the basis of the evidence that was produced, and consequently the committee dismissed them.

Furthermore it has been alleged that the Committee on Standards of Official Conduct is duty bound to proceed to the floor with every matter that has been investigated and the record of this committee in this Congress is to the contrary. In the last 2 months, two investigations were concluded by reports on the floor of the House of Representatives which did not charge Members of Congress with violating the rules. Those were the South African investigation and the investigation into voting anomalies on the floor.

Finally, I would point out that as far as the counts relating to the conversion of campaign funds for personal use, those counts were based upon the rules of the House of Representatives that were in effect at the time the violation was alleged to have occurred. The committee on Standards of Official Conduct is not applying today's rules to 1971 and 1972. It is applying the rules that were in effect then to the evidence that was brought before the committee.

There is no statute of limitations on ethics violations, and that has been consistently upheld by the courts. Whether there should be or not is not the issue here before us today. I personally believe that there should be a statute of limitations on ethics violations, but if there is to be that kind of a statute of limitations, then the rules of the House should be amended, and the Committee on Standards of Official Conduct would be glad to follow whatever amendments to the rules the House in its wisdom shall make.

The SPEAKER. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

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

Mr. FOWLER. Mr. Speaker, I believe I speak for all members of the committee when I say, that this is not a pleasant task. Our charge was to proceed fairly, dispassionately, and without any sense of moral righteousness. I think we did that, and we acted in a nonpartisan manner in presenting the committee's recommendations for discipline which we have given to all Members of the House.

I will proceed quickly because we have only 4 or 5 minutes left, most of the time having been used last week.

Let me try to summarize why the committee has recommended what it has:

First, there was no substantial rebuttal

to the charges that there were conversions from Mr. WILSON's campaign account—moneys traced from his campaign funds to his office account to a California bank account—to pay off personal debts. Why? Because Mr. WILSON refused to testify.

Second, today, for the first time, Mr. WILSON has spoken. He says that what the committee found were "gifts" were in fact "loans." We do think that the evidence was clear and convincing that these moneys were gifts, but Mr. WILSON cannot argue it both ways.

I ask all Members to read the testimony of Mr. Lee Rogers. Mr. Rogers described himself as a multimillionaire engaged in the mail order business. He testified he was made a congressional employee of Mr. WILSON by Mr. WILSON for 3 years and paid $12,000 a year. Mr. Rogers did claim that the moneys he gave to Mr. WILSON were "loans." The committee, however, found the evidence to belie this interpretation, and dismissed the charges relating to "loans." However, Mr. WILSON now for the first time insists on the interpretation of "loans." I can say in rebuttal that there was substantial evidence that Mr. Rogers was put on the congressional payroll as a method of repaying the money that was "loaned" by Mr. Rogers.

Mr. FORD of Michigan. Mr. Speaker. will the gentleman yield?

Mr. FOWLER. I will not yield until I have finished my statement. Now, all Members must determine whether it was a "gift" or whether it was a "loan." You have heard Mr. WILSON. We did not. He refused to testify at any time before the committee.

I am willing to accept what Mr. WILSON has said, but you must determine the credibility of his testimony in light of that of Mr. Rogers. There are only four pages of his testimony. Please read it.

Finally, on the subject of the statute of limitations. The statute of limitations, I say to my colleagues and fellow lawyers at the bar, was put on the books in English and American constitutional history to deal primarily with petty crimes—crimes committed outside of the jurisdiction, crimes that had been consciously concealed, as well as lesser infractions considered "stale" by the passage of time.

But there are some crimes that so shock the public conscience that there is no statute of limitations.

The committee dealt with this question of what happened in 1972 as soon as it came to light. We did not tarry out of a sense of forgiveness to Mr. WILSON. All delays or postponements were at his request.

Your committee is not a court of law. What we tried to do was pierce procedure to get at the substance while protecting Mr. WILSON in his constitutional rights. Much of the outrage at the judicial branch of our Government occurs when technical defenses, properly presented, are allowed to shadow or obscure the real issues, the issues of substance.

Here, I submit, are the issues of substance which we must decide after hearing and reading all the evidence:

First, was there a conversion of campaign funds for personal use? The committee, by an overwhelming majority, found that there was.

Second, was the congressional office of Mr. WILSON being used for private rather than public purposes, or used so casually as to violate the responsibilities of stewardship with which we are all charged? The committee, by an overwhelming majority, thought it was.

Last, I must say that there was a duty, an absolute duty of Mr. WILSON, to speak in defense of himself and in defense of the institution of the Congress.

□ 1440

Mr. WILSON does not stand questioned by the courts. He stands questioned by his peers. And the question is direct and profound: Did he violate his oath of office?

This is different than an accusation against the butcher or the baker or the candlestick maker. If a member of any of those occupations are brought before any court of inquiry and found guilty, it would not affect the institution of butchering or baking or candlestick making. It would leave no taint on any other practitioner of the profession. No other butcher or baker or candlestick maker would be affected.

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

Mr. BENNETT. Mr. Speaker, I yield 1 additional minute to the gentleman from Georgia.

Mr. FOWLER. Mr. Speaker, but whenever we are accused, when any one of our Members is accused, then we all stand accused. He does stand alone, because the institution is therefore brought under question. The institution of Congress is also the name which then must be cleared. And that duty accrues to Mr. WILSON, as a sitting Member of this Congress, to clear the name of this institution as much as it is to clear himself.

My colleagues, it is extremely unpleasant, after the defeat of Mr. WILSON of California, to be here. The committee tried for months to bring this matter for resolution. We have granted the delays of Mr. WILSON, who has asked over and over to postpone it beyond his primary. But all I can say to you, to answer the gentleman from South Carolina, who quoted Sir Thomas More accurately, though not completely, is that when asked, "Who will defend after the laws?" the answer by Roper was, "God will defend." And the answer of Sir Thomas More was, "Then let God strike down the laws."

We have laws called "rules" for protection of the institution. We must defend them. It is our duty, regardless of all externalities like elections. The committee has found, in a strong nonpartisan vote, after hearing the evidence, that the punishment recommended, regretfully, should be accepted by this House.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 30 seconds, only to say that the previous speaker deeply saddens me when he suggests, as a pattern for our conduct, that we should respond to public impatience with the courts' attempts to protect the rights of individual citizens of this country which they might regard to be technical kinds of defenses. He suggests that we respond by showing that we are not burdened by technical considerations for the Bill of Rights, that we are operating under something different. I think that illustrates the problem we have, Mr. Speaker, that this committee has not regarded itself as bound by fundamental due process and fundamental fairness.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, the proceedings today are not a licensing matter. This body represents more than 220 million people, and I suggest that in deference to them, we have an immense responsibility to make certain that the people that they send here to the House of Representatives are provided with fair play and due process.

Now, the Standards Committee must operate within the rules that the House of Representatives provides to the Standards Committee. But there are some very real problems with the House rules under which the Standards Committee must handle this particular type of proceeding. The problems have been recognized, to the credit of the members of the Standards Committee, by a majority of them. A majority joined in introducing H.R. 136, which would provide a separation of the factfinding functions from the adjudicatory functions. The bill, if approved, would require the Standards Committee to act as the investigatory body, the grand jury, and a panel of eight members selected by lot to act as the factfinding body, the petit jury. It appears to be a needed reform.

There is the question of the right to counsel. We recognize the right today, but only in part. Our colleagues, the gentleman from Michigan (Mr. FORD) and the gentleman from Missouri (Mr. CLAY) have very graciously volunteered to serve as defense counsel, and they are doing an excellent job. Mr. WILSON's counsel, I understand, is allowed access to the floor, but not to the microphone. He can whisper the knowledge gained by months of living with this case into the ear of the member of counsel, who can then communicate this information to us as best he can.

In the impeachment proceedings with regard to President Nixon, the Judiciary Committee insisted that Mr. St. Clair have the privilege of the committee at all times and the right to cross-examine witnesses. And although I am not certain that the rule had not been decided as to whether he would be permitted the privileges of the floor, I am certain that the trend was that way and that we would have voted to allow Mr. St. Clair the privileges of the floor. And certainly in the trial in the Senate, if it had gone that far, President Nixon would have been entitled to counsel with the right of cross-examination.

Let me relate quickly two more problems in the existing rules that cause me great concern. This has been brought up

by previous speakers. There is the question of ancient issues. People simply cannot remember the events of 7 and 8 years ago. Memories fade, records are lost, witnesses die or cannot be found. Is there not really a need for a statute of limitations, borrowing perhaps from the Federal Criminal Code or applicable State law?

Then there is the question of burden of proof, and this is terribly important. Who has the burden of proving guilt or innocence? The Standards Committee reports that Mr. WILSON did not negate the charges against him. But is this Mr. WILSON's responsibility? Should the presumption of innocence apply until the guilt is proven beyond a reasonable doubt? Should not House rules so provide for this presumption?

Mr. Speaker, I chair a House Democratic Caucus Select Committee to study the entire range of problems related to our constitutional authority to sanction offending Members. The select committee has been at work. We have examined the constitutional provisions, their history and their interpretation. We have examined the House history and the history of the Senate. We will shortly report back to the caucus with recommendations.

Mr. Speaker, I feel that the rules under which the Standards Committee must operate are defective, seriously defective. I do not think that they provide fair play and due process. For these reasons I must vote against the resolution.

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

Mr. BENNETT. Mr. Speaker, we would like, if possible, for respondent to use his time first, so we can conclude. That is the usual procedure.

Mr. FORD of Michigan. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. STOKES), a member of the committee.

Mr. STOKES. Mr. Speaker, I am a member of the Committee on Standards of Official Conduct. As such, I am the only member of the committee who voted against each and every count which the committee found to be proved. I also voted against the committee's recommendations that CHARLES H. WILSON be censured and stripped of his chairmanships.

Mr. Speaker, I did not seek membership on this committee. In fact, as you know, I resisted this appointment for a considerable amount of time. In agreeing to go on this committee, I did consider that my background might enable me to bring a different perspective to the committee. The background to which I refer is that of having been a trial defense lawyer in criminal cases for 14 years. That experience included trying hundreds of cases ranging from first degree murder down to simple assault. It also included participation in several cases in the U.S. Supreme Court.

One of these cases which I argued in that Court, Terry against Ohio, a landmark case, is still the law of the land in stop and frisk, search and seizure law under the fourth amendment to the Constitution. I mention this, Mr. Speaker, not out of braggadocio, but to say that I think I bring to the committee some understanding of our system of justice and more importantly a real understanding of due process of law. I also understand that the Ethics Committee is not a court of law and that in proceedings before it, ordinary rules of evidence in a court of law do not apply. But, I say to my colleagues that even disciplinary tribunals such as the Ethics Committee cannot divest themselves of the requirement to afford a respondent due process of law and fundamental fairness. As one who has spent a great part of his life preserving the constitutional rights of criminals in order that that constitutional right would be available to America's best citizens if ever need be, I can only sav to you, that the due process and fundamental fairness denied to CHARLES WILSON today may be denied to you or me tomorrow.

It is for that reason that there is something fundamentally wrong with a system where the same Members of the House who initiate an investigation of a Member, charge him with violations, investigate the charges, hear the evidence relating to the charges, decide the guilt as to the charges, and then decide the punishment for the charges. There is something fundamentally wrong with this system, otherwise 9 of the 12 members sitting on this committee in February 1979, would not have proposed to the House under House Resolution 136 legislation to change the rules and initiate new methods of disciplinary proceedings which would insure due process and fairness.

The gentleman from Missouri (Mr. CLAY) is correct. The members of the committee were in and out of the room, in absentia, and otherwise occupied during proceedings where witnesses were giving testimony against the respondent for whom they now recommend this severe punishment. One afternoon, while witnesses were testifying, I had to spend over 2 hours in the Rules Committee. I did not want to leave CHARLIE's hearing, but, I had to make a choice, legislation affecting my congressional district won priority over my obligation to my colleague. Sure I had the transcript to read, but did you know that accompanying the transcript was a letter from our staff director which said:

> The enclosed transcripts from the Wilson hearings are for your review. It is the opinion of the committee staff that the transcripts are not totally accurate, therefore the reporting company will be asked to review their tapes.

This means then that not only did those of us who missed hearing witnesses not only have no opportunity to observe the witnesses on the stand, to observe their demeanor, to evaluate their appearance of truthfulness or lack of thruthfulness, but we made up for this by reading "not totally accurate transcripts." How would any of you today like to have your fate determined, be censured, and stripped by some jurors who were running around answering bells and taking care of regular congressional business while deciding your fate?

Now, let us talk about counts 7, 8, 9, 10, and 11 which all dealt with conversion of campaign funds to personal use 8 and 9 years ago. The House rule which the respondent is alleged to have violated which was in effect in 1971 and 1972, and which is in effect today, prohibits conversion to personal use of funds "in excess of reimbursement for legitimate and verifiable prior campaign expenses." Thus, under the House rule in question, a Member has the absolute right to be reimbursed from campaign funds for campaign expenses he may have incurred and once reimbursed may use the reimbursed amount for personal or any other use. Under the rules of our committee, it was incumbent upon the staff to prove by clear and convincing evidence that these transfers were not reimbursements for prior campaign expenses.

The key to the lack of clear and convincing proof that Representative WILSON committed any offense can be found in the statements of our distinguished chairman on the floor here last week. With references to counts 7, 8, 9, 10, and 11, the chairman in his remarks used phases such as, "the committee was offered no evidence that this loan was for prior campaign expenses," or "the committee was offered no evidence that this loan was for legitimate campaign expenses," or "no evidence was offered to the contrary." The fact, my colleagues, is that Representative WILSON had no burden of proof as to his innocence. The committee was required, but they did not offer one scintilla of evidence that the transfers were "in excess of reimbursement for legitimate and verifiable campaign expenses."

They cannot absolve themselves of such burden of proof by transferring the burden of proof to the respondent. Additionally and more importantly, let us admit that the House has played around a little bit with the same law Representative WILSON has been found guilty of violating. Conversion of campaign funds to personal use was not prohibited by law in 1971 and 1972. It also was not prohibited by the Federal Election Campaign Act. Even the more recent amendment does not prohibit conversion of campaign funds for Members in office on January 8, 1980. The House rule relating to conversion was adopted in 1968.

In 1975 the rule was amended to prohibit conversion unless "otherwise specifically provided by law." This change in the law, as we all know, was enacted to permit a special circumstance to occur in the House. Once the circumstance was over, in 1977 we removed the 1975 provision and went back to the previous law. Thus, two points appear to be evident. First, there is no well-stated policy in this area and second, we have alternately prohibited and permitted under certain circumstances the same thing Representative WILSON has been found guilty of. My conscience will not under these circumstances permit me to find him guilty of these 8- and 9-year-old charges. And since the charges are not criminal in nature, and since few of us would be able to reconstruct campaign records 8 or 9 years later, the absence of a statute

of limitations would seem to me to be a denial of fundamental fairness.

Lastly, I want to say that I do not condone wrongdoing, nor do I oppose disciplinary proceedings against any Member of the House under proper circumstances. As a member of this committee, I can say to you without fear of refutation, that all members of the committee acknowledged Representative WILSON's attorney, Mr. Bonner's observation that at one time or another, each of us, with the exception of the chairman and perhaps one other member had missed some portion of the proceedings. Every member agreed that before deliberating they wanted to read the transcripts so that they could accurately and intelligently discuss the evidence. Therein was the admission that the circumstances under which we acted as jurors did not lend itself to our being able to act as jurors. Here was an admission by the entire committee that they were unable to deliberate and decide this case upon the evidence they had seen and heard. Even in a court of law when jurors cannot remember the evidence they are instructed that they must recall the evidence as they saw and heard it in the courtroom.

Mr. Speaker, my conscience will not let me find Representative WILSON guilty of any of these charges. The question for you to ask yourselves is this: Would you want yourself or anyone near and dear to you to be found guilty based upon this kind of evidence? I urge a no vote on this resolution.

□ 1450

Mr. FORD of Michigan. Mr. Speaker, I yield the remaining 3½ minutes to the gentleman from West Virginia, a member of the committee (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I was elected to serve on the Committee on Standards of Official Conduct on March 26, 1980, to fill a vacancy created by the untimely death of our dear colleague from West Virginia, John Slack.

I had no opportunity prior to this time to express opinions or listen to testimony or in any way involve myself in the deliberations in the matter of CHARLES H. WILSON.

As my colleague, the gentleman from Ohio (Mr. STOKES) mentioned, there were numerous members of the committee that for one reason or another did miss much testimony that was taken during these deliberations. I had to miss the disciplinary hearing on March 31. I know the concern that many have expressed with the fact that we as busy Members of Congress have to run out and answer rollcall votes, have to conduct constituent business, have to conduct legislation that relates to the people in our districts and, therefore, are unable to devote our 100 percent time in the matter of CHARLES H. WILSON.

The Speaker's concerns were expressed to me in this regard by phone calls from his office questioning my absence on March 31, when I did have a prior commitment in my district and was unable to attend the hearing.

Joining the committee in its work when I did, and not being a lawyer, I tried to absorb and read as much of the testimony as I could, in order to conduct the special care necessary to insure that fair justice was given to a man for whom, I could see we were deciding his entire political career. After reviewing that testimony, the first case in which I have had to deal in this regard, I found that I did have to dissent from the majority of the committee in their recommendation that censure be invoked upon CHARLES H. WILSON. I have filed dissenting views.

My basic dissension relates to the fact that Representative WILSON was charged with accepting gifts, and I put the word "gifts" in quotes, from a person with a direct interest in legislation, and I put "direct interest" in quotes.

The far more serious charge that was considered by this committee, that of being influenced in the performance of his governmental duties, was unanimously—unanimously rejected by the committee.

The first point, that CHARLES H. WILSON received gifts from a Mr. Lee Rogers, I suggest, as the gentleman from Georgia has suggested, that, yes, we do read his testimony in the record. Yes, perhaps Mr. Rogers did have an interest in legislation before Congress as a direct mailer, but so did other first, second, third, fourth, and fifth class mailers and many other individuals, and perhaps he could fit in the same category as every American that pays taxes. We all have an interest in legislation before Congress.

□ 1500

A second point, is that these "gifts," and I think perhaps this has been addressed already by the gentleman from California (Mr. MCCLOSKEY)—in the form of checks were written by Lee Rogers and were indeed marked "Loan." He has a habit, as he testified before our committee, of making various such loans to individuals with no written instruments of interest requirements, no demands for payment, or no suits against individuals whenever they did not fulfill payments on those loans.

For those two reasons I felt that the first six counts did not warrant the recommendation of censure.

The second point on which I disagreed with the final committee recommendation is the charge that Representative WILSON did convert campaign funds to his personal use. When we consider past precedent, Mr. Speaker, in the matter of Representative Charles Diggs, a much more serious matter, I feel, where the committee found that there was as of public taxpayers' moneys and a conversion indirectly; that is the end result being it was converted to personal use. In this matter we are not talking about public moneys from the American Treasurer or the taxpayers. We are talking about campaign funds from private sources, from private individuals that were donated to Representative CHARLES WILSON's campaign. Any misuse of the public trust certainly cannot be condoned by anybody. This is serious and should never be condoned.

But while serious, I do not feel this case, possible misuse of campaign funds, merits the same penalty as the misuse of tax dollars which occurred in the case of Representative Diggs.

For those two reasons, and a third reason, Mr. Speaker, which relates to the changing nature of our campaign laws, which was addressed by prior speakers, I did dissent from the committee recommendation of censure.

In conclusion, I want to commend the members of the Committee on Standards of Official Conduct and the staff. The charge has been leveled today that the committee acted in the nature of a kangaroo court. I cannot agree with that characterization. Having served on the committee for less than 2½ months, I have found among the staff and members a deliberative effort to find out the facts and an effort to accommodate Mr. WILSON in many cases when delays were requested. Delays were granted in order that he and his lawyers could gather the vital information that was necessary. Indeed, I, myself, voted against the first vote last week to put off consideration of this matter any further.

Mr. Speaker, as I stated I have been on the committee for a short time. I did not even know CHARLES WILSON when I first became a member of this committee. I do not know him personally and do not serve on any committee of Congress with Mr. WILSON. I have only been in this Congress for 4 years as compared to his 18. I do not feel that the final recommendation of the committee was warranted.

I have heard the rumors going around the Hill since the matter of CHARLES H. WILSON has come up that there are various forces "out to get" Representative WILSON. I have heard the rumors about his arrogant and abrasive nature with fellow colleagues in Congress. Mr. WILSON himself spoke on this attitude toward him in his comments. Personally I have found no evidence of the latter.

In regard to the rumor mills that there are forces "out to get" Representative WILSON, I have no facts one way or another to substantiate those rumors.

But there are, I suggest, forces that have been successful thus far in "getting" Representative WILSON. Part of those forces are his constituents. It is true those forces have won a battle, if, indeed, those forces exist and are "out to get" Representative WILSON. He has been defeated by his constituents in the California primary. A battle has been won, perhaps. A man is down. His financial obligations are great.

As my concluding comment, Mr Speaker, I would say: Where, where does basic human rights come into play? When can we quit kicking a man once he is down?

I urge a no vote on this censure recommendation.

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

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

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

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

I am not on the committee, and 2 weeks ago I was arguing for fairness and spoke for the motion to continue this to a date certain. But this thing of fairness cuts both ways.

I have the utmost respect for the chairman and the members of the com-

mittee. They worked hard and they put together the documents and testimony in a 382-page report.

Now, the facts are, that the Member who is accused chose not to testify when this factfinding procedure was taking place. He denied the committee the right to cross-examine him. He denied the committee the right to find any rebutting evidence.

We were told 2 weeks ago, it was argued that we need to stick to this record because it was not fair to go outside of the record, and yet here today the first thing that happened is the Member himself takes the well and testifies on what is all new; that is all outside of the record. The Congress and the committee are put at the disadvantage of not having the opportunity to cross-examine the Member or to rebut what is said on the floor.

What conversations did he have with Lee Rogers? What dealings did he have? What did you do with the money? Why did you make the loans? Why did you repay them? Did you not repay them? Questions like that that would be asked on cross-examination.

I think a lot of interesting speeches have been made here, but I think the committee has been, and the Congress has been put at a serious disadvantage by the Member's technique.

Mr. SPENCE. Mr. Speaker, as I said earlier, I am sure most of you realize, on both sides of this question, that this is not a pleasant task. My colleagues, you as a House gave us the responsibility of doing the preliminary work involved here and bringing back our recommendation.

I can assure my colleagues no one has come up yet with some question that we have not raised and thoroughly discussed and debated and disposed of. That includes all the questions by the lawyers in this body who have been practicing law for a long time.

We have taken some abuse here today as a committee, and I might say on your behalf because we agreed to undertake this job for you. That is part of it. We expect to be used and abused by those people who would take this way of aiding the defense. It is easy to abuse and criticize someone who has a difficult job of doing what your committee has had to do.

I would say to you, that among lawyers, and I plead guilty to being one, some say that if you have a poor defense you have to yell, scream, and beat on the podium or the desk and then, when all of that fails, shift the blame to someone else. I submit that your committee and this body and this institution is not on trial today. Someone else is. Maybe another time, another day, but not today.

Someone has raised the question as to whether or not the Members of this body did not have the same rights, duties and privileges as other people at large in this land. I submit that we have a greater standard that applies to us, each and every one of us. We have additional rules we must abide by, ethical rules.

□ 1510

More is expected of Members of Congress by the people that we represent. They sent us here to represent them, and when we do something that is wrong, we reflect adversely on this body and all those people we represent. Our job, yours and mine, is to uphold the integrity of this body. If we do not, it reflects unfavorably on each one of us and all those thousands of people we represent.

I ask you this question: What do you expect us to do when we run across evidence of wrongdoing? I do not care when it was. Do you expect us to do, as we have been accused of doing—cover it up? Do not say anything about it? Then the story surfaces in the news media: They knew about it but they did nothing about it. We will be accused of covering up, and you will be guilty of covering up. It is your decision. Go back home and answer these questions to your people.

Mr. BENNETT. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I will just touch on two points very briefly: First, to respond to the testimony of the gentleman from California (Mr. MCCLOSKEY) that was offered a little earlier this afternoon. What Mr. MCCLOSKEY pointed out was the source of the campaign funds in the campaign fund account of Mr. WILSON. But the point we are concerned with is the transfer from that campaign fund account to the office account then to pay for his personal expenses. For example, the first of the fundraisers occurred on February 26, 1971. On March 9, Mr. WILSON withdrew $10,283.35 for deposit in his office account, and on the day following drew the same amount of money, to the penny, and repaid a loan at the Imperial Bank. That loan was characterized on the loan approval and credit report as being for "personal expenses." Clearly, in the absence of even a single fragment of evidence that these funds were used for any other purpose, the committee is entitled to clearly and convincingly conclude that the funds were used precisely for the purpose stated on the approval of the credit report. I think the same rationale applies to the other counts dealing with the conversion of funds.

Let me finally just briefly mention the statements that have been made about this being a "mock trial," that we have "leveled all of the rules of constitutional procedure," and that we have abolished protection for Members of the House here. I think as a matter of policy we may want to change the way we have proceeded, and I have cosponsored H.R. 136 because I think as a matter of policy we ought to get Members of the House more involved in these ethics procedures rather than leaving it up to the committee to handle all aspects of these things. But I want to make it very clear to you that by cosponsoring that bill does not mean I have the slightest question about the constitutionality of the procedures of the Committee on Standards of Official Conduct.

There can be no question under the law that our proceedings are entirely constitutional. They are customary procedures that protect all sorts of professional organizations, medical societies, bar associations, and the rules which we follow offer every sort of protection for a Member, including adequate notice, the right to counsel, the right to challenge any member of the committee who he believes cannot make an impartial decision, the right of discovery, the right of cross-examination, the right to call witnesses and to offer evidence in his own defense. Mr. WILSON's attorneys were granted access to all of the committee's evidence in this case before the hearing commenced, and every motion filed, whether it was timely or not—and some were not timely—was heard by the committee. The committee granted his subpenas for all the witnesses that he requested. The committee granted every reasonable request of the respondent in this case.

These disciplinary procedures are not criminal cases. They are not the same. If they were, the ability of any institution to protect its own integrity would be in question. But the committee rules as applied in this case have been fair and certainly are in no way violative of due process.

The SPEAKER. The time of the gentleman has expired.

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

Mr. BENNETT. Mr. Speaker, I yield to the gentleman from Washington (Mr. FOLEY) for an amendment.

AMENDMENT OFFERED BY MR. FOLEY

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

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike out the second clause of House Resolution 660 and renumber the subsequent clause accordingly.

The SPEAKER. The Chair recognizes the gentleman from Washington (Mr. FOLEY) for 1 hour.

Mr. FOLEY. Mr. Speaker, in offering this amendment, which, in effect, strikes that portion of the resolution depriving the gentleman from California (Mr. CHARLES H. WILSON) of his subcommittee chairmanship and denying him any subcommittee or committee chairmanship in the 96th Congress, I wish to make a few things very clear: I am not in any way questioning the authority or the propriety of the Committee on Standards of Official Conduct in offering such a resolution; nor am I questioning the power of this House to act to deny any Member a subcommittee or committee chairmanship, or a ranking minority membership for that matter. This is not at issue in the matter before us today. What I am proposing with this amendment is a better policy—and I underline the word "policy"—for the House to follow, however it disposes of the matter of Mr. WILSON.

It has been a tradition of the House for nearly three-quarters of a century now to allow the party conference and caucus to make decisions affecting the appointment of their respective members to committees and the assignment of commit-

tee offices. It is important, in my judgment, to the proper execution of good legislation that the two-party system be respected in its privilege to make party choices regarding the essential committees on which Members serve.

If I may speak to my friends on the other side of the aisle—and it may well be at some time in the future that the Democratic Party is the minority—I would stress that it is particularly important for the privileges of the minority that the House respect your right to decide Republican committee assignments and leadership positions. It would be a dangerous precedent to encourage the House, however indirectly, to take a hand in deciding who the ranking minority member on a committee should be. That is a judgment that should be made only by the Republican Conference. For I would remind my friends that under the Rules of the House today only the minority leader or someone acting on authority of the Republican Conference can make any recommendation to the House at the beginning of a Congress with respect to minority assignments and ranking minority membership positions on the various House committees. It would require a two-thirds vote of the House to suspend the Rules to do otherwise. Moreover, a similar rule applies to Democratic assignments and positions to insure that both parties keep control of their own assignments. It is important, for the majority as well, protecting it against cross-party alliances that might interfere with its leadership decisions.

This protection of party control of committee assignments is not a question of petty prerogative but an important foundation of the two-party structure of the House that encourages careful and critical examination of public issues and legislative proposals. It supports open debate and honest resolution of matters before the House.

It is a privilege to be elected chairman or ranking minority member of a committee or subcommittee. Moreover, ultimately, it is the House which elects just as it is the House which has overall power to take that same privilege away. There is no suggestion to the contrary here.

Again, this amendment is not intended as a criticism of the Committee on Standards of Official Conduct. I have served on that committee and know the difficulty and few rewards that such service provides. Furthermore, I have nothing but respect for the Members, Democrat and Republican, who undertake this responsibility.

I urge you today to adopt this amendment which in no event can possibly change the outcome of this case because the Democratic Caucus on May 29 adopted rules which automatically remove any committee or committee chairman who is censured by a vote of the House or who is convicted of a felony. That is an automatic action subject only to the appeal of the Member involved. Within 15 days it becomes final. From then on, that person can neither exercise the powers of his former committee or subcommittee chairmanship nor assume the chairmanship of a new committee or subcommittee for the remainder of that Congress. Further, in the succeeding Congress, a person so censured or convicted may not assume any subcommittee or committee chairmanship without a special specific vote of the caucus permitting it.

Mr. FORD of Michigan. Mr. Speaker, will be gentleman yield?

Mr. FOLEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the distinguished gentleman for yielding.

On May 28, I was directed to, and did, hand deliver to the minority leader, the gentleman from Arizona (Mr. RHODES), to the Speaker, to the majority leader and to the majority whip, a letter which we had hoped would disentangle Mr. WILSON's matter from the overriding concern that was developing over the future procedures of the House with respect to committee assignments and committee chairmanships.

If the gentleman would yield further, I would be pleased to read that letter into the RECORD for the purpose, Mr. Speaker, of making it abundantly clear that the fate of CHARLES H. WILSON is in no way involved in the vote that is about to take place and is in no way a vote that can be construed as for or against the outcome of the case pending before us. The letter is addressed to the Speaker by the gentleman from California (Mr. CHARLES H. WILSON):

H. Res. 660, the Ethics Committee resolution, In the Matter of Charles H. Wilson, is scheduled to be considered by the House on Thursday, May 29. The resolution is so drawn, however, that it could very well detract from the principle purpose for which it was reported: to have the House hear and decide on the merits of this case as presented by myself and the Ethics Committee.

Subparagraph two (2) of this Resolution speaks of my removal from my subcommittee chairmanship position for the remainder of the 96th Congress upon the House agreeing to censure me for my alleged misconduct. This section will dilute the objective consideration of my position. This section adds another issue to the case, is redundant in intent, and obstructs a direct consideration of the facts involved.

The parameters in which the debate must be couched is of paramount importance in what is a very personal matter. To facilitate a "singleness of purpose" in the debate, I must take whatever action is necessary to ensure that the institutional decisions of the body are separated from the personal nature of the resolution.

My solution to this situation is simple. I will voluntarily step down from my subcommittee chairmanship immediately upon the the vote of the House to either censure or reprimand me for my conduct. This action will be irrevocable for the remainder of the 96th Congress.

My utmost concern is to clear the record of the charges leveled against me by the Committee. By voluntarily stepping aside from the chairmanship, I hope to ensure that the House considers only the merits of my case and not be burdened with any other important institutional decisions.

I would appreciate your consideration of this proposal. It is the only way that I can guarantee to myself that the House gives my case a fair and equitable review and vote.

I thank the gentleman for yielding.

Mr. FOLEY. I should like to assure the Members of the House that this amendment which I offer today is made as much as possible without reference to the present cause that is being considered by the House. It goes to the broader issue, and that is the issue of party comity; and that is an important issue not just for protection of the political parties of the House but for the protection of the legislative process.

It is important if we are to have effective debate and wise decisions on public policy that the individual parties are given and maintain the authority to make their own decisions with respect to important committee assignments and important prerogatives, including chairmanships and ranking minority memberships.

I might say that in adopting this amendment the House would lose nothing. If the gentleman from California (Mr. CHARLES H. WILSON) should be censured by the House, the operation of the Democratic Caucus would remove him immediately as the subcommittee chairman; and, in effect, the second part of this resolution is automatically involved. If any other action, such as a reprimand, is taken, the gentleman has already indicated his willingness to give up the subcommittee chairmanship.

It is for the House to decide on the recommendation of the committee, but this section is not a necessary part of that recommendation; and I think it would be wiser, as I have said, to expect the longstanding tradition of the House to apply by first allowing the parties to exercise their authority.

If there were a case arising in which, in the judgment of the House, a party were not acting properly with respect to a subcommittee or committee chairmanship or a ranking minority membership, the House would always retain the residual power to act, but this approach will discourage cautious interference. While I do not classify this as cautious interference, I nevertheless believe that we will discourage such intervention if we maintain, even in matters of such seriousness as the situation at hand, initial opportunity for the parties to enforce their own requirements and their own standards with respect to this vital area of decision.

I would hope that this amendment can be adopted without reference to the matter we try today and in recognition of a longstanding tradition, going back to 1911 and perhaps beyond, in which this House has respected the integrity of choice of the minority and majority parties over their respective offices and assignments.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Speaker, I thank the gentleman from Washington for yielding. I rise to speak in opposition to the gentleman's amendment.

The gentleman from Washington has made the point that the subcommittee chairmanship should be taken away not by the House but by the caucus. I believe

that is a mistaken view for several reasons.

I think the question that Members have to ask themselves today is, What institution is harmed by the misconduct of a Member?

I agree with the gentleman from Washington and the gentleman from Michigan that we are not here discussing the merits of the Wilson case, but if a Member has conducted himself in such a manner as to violate the rules of the House, then what institution is harmed? Is it the caucus or is it the House of Representatives?

□ 1530

My view is that the institution that is harmed by the misconduct of a Member is the House of Representatives, and not the caucus. Those Members who seek to protect the caucus by arguing that the caucus and not the House should remove the chairmanship are protecting the wrong institution. The full House should act to restore threats to its integrity, rather than to leave that to a subgroup like the caucus.

Now, I recognize that this is a House composed of Members who are politicians, and that the argument based on the prerogatives of a caucus has great appeal. But, it is the House that is harmed when misconduct occurs. I commend the gentleman from Washington for his leadership in the Democratic Caucus when that caucus acted a few days ago to pass a rule to remove any censured Member from a committee chairmanship, but that is not enough. The understandable concern of many Members to protect the prerogatives of the caucus to name committee chairmen should give way in these limited instances to the need to restore confidence in the ability of the House to recognize misconduct and to punish misconduct of one of its Members.

I would venture the view that the acceptance by a subcommittee chairman of money, for example, from someone with a direct interest in legislation before the Congress does not raise doubts in the minds of most people about the integrity of the caucus. It raises their doubts about the integrity of the House of Representatives.

The gentleman from Washington claims that there is no reason for the House to strip Mr. WILSON of his committee chairmanship because, if he is censured, he will voluntarily resign, or that the caucus will strip him of the chairmanship automatically. But, I disagree with that observation.

Even though either of those alternatives would have the same effect so far as the makeup of the subcommittee is concerned, they will have quite different effects on the public perception of the ability of this House to act when wrong is done. The resolution before us today asks the House to take away the subcommittee chairmanship of a Member who accepted sums of money from someone with a direct interest in legislation before the Congress. If the House defeats this resolution, the American people will wonder why the full House thought that such a serious act did not warrant our taking away of the chairmanship. The gentleman from Washington correctly says that the Constitution vests the House—not some other body—with the power to punish its Members, and that is what this House ought to do if it finds the facts to be true as alleged.

The notion that the House of Representatives must depend upon some other subgroup, caucus or anything else, to restore its own integrity is demeaning to the House of Representatives. I urge the defeat of the amendment.

Mr. FOLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I have heard the argument of the gentleman from Indiana, and if this were a case in which the decision ultimately would result in the removal of a certain authority granted by the House which would not already be removed under party caucus rules, I would be somewhat persuaded by his argument. I am not sure that the House should in every case leave to the party the question of such removal of such a prerogative. But that is not the issue here.

The gentleman in the well has pointed out effectively that we have 75 years of precedent of not taking the kind of action that we would take here unless his amendment passes. Because it is not necessary to take that action at this time, and it is not necessary to anticipate the difficult question of what the House should do if a party caucus acts contrary to what appears a necessary House discipline of an errant Member or necessary to protect the integrity of its processes, I think we should do as courts do. I think we should avoid that which is not an essential element of the case before us here, and expunge from this resolution the matter that raises another and a very different point. The gentleman in the well, I think, is correct, that the question should be very, very seriously considered before the authority to act, at least initially, on positions controlled normally by the parties, be preempted by the House itself. At the same time, I can recognize the argument of the gentleman from Indiana that there may be cases in which this body should exercise the authority, whether or not the party wishes to do so.

I therefore urge that this body vote in favor of the amendment of the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I rise in support of the Foley amendment. I think it is self-evident that that is what we ought to do. However, I think that, to paraphrase an old English saying, "There is nothing more ridiculous than to see a congressman in a fit of morality."

This is what we are going to keep on getting into as long as we allow ourselves to have succumbed to what the gentleman who just preceded Mr. ECKHARDT, Mr. HAMILTON, obviously has given as the touchstone, because for all of our flailing and flaunting—as several of the other speakers have said—that is, "the public perception" of what we should do or should not do about cases involving the ethics.

We talk about precedents. Well, for 180 years or so, the House never bothered to construct such a committee as the Ethics Committee. Incidentally, I did not vote for it. I did not vote for the last resolution this House passed with only one dissenting vote—that was mine—because we set up a creature here, for example in the last resolution, in which this committee has the exclusive right to differentiate between the membership. We voted that this committee get certain material coming from such sources as the FBI, can exclude such information from its own membership or from any other Member of the House.

On what basis? On whose judgment? We do not say. We also gave this committee carte blanche authority to intervene in every judicial case it saw fit to intervene in. Yet, in that last resolution there was not a whimper or question, so that when it comes in now with a rather difficult joint recommendation or mandate, including what I think the gentleman from Washington has properly labeled as an unwarranted transgression into the privileges of the House, why should we be surprised?

We will not end this until we abolish this committee and put it under the jurisdiction of the Judiciary Committee of the House, where it properly belongs.

Mr. FOLEY. Mr. Speaker, in yielding to Members I will yield for debate only. I yield such time as he may consume to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding. I rise only for the purpose of debate. But, I would like to speak in opposition to the amendment because I perceive this, Mr. Speaker, as making this a partisan matter.

Now, the House has the right and the duty, in my opinion, to take whatever action it deems necessary; and if there is a finding of fault or guilt here, then it is the duty of the House to impose the punishment. It is not the duty of the Democratic Party then to go forward and impose punishment because of the finding of the House. By doing this, we make it simply and purely a partisan or Democrat versus Republican matter, and that is wrong.

□ 1540

What we are doing here is making a determination of guilt or innocence, and then the committee has told the House:

> Based on your judgment, then we would recommend that this be the punishment.

To take it one step further, this House cannot force the Republican conference to pass a similar resolution—we no doubt would do so if faced with it—nor can the Republicans force on the majority party at this time the necessity to deny a chairmanship to any Member of its party. Therefore, it does not necessarily follow that a Republican in the same position would be denied. We do not have such a rule.

It should not be left to each party, then, to decide what to do to punish a

Member for violating the rules of the House.

I recall very clearly, going back to the matter of John Bell Williams, that he violated the rules of his party. He voted for BARRY GOLDWATER, and he violated party discipline and party rules, so they stripped him of his chairmanship and they stripped him of his seniority because it was a party matter; it was not a House matter.

There is a very clear distinction between the two matters, and I think we would be making a grave mistake in setting a precedent here and saying that "If you violate the rules of the House, then we will leave it up to your party to inflict the punishment."

Mr. Speaker, I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, before I yield further, I would like to respond to my friend, the gentleman from Alabama (Mr. DICKINSON), and to my distinguished friend, the gentleman from Indiana (Mr. HAMILTON).

I am sorry that I am such a poor advocate of my own amendment that I should be so fundamentally misunderstood as to suggest that this is a party matter. On the contrary, it is not and should not be a party matter. It is a matter for the House, and I was pleading not for one party or another but for the House in suggesting that this amendment should be adopted.

Indeed I would say to the gentleman from Alabama that if I were to plead for a party, it would be for his party because it is the minority party. His party suffers if it encourages a violation of tradition, in this case the tradition that we allow committee assignments and the awarding of committee responsibility to be handled, at first instance at least, within the party conference and within the party caucus. In doing so, we respect not merely a tradition but something which goes well beyond both tradition and the parties. It is an integral part of the power of the two-party system itself, which is the foundation of the House.

If I can say this to my friend, the gentleman from Indiana (Mr. HAMILTON), I agree with him that if a Member has discredited his office and his responsibility as a subcommittee chairman, committee chairman, or ranking minority member in such a gross way as to be guilty of the offenses that the gentleman mentioned—and I say this without particular reference to this case—then, of course, it is the House that is primarily affected, it is the House that is offended, and it is the House that has the right to redress. It is the House that has the power.

The House does not depend upon the party caucuses. If it allows in the first instance those party instrumentalities to take action, the House loses nothing, it depends upon nothing, it surrenders nothing, it concedes nothing, and it destroys nothing of its prerogatives or power. They can always be exercised, and in appropriate cases they would undoubtedly be exercised if the appropriate party conference or caucus failed to act.

We do no violence to the rights of the House to allow those party traditions to be first exercised before we move to the forum of the full House.

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

Mr. FOLEY. I yield, of course, to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. FOLEY) for yielding.

I agree thoroughly with everything that the gentleman has said since I came onto the floor. It is my understanding that the reason he has offered this motion to strike is for the purpose of preserving to the Democratic Caucus directly, and indirectly to the Republican Conference, the authority to make decisions concerning seniority and concerning positions on committees.

Actually, I think we should all bear in mind that not too many years ago the seniority system was inexorable, and that if a Member was a member of a committee and he had been here longer than anybody else, he was absolutely and perforce chairman of that committee. Some years ago both the Democratic Caucus and, prior to that—I might say, by 4 years—the Republican Conference decided that the conference and the caucus would elect the chairman or ranking minority member as the case might be, and this has been the tradition, that the parties themselves are the sole arbiters of the positions of their own Members on committees and on subcommittees.

I certainly understand why the gentleman has made his motion. It had been my hope that after the Democratic Caucus had moved to amend its rules, a new resolution concerning the gentleman from California might have been brought to the floor, one which did not have this provision in it, so that the striking of the provision would not have been necessary. That was not done.

Nevertheless, I do support the gentleman from Washington (Mr. FOLEY). I think this is an important matter, and, as the gentleman has said, it is more important for the minority that this be done than it is for the majority, because certainly the majority has the authority, if it ever decided to do it, to actually remove Members of the minority from a committee or to change the whole structure of a committee.

Mr. Speaker, I cannot believe that the Members sitting here in this Chamber at this time would do that, but unfortunately, all of the Members now sitting will not always be here. I think it would be a terrible mistake if we were to break the precedent that has, I think, been wisely established that this is a party matter. I hope that the amendment offered by the gentleman from Washington (Mr. FOLEY) will be agreed to.

Mr. FOLEY. Mr. Speaker, I am most appreciative of the remarks of the distinguished minority leader.

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

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

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

I want to compliment the gentleman from Indiana (Mr. HAMILTON) for what I think was a very fine and lucid statement a moment ago as to the reasons for the rejection of this amendment. Let me make a number of points, if I may.

It is an institutional concern of the House of Representatives when the rules of the House are found to have been violated. A reference was made to 75 years of precedents. I would point out that it has only been in the past 4 years that the Ethics Committee, a bipartisan committee of this House, has taken seriously the task of examining violations of House rules by individual Members of the body.

I, by the way, applaud the fact that the committee has taken its task seriously enough to pursue serious allegations of wrongdoing or evidence of wrongdoing where those matters have arisen, and without hiding behind the technical requirements which the ethics committees of earlier years hid behind, namely, the requirement that a signed statement be made out by a Member of Congress against another Member.

It was several years actually that the Democratic Caucus took to act on establishing a proper and regularized procedure for chairmen to step down in the case of indictment or conviction or censure. The matter was placed before the Caucus at least 2 years ago by myself and some other Members, and for a while prior to that, when I raised the issue, I was told by some that it was not necessary to deal with it because there was not any particular problem. Then, of course, when individual cases did come up, I was told that it would be unseemly to proceed to establish a rule which might be or might give the appearance of being directed at the case of a specific Member.

So it was not easy to get that rule passed by the Democratic Caucus, and it was only a few days ago that the caucus in fact adopted the rule; and I am very glad that the caucus did that. But I would point out that the possibility always exists that the caucus could change that decision sometime in the future. I think that is unlikely, but the possibility does exist.

□ 1550

Clearly, both parties are going to continue through their caucuses to exercise the preference that they rightly have for the selection of chairmen and ranking members and for the assignments of Members to committees. I am sure and I am confident that most Members are confident that that process will be protected. But for both parties to protect their prerogatives in choosing Members to sit and chairmen and ranking members to serve, clearly there is a distinction between that and a case where a violation has been found to have occurred of the House rules, in which case I agree with the gentleman from Indiana that it is the House which should act in that case. The question, though, arises as to ranking minority members. And I have discussed this matter with the gentleman from Wisconsin. If the gentleman from Washington would yield to him for a question at this point, I would like to ask him whether in his

judgment the kind of action that is being asked to take by the resolution from the Ethics Committee which is before it with respect to a committee chairman would also be an appropriate action, in the gentleman's judgment, with respect to ranking minority members if that should ever arise.

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

Mr. SENSENBRENNER. I did not intend to speak on this particular question, since the gentleman from Indiana (Mr. HAMILTON) more eloquently stated my position that I could do so myself. I concur with the gentleman from New Jersey and the gentleman from Indiana that a question of ethical violations is one which should transcend the party caucus system.

So the answer to the question of the gentleman from New Jersey is clearly yes, that if the respondent in this matter were the ranking minority member of a subcommittee or full committee of this House, I believe the resolution of censure should include stripping that member of the ranking minority member's position.

Mr. MAGUIRE. I thank the gentleman.

Mr. Speaker, I do agree with the gentleman from Wisconsin and the gentleman from Indiana that this is a matter for the House to decide. I am glad that the gentlemen and I would hope that all Members from the other side would also agree that ranking minority members should be covered by exactly the same type of rules.

Mr. FOLEY. Mr. Speaker, I do not think there is any question that the Committee on Standards of Official Conduct which is the only committee whose membership is equally divided between the two parties, would act impartially with respect to a minority member or a majority member. I accept the view that the House is the institution primarily concerned with the ethical conduct of its Members. I accept the view that it is the integrity of the House which must be protected together with the rights of individual Members. However, under this amendment, nothing is taken away from the power of the House to make judgments on the ethical conduct of Members. Nothing is taken away from its ultimate power to decide subcommittee or committee chairmanships. Nothing is taken away from its right to determine the question of ranking minority memberships. It is a simple question of allowing a first effort or a first responsibility to be exercised by the party caucus or conference before the House steps in.

It might be useful for the Members of the House to at least have the first paragraph, the operative paragraph, of the new Democratic Caucus rules read, so that they might understand the reach of the provision. It is entitled "Automatic Replacement of Chairmen who are Censured or Convicted."

(a) The chairman of a standing select, special or joint committee of the Congress or subcommittee thereof who is censured by a vote of the House, or who was convicted of a felony for which a sentence of two or more years imprisonment may be imposed, shall cease to exercise the powers of chairmen, shall be replaced in such position in accordance with Caucus rules, and shall not serve as the chairman of any committee or subcommittee for the remainder of that Congress.

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

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

Mr. MAGUIRE. I would like to make just one point, if I might. That applies to Democrats and chairmen, but I am not aware that there are any rules on the Republican side at this point which would deal with ranking minority Members.

Mr. FOLEY. I think the gentleman is correct, but if I may point out to him, some of the reforms of the party on the Democratic side followed decisions that were taken by the Republican Conference, as the minority leader pointed out. The Republican conference was the first to determine that Members be elected to the ranking minority position before our party took such action. So I have absolute confidence that in a situation involving a minority Member, the party conference on the Republican side would take its responsibility seriously, and I believe the gentleman from New Jersey shares that belief.

Mr. FITHIAN. Mr. Speaker, will the gentleman yield for a question?

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

Mr. FITHIAN. I thank the distinguished chairman of the caucus for yielding.

I am curious. If the gentleman's amendment passes, does this not in effect further limit the powers of meting out punishment of the Ethics Committee?

Mr. FOLEY. No indeed. I do not think that is correct.

Mr. FITHIAN. Does it not set a precedent?

Mr. FOLEY. Having served as a member of the Committee on Standards of Official Conduct, I have nothing but the greatest respect for the Members who undertake the responsibility of being on that committee. However, it is for the House to decide whether to accept, or to modify, or to reject the recommendations of the committee. I have said that I do not criticize, and this amendment does not criticize, either the power or the propriety of the resolution that has been brought before us today. I offer no criticism, explicit or implicit. I only suggest that it might be the better part of wisdom to respect a tradition which I think is important for the proper functioning of the whole House. That is all. The House, obviously, can make its own judgment.

Mr. FITHIAN. If the gentleman will yield further, it really does have the impact of setting the precedent for all time down ahead to deny the Committee on Standards of Official Conduct the right to mete out a removal of a chairmanship.

Mr. FOLEY. I am sorry to quarrel with the gentleman, but as the gentleman may know, it is not the Committee on Standards of Official Conduct that metes out punishment. It is the Committee on Standards of Official Conduct that recommends to the House such action, and nothing in this amendment in any way limits the power or reach of the Committee on Standards of Official Conduct to make whatever recommendations it deems appropriate to the House in any case. It is for the House to make the decision and not the committee. I have served on the committee, and I know that is the position of the committee and its distinguished chairman.

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

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

Mr. VOLKMER. Mr. Speaker, I support the gentleman's amendment. I would like to point out that I had some of the reservations that the gentleman from Indiana had. But what concerns me more is that if the amendment is not adopted and the resolution is passed upon as proposed by the Ethics Committee, this, I suppose, would mean that the Ethics Committee could therefore recommend henceforth, what would be traditionally henceforth, punishment not only on chairmanships, subcommittee or full committee chairmanships, but on membership on committees and things to that extent also. This bothers me, because that, too, is within the realm. And then it goes further. Would that same Ethics Committee, then, in the future also recommend that certain Members not be even elected to chairmanships of subcommittees or full committees? And I agree with the gentleman that this is a matter that traditionally should be left where it is.

Mr. FOLEY. I thank the gentleman.

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

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

Mr. FOWLER. I thank the gentleman from Washington, the distinguished chairman of the caucus, for yielding.

I do not think there is any question from this debate that the gentleman would agree that we are all trying to reach the same goals and to preserve traditions and preserve prerogatives of the caucus system of both parties in the House. But I ask the gentleman, and in asking him I show my prejudice about his amendment, as to why risk partisanship on the Committee of Ethics and Standards, however it is constituted? All of us appreciate the words that the gentleman has said on behalf of members of the committee on both sides of the aisle that we have thus far acted in a nonpartisan manner, but I am sure I speak for my colleagues in saying that we all hope that this cup will pass from us some day and that it will be someone else's turn to serve on this committee. It seems to me that the practical effect of the amendment, if adopted—and I say this with great respect for the gentleman from Washington—would be to risk partisanship in the deliberations of the one committee of equal representation that is charged with recommended punishment on disciplinary matters to the House.

Mr. FOLEY. I say to my friend, the gentleman from Georgia, that I am sorry I cannot agree with him; and I speak

with some experience that, however painful, most of the Members do not have. I was his predecessor on the Committee on Standards of Official Conduct.

□ 1600

I know the difficult responsibility. I know the circumstance of the committee.

It was my experience in all the time that I served that partisanship did not intrude, in the discussions of the committee.

I do not believe, however, that in giving some prior recognition to the Republican Conference and Democratic Caucus in carrying out their responsibilities over committee assignments and offices any element of partisanship would intrude in the deliberations of the committee.

While we have both had experience, I think the gentleman would agree that most Members cannot quite appreciate what service on the committee entails. I respect the gentleman's opinion as a member of the committee; but, as a former member myself, I respectfully disagree with him.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the position taken by the gentleman from Indiana and the remarks made by the gentleman from Georgia. I do believe that the perception will be that the House is detaching itself from the authority to exercise the power that I think should be here and should not in an instance of disciplinary proceedings be reserved to one party or the other.

Mr. FOLEY. Well, again, I think the gentleman certainly is entitled to his judgment about what the perception will be; but the record should be clear that the authority of the House is paramount. The House gives up nothing, concedes nothing, and divests itself of nothing by accepting this amendment.

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

Mr. FOLEY. I yield to the distinguished minority leader, the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I just wanted to reemphasize what the gentleman from Washington just said. The House retains the authority to act in this matter in any way it sees fit. The fact that we now recognize, and I hope we will recognize, the fact that the Democratic Caucus has already acted and as the gentleman from Washington says, if a minority Member were involved, the Republican conference undoubtedly would act, does not foreclose the House from at some later date taking the matter away from the conference and the caucus.

I am in hopes it will not do that today.

Mr. FOLEY. Mr. Speaker, the gentleman is absolutely correct.

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

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

Mr. Speaker, the discussion by the gentleman from Indiana (Mr. FITHIAN) compels me to speak on this point and that is as a single member of the Ethics Committee. We spent a great length of time when we first met at the beginning of the 96th Congress discussing what various sanctions there were and what they meant. In examining a reprimand, a censure, and an expulsion, we discussed what other choices may have been made available to us; for example, a fine, which was levied against the gentleman from Michigan (Mr. Diggs).

In all candor, if the Democratic Caucus had acted in changing its rules prior to the decision of the committee, I think we would find that section 2 of this resolution would not be in the resolution.

So the question of various sanctions available to the committee would have been a function of the Democratic rules change anyway and would not have been before us, in my opinion.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for his comment. I think that if the gentleman is correct, that the committee would not have voted such a sanction had the caucus rule been in place, and he speaks with authority because he is a member of the committee, I see nothing to argue that this amendment should not be agreed to after the caucus rules have been put in place.

I might state for the record that before the recent change, it was a rule of the Democratic Caucus that a Member who was censured or convicted had to be brought before the caucus at its next regular meeting; and, at that time, a vote had to be taken. The difference between the old rule and the new rule is that removal is now instantaneous with a censure or conviction.

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

Mr. FOLEY. I yield to the gentleman from Louisiana.

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

When the gentleman first started speaking about his amendment, I have to say that I agreed with him; however, upon listening to the gentleman from Indiana (Mr. HAMILTON), I am reminded of a number of conversations that we on the committee had about the possible penalties, as the gentleman from California pointed out.

I was also reminded that, in fact, we are dealing with an infraction against the House and not an infraction against the party. That is the sole essence of this amendment.

Mr. FOLEY. Mr. Speaker, I can say to the gentleman, that I know of no situation that involves a censurable action which would not, primarily be an offense against the House. I think that is an argument, which if I may say so, misses the mark.

We would not, through the adoption of this amendment, be suggesting in any way that the primary offense of misconduct is given to the Democratic Caucus or to the Republican conference to decide. Of course, it has been given to the House to determine if a Member should be found guilty of misconduct.

All the House would be doing by this amendment is utilizing the instrumentality of the party caucus or conference to express its sanction. That is an argument I agree with. I fully accept the fact that any offense of a censurable kind is first and foremost an offense against the House. The question, then, is, How will the House deal with it? Will it sanction it directly or allow the parties to do their work and accept their responsibility while preserving its ultimate power?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield further, I suggest to the gentleman in answer to his question then that it is inappropriate for the House to delegate its duties to take action; that it is incumbent upon the House to take action to remedy that infraction of the rules.

Mr. FOLEY. Mr. Speaker, I say to the gentleman that nothing could possibly happen here to make this section operative in one sense, because the existing rules of the Democratic Caucus instantaneously remove a subcommittee chairman or a chairman who is censured.

One would have to argue some metaphysical question of which happens first, the House action or the automatic operation of the caucus rules.

The question is how to avoid doing unnecessary violence, unnecessary weakening of another important aspect of House privilege and House tradition, which is to respect the party comity in the appointment of committees and committee offices. That tradition is not principally for the benefit of the parties. It is first for the benefit of the legislative process; second, more than anything, it is for the protection of the minority, and third, it is for the protection of both parties.

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

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

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

Mr. Speaker, I hesitate to become involved in the debate, because I am not a member of the committee; but I would like to make three brief points.

One is that I have the greatest respect for the gentleman, one of the most influential and decent people in the House; but I would have to differ with the gentleman on this issue.

I think the gentleman from Indiana, my friend from across the State line (Mr. HAMILTON) has put his finger on the point. I think it is a matter of the House being at issue.

I would like to bring up one other point and that is that I am really surprised that the minority leader of the House, my friend, the gentleman from Arizona (Mr. RHODES) would support the amendment of the gentleman, because if I understand correctly, minority ranking members would not be affected whatsoever, so that if the gentleman who is before this House for judgment were a ranking member of the party of

the particular committee, as I understand correctly, the Republican conference has no rule, which means this individual would continue to operate as the ranking member of the committee.

Mr. FOLEY. Mr. Speaker, if I can interrupt the gentleman, that is only if you assume that the Republican conference would not take action in an appropriate case. I do not make that assumption. I make the contrary assumption and so has the distinguished minority leader.

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

Mr. FOLEY. Yes.

Mr. RHODES. Mr. Speaker, the gentleman from Kentucky (Mr. MAZZOLI), of course, is well aware of the fact that the Democratic Caucus did not have a rule like this, either, until after this resolution came out.

What makes the gentleman think that the Republican conference would not do exactly what the Democratic Caucus did if a Republican were involved?

Certainly I cannot promise for the other Members of the conference, but I certainly have no doubt that the Republican conference would take the matter up and would act as responsibly as I think the Democratic Caucus did.

Mr. FOLEY. Mr. Speaker, will the gentleman from Kentucky forgive me, but our time has eroded to the point where my commitment to the distinguished chairman of the committee is past due.

Mr. MAZZOLI. Mr. Speaker, could I ask the gentleman to yield for 30 seconds, would the gentleman just indulge me for 30 seconds?

Mr. FOLEY. Yes.

Mr. MAZZOLI. Mr. Speaker, will the gentleman then clear me up and I will leave the microphone, how the House if it were to adopt the amendment of the gentleman is not receding from its power and donating perhaps some of its powers?

Mr. FOLEY. Well, all the House would be doing is recognizing that in appropriate cases the party caucuses would be allowed to act on such a matter. The Democrats already have a set provision that automatically takes effect upon censure. The Republican conference I am absolutely satisfied would develop such if the occasion ever arose; so I am not troubled that the House in allowing the parties to act would retain all of its constitutional power. Nothing in this amendment detracts or could detract from the ultimate power of the House over its structure or the discipline of its Members.

The House would merely be using the caucus or conference as an instrumentality, rather than acting directly. I think that would be wise. The adoption of this amendment would in no sense be in derogation of the powers or the privileges of the committee on Standards of Official Conduct or the power of the Members to make any decision in an appropriate case they wish.

At this time, Mr. Speaker, I yield such time as he may consume, less 1 minute, to the distinguished chairman of the committee, the gentleman from Florida (Mr. BENNETT).

□ 1610

Mr. BENNETT. I thank my colleague for yielding.

My colleagues may wonder why the committee brought the motion like it did, and the reason was in the debate we felt that this was a valid penalty.

Previously this year there has been a censure of Mr. Diggs for taking money through the process of padding payrolls. In this case a more serious offense was involved. Rule XLIII, clause 4, says:

> A gift of substantial value from any person having a direct interest.

That was clearly proved, and the feeling of the committee was that something more onerous, more blameworthy than was the case of Mr. Diggs, who was censured. It was felt that it was sufficiently severe to warrant taking away the committee chairmanship from Mr. WILSON if it proved to be so.

Now, it is the law and I give the definition of the cases of court:

> Whether a transfer of money creates a bona fide debt depends on the existence of an intent by both parties substantially contemporaneous at the time of such transfer.

The proof in this case was that a multimillionaire was on the staff of Representative WILSON and he did not get off that staff until 1976, December of 1976. He went on that staff in 1971, and that is the evidence at page 191, and that also is the reason why this committee has a reason to bring this case before us in a timely fashion, because it is a clear-cut decision of law that when a thing has been continuous over a period of time that it can go backward in time if there has been some refreshening of it. It was fresh down to December of 1976.

That is one reason.

The other reason is because this procedure is analogous to the bar association in which statutes of limitation and laches do not apply. If Congress wants to apply one, it can.

That is the reason why we tied these things together, because we thought it was a serious charge.

What is the reason the chairman of the committee voluntarily agreed to allow this thing to come up, because we did not have to at all? The reason is because those in a partisan leadership position in Congress have a very definite feeling that this is a usurpation of their power. It is not the opinion of the Committee on Standards of Official Conduct that that is so, because actually all this does is remove one man from the qualification of sitting in one spot. That is all it does. There are hundreds of other men who could be given this post by party action; and the committee could not in any way affect them at all.

Furthermore, of course, in the final result it is a decision by the House. Furthermore, the rules of the caucus in no way affect the jurisdiction of the committee. That would have to be done by a rule of the House. If the House wants to say that the Committee on Standards of Official Conduct cannot act in this area, it should simply say so by a rule of the House or by statute. But just doing it by saying that the caucus can also do it does not accomplish anything.

So it seems to us that the penalties in this matter should be more severe than those of people who have been previously tried for lesser offenses, and we thought it was clearly proved. Therefore, we asked for this more severe penalty. We feel it is an appropriate thing to do.

Before yielding back to the gentleman from Washington (Mr. FOLEY) I want to conclude by saying I appreciate the dignity of the way this matter has been handled. We have all tried to be fair, and I hope whatever we do, we will go away from here with the feeling that we did what was just and right and our duty.

Mr. FOLEY. Mr. Speaker, I will conclude by saying again that this is in no way intended as a reflection or criticism of the recommendation that has been brought forth by the Committee on Standards of Official Conduct. It is merely meant to suggest that since the rules already in place in the Democratic Caucus would take away any subcommittee or committee chairmanship from any Member censured or convicted by the House, this particular title is unnecessary. In taking this action of leaving the title in the resolution, we tend to do violence to a very old tradition of the House which protects, first of all, the process of the House by which its two parties function effectively; second, and most important, the prerogatives of the minority, which is particularly vulnerable to invasion by majority judgment; and finally, the powers of the majority as well. It is a process that has served the House well throughout the time in which it has been in effect, and this tradition has been strong for almost three-quarters of a century.

I offer this amendment with the greatest respect for the Committee on Standards of Official Conduct. It is not for the Democratic Party or the Republican Party nor is it for or against Mr. WILSON. Instead it is on behalf of a process by which all Members of the House irrespective of party benefit that I ask that this section be stricken from the resolution.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

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

Mr. SENSENBRENNER. 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 261, nays 148, answered "present" 2, not voting 22, as follows:

[Roll No. 306]

YEAS—261

Addabbo
Akaka
Albosta
Alexander
Ambro
Annunzio
Applegate
Ashbrook
Ashley
Aspin
AuCoin
Badham
Bailey
Baldus
Barnes
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bowen
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Burgener
Burlison
Burton, Phillip
Campbell
Carr
Carter
Chappell
Chisholm
Clausen
Clay
Clinger
Coelho
Colefnan
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
de la Garza
Dellums
Derrick
Derwinski
Devine
Dicks
Dingell
Dixon
Donnelly
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Calif.
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fish
Foley
Ford, Mich.
Ford, Tenn.
Frost
Garcia
Gaydos
Gephardt
Giaimo
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Grisham
Guarini
Hall, Ohio
Hall, Tex.
Hammer-schmidt
Hance
Hanley
Hansen
Harkin
Harsha
Hawkins
Heckler
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Ichord
Jacobs
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kindness
Kogovsek
LaFalce
Lagomarsino
Leach, La.
Leath, Tex.
Lederer
Leland
Levitas
Lewis
Lloyd
Long, La.
Lowry
Luken
McClory
McDade
McEwen
McHugh
McKay
Madigan
Markey
Matsui
Mattox
Mavroules
Mikulski
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Myers, Pa.
Natcher
Nowak
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Porter
Price
Quillen
Rahall
Rangel
Rhodes
Richmond
Roberts
Rodino
Roe
Rose
Rosenthal
Rousselot
Roybal
Russo
Sabo
Santini
Satterfield
Schroeder
Sebelius
Seiberling
Shannon
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Swift
Synar
Tauzin
Taylor
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
White
Whitehurst
Whitley
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wright
Wyatt
Wylie
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—148

Abdnor
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Archer
Atkinson
Bafalis
Barnard
Bauman
Bedell
Bennett
Bethune
Bouquard
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burton, John
Butler
Byron
Carney
Cheney
Cleveland
Corcoran
Coughlin
D'Amours
Dannemeyer
Daschle
Davis, Mich.
Deckard
Dickinson
Dodd
Dougherty
Downey
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Evans, Ind.
Fenwick
Findley
Fisher
Fithian
Flippo
Florio
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gibbons
Gilman
Gingrich
Ginn
Gramm
Green
Gudger
Guyer
Hagedorn
Hamilton
Harris
Hightower
Hollenbeck
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson, Colo.
Kildee
Kostmayer
Kramer
Latta
Leach, Iowa
Lee
Lehman
Lent
Livingston
Loeffler
Lott
Lujan
Lundine
Lungren
McCloskey
McCormack
McDonald
Maguire
Marks
Marlenee
Marriott
Martin
Mazzoli
Mica
Miller, Calif.
Miller, Ohio
Mitchell, N.Y.
Moore
Mottl
Neal
Nelson
Nichols
O'Brien
Oakar
Paul
Pepper
Petri
Preyer
Pursell
Quayle
Ratchford
Regula
Rinaldo
Ritter
Robinson
Roth
Royer
Rudd
Sawyer
Schulze
Sensenbrenner
Sharp
Shelby
Simon
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stockman
Studds
Stump
Symms
Tauke
Thomas
Trible
Walker
Weiss
Whittaker
Winn
Wolpe
Wydler
Yates
Young, Fla.

ANSWERED "PRESENT"—2

Long, Md.
Wilson, C. H.

NOT VOTING—22

Anderson, Ill.
Cavanaugh
Collins, Ill.
Davis, S.C.
Hefner
Heftel
Holtzman
Jenrette
McKinney
Mathis
Michel
Moffett
Nedzi
Nolan
Pritchard
Railsback
Reuss
Rostenkowski
Runnels
Scheuer
Thompson
Whitten

□ 1630

Messrs. MICA, YATES, NEAL, TAUKE, and KOSTMAYER changed their votes from "yea" to "nay."

Mr. HINSON and Mr. SKELTON changed their votes from "nay" to "yea".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. LIVINGSTON. Mr. Speaker, the charges against Mr. WILSON are contained in the original committee report, in the RECORD of May 29, 1980, and in the amended report.

There is no need to dwell on the facts. The record is complete.

Mr. WILSON is charged first with violating House rule 43, clause 4, in three counts, to wit: receiving gifts of substantial value from a person with direct interest in legislation.

The committee found sufficient evidence to prove clearly and convincingly that Mr. WILSON received three checks totaling $10,500 from Lee Rogers, and that Lee Rogers, whose principal business was a mail order operation, had a direct interest in postal legislation, over which Mr. WILSON, as a member of the Postal Subcommittee, had direct jurisdiction.

The question is whether the checks constituted "loans" or "gifts." The definitions of both were inserted by me into the RECORD of May 29, 1980.

The committee found that, although two checks were marked "loans," and Lee Rogers called them "loans," there was—

No written agreement;
No maturity date;
No interest:
No repayment schedule;
No attempt to repay; and
No demand to repay.

In fact, it was deemed totally unreasonable to believe them to be anything other than "gifts."

Hence, the committee found Mr. WILSON guilty of counts 1, 2, and 3. In counts 7, 8, 9, 10, and 11, Mr. WILSON was charged with five instances of syphoning off campaign funds for his personal use, in violation of House rule 43, clause 6. In fact, the committee found Mr. WILSON violated rule 43, clause 6 by convert-$25,383.35 of campaign funds to his personal use.

The checks show the transactions. The only question is this: Were they reimbursements for prior loans to his campaign?

Mr. WILSON did not testify, but he leaves the House with the clear implication that he is claiming they were reimbursement for prior loans.

Lacking any evidence to prove such is true, the committee found evidence to show clearly and convincingly that money was taken by Mr. WILSON strictly for his personal use, and that these funds were not campaign debts to him. There is no evidence at all to show they were campaign obligations to Mr. WILSON.

Moreover, documents introduced by Representative BILL THOMAS, show categorically, by Mr. WILSON's own hand, that in the only campaign preceding these transactions, the candidate, Mr. WILSON, contributed no money to the campaign. He loaned no money to the campaign, and the campaign was completed in the black, without debt. So there was no need for Mr. WILSON to loan the campaign money.

Now we hear that Mr. WILSON raised $15,727 in a fundraiser in February 1971 and $13,880 in November 1971.

Mr. WILSON would now have us believe that this money was raised to reimburse himself for out-of-pocket campaign costs or office expenses not reflected on his campaign documents—$25,383.35 to be exact.

This argument simply does not hold water, and is beyond belief for an average reasonable man. There are simply no documents which verify such out-of-pocket expenditures.

The checks supporting counts 7 through 11 make it abundantly clear that Mr. WILSON had personal obligations which had nothing to do with his campaign, and that he took the money from his campaign to pay them off.

Thus, there is ample justification to

support the committee's finding that Mr. WILSON is guilty of counts 7, 8, 9, 10, and 11.

He took the money;

He converted it to his own use; and

It was not for loans by him to a previous campaign.

I urge the committee to find Mr. WILSON guilty as charged and to censure him for his conduct.●

● Mr. HOLLENBECK. Mr. Speaker, I had not intended to speak again in this matter but am constrained to by certain further statements and allegations made by members and counsel since the beginning portion of this hearing.

Let me refer to statements by counsel at the June 5, 1980, hearing (transcript p. 26, 1. 12; through p. 27, 1. 20). These statements allude to his feelings that he was "sandbagged" by members of the committee and the House who "have taken the position that Mr. WILSON did not have a full defense, because certain documents, no evidence was put in, he only chose to call an abbreviated number of witnesses." (p. 27, 1. 4–6). Counsel's defensiveness surprises this Member since in reviewing the floor statements and dear colleague letters I find no allegations that Mr. WILSON "did not have a full defense."

On the contrary, counsel provided an outstanding defense. But simply put, on the basis of all the evidence adduced, the charges were proven to the committee by the "clear and convincing" standard and that proof is in the report of the committee.

This Member, in his initial remarks, enunciated his firm belief that the House should act on the record adduced at the hearings for two reasons—he was afraid of the introduction of additional evidence on the floor as was attempted by Mr. WILSON and Mr. THOMAS and, second, he felt that the dignity of the House might be besmirched by additional allegations and statements made on the floor under the immunity of the speech and debate clause but not made under oath at the hearings. And after listening to the gentleman from Missouri (Mr. CLAY) use unfounded and unsubstantiated statistics to attack the committee itself, I realize I should have had a third fear.

Let me say in closing that I respect the views of the gentleman from California (Mr. MCCLOSKEY) who, I add parenthetically, I agree with on several counts, and his basis for them. He, as I, and as I hope this body will have based our conclusions on the facts, on the record and not on extraneous material or on an unfounded attack on the committee's basic fairness.●

Mr. BENNETT. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. M'CLOSKEY

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

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MCCLOSKEY. Yes I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCLOSKEY moves to recommit the resolution (H. Res. 660) to the Committee on Standards of Official Conduct with instructions to report the same to the House forthwith with the following amendment:

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

That Representative CHARLES H. WILSON be reprimanded.

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

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 67, noes 102.

Mr. FORD of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 97, nays 308, answered "present" 4, not voting 24, as follows:

[Roll No. 307]

YEAS—97

Addabbo
Akaka
Alexander
Annunzio
Badham
Bailey
Bevill
Biaggi
Brooks
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Clay
Collins, Tex.
Conyers
Corman
Daniel, Dan
Danielson
Derwinski
Early
Edwards, Calif.
Evans, Del.
Fary
Ferraro
Fish
Ford, Mich.
Ford, Tenn.
Garcia
Gaydos
Goldwater
Gonzalez
Gray
Grisham
Hammer-schmidt
Hanley
Hawkins
Holland
Hubbard
Huckaby
Ichord
Jones, Okla.
Kelly
Kramer
LaFalce
Leland
Lent
Lewis
Lloyd
McClory
McCloskey
McEwen
Mikulski
Mineta
Mitchell, Md.
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Oakar
Pashayan
Patten
Perkins
Rahall
Rangel
Richmond
Roberts
Rodino
Rosenthal
Rousselot
Roybal
Russo
Satterfield
Smith, Iowa
Spellman
Stanton
Steed
Stewart
Stokes
Stratton
Stump
Taylor
Van Deerlin
Volkmer
White
Wilson, Bob
Wilson, Tex.
Wyatt
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—308

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Devine
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Findley
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Grassley
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Hightower
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Howard
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McCormack
McDade
McDonald
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Motti
Musto
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oberstar
Obey
Panetta
Patterson
Paul
Pease
Pepper
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Roth
Royer
Rudd
Sabo
Santini
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stark
Stenholm
Stockman
Studds
Swift
Symms
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Vento
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Winn
Wirth
Wolff
Wolpe
Wright
Wylie
Yates
Yatron
Young, Fla.

ANSWERED "PRESENT"—4

Bellenson
Dellums
Dixon
Ottinger

NOT VOTING—24

Anderson, Ill.
Boggs
Collins, Ill.
Davis, S.C.
Heftel
Holtzman
Jenrette
Kemp
McKinney
Mathis
Michel
Moffett
Nedzi
Nolan
Pritchard
Railsback
Reuss
Rostenkoswki
Runnels
Scheuer
Thompson
Whitten
Wilson, C. H.
Wydler

□ 1650

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were refused.

So the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CENSURE OF REPRESENTATIVE CHARLES H. WILSON OF CALIFORNIA

The SPEAKER. Will the gentleman from California (Mr. CHARLES H. WILSON) kindly appear in the well?

Mr. CHARLES H. WILSON of California presented himself at the bar of the House.

The SPEAKER read House Resolution 660, as amended, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured.

(2) That upon adoption of this resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this resolution by the Speaker; and

(3) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

The SPEAKER. The matter is closed.

IN THE MATTER OF CHARLES H. WILSON

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

Mr. WEISS. Mr. Speaker, I wish to explain my vote on the matter of CHARLES H. WILSON. The confused procedural situation which existed at the time of that vote, I believe, necessitates this statement. I cast a recorded vote against the motion by the gentleman from California (Mr. MCCLOSKEY) to recommit and to recommend a reprimand in place of censure, and by voice vote against House Resolution 660, which censured Mr. WILSON. Those two votes reflected my firm belief that the evidence against Mr. WILSON did not rise to the standards of evidence required for either a reprimand or a censure.

As one who has served both as a prosecutor and as a defense attorney, I have the utmost respect for legal standards under which evidence is evaluated. We must adhere to those standards strictly if respect for the law—and in this case, for this body and its standards of ethics—is to be insured. In voting the censure of CHARLES H. WILSON without adequate evidence to support it, we have set a precedent that bodes ill for future proceedings.

In upholding standards of honesty in government, we must also be certain that we uphold our own standards and the requirements of due process.

Our House rules require that evidence offered to support disciplinary action against any Member must be clear and convincing. This standard of proof, the clear and convincing test, is a rigorous legal test of fact, and is required for either censure or reprimand. This test was not met by the evidence against Mr. WILSON.

Therefore, I could not vote in favor of either proposal to discipline him.

Though I voted against the McCloskey motion, I am in complete agreement with his basic arguments. When we examine the evidence, no clear and convincing proof of Mr. WILSON's alleged guilt is revealed.

The first three counts charged Mr. WILSON with accepting gifts from an individual with a direct interest in legislation. This individual was a member of his staff, one Lee Rogers, who gave Mr. WILSON three checks in 1971 and 1972. Mr. WILSON has said that the checks were loans; two checks bore that notation, and Mr. Rogers confirmed under oath that the checks were loans. It is important to note that Mr. Rogers had been granted immunity from prosecution when he testified to that effect.

But the committee rejected the testimony of Mr. Rogers—the only witness it heard. The committee concluded that the checks were gifts because none of the customary indicators of loans were present: No promissory note, no due date, no rate of interest.

Surely arguments can be made to support either side of the case. But neither side can cite clear and convincing evidence to prove its point. The evidence is evenly weighted, and evenly weighted evidence does not meet the legal test for conviction by this House.

Indeed, the evidence against Mr. WILSON rested on the lack of certain indicators, rather than positive signs of guilt. And the only witness' testimony contradicted the evidence used against Mr. WILSON. We should not judge anyone on this basis.

In the second set of counts, Mr. WILSON was charged with converting campaign funds for his personal use. The evidence supporting these allegations was also inconclusive, at best.

The committee concluded that the defendant used the funds to repay personal loans taken out during 1970. Nothing in the record, however, contradicts his claim that he was merely reimbursing himself for permissible campaign expenses incurred during that period of time. Again, the committee has not met the required test of proof.

The events of these charges occurred a long time ago—up to 10 years ago. In a criminal court, charges relating to these expenditures would be dismissed under the statute of limitations, which limits prosecution to a period of 5 years after the alleged offense. Though the committee is not bound by that statute, the concerns that dictated such a rule are relevant. Producing records from more than 5 years ago about specific expenditures involves obvious hardship, and may be impossible in many cases. The difficulty experienced by both Mr. WILSON and the committee in producing evidence on either side of this matter demonstrates the wisdom of the statute of limitations.

I must agree with my distinguished colleague from California (Mr. MCCLOSKEY) that the committee—not the defendant—should bear the burden of providing clear and convincing proof from up to 10 years ago. Such clear proof was not provided in this case.

We must adhere to the strictest interpretation of the standards we have adopted if we are to protect the integrity of this institution, and our ability to police ourselves. If we, as the lawmaking branch of this Government, cannot conduct our own proceedings with fundamental fairness, how can we expect our laws to be respected as fair and correct?

I believe that in the matter of CHARLES H. WILSON this body did not act according to the principles of our Nation's jurisprudence. I regret and oppose this ill-considered judgment in a most important matter of ethics. I hope that future cases involving our Members will be more equitably managed, and decided in conformance with the demands both of our rules and of fundamental due process.

ANNOUNCEMENT BY THE SPEAKER REGARDING RECORD OF PROCEEDINGS ON HOUSE RESOLUTION 660

The SPEAKER. The chair desires to make a statement regarding the record of proceedings on House Resolution 660, in the matter of Representative CHARLES H. WILSON.

Although unanimous consent has been obtained for several Members to revise and extend their remarks on this matter, it is essential that the CONGRESSIONAL RECORD contain as true and accurate a record of the proceedings as possible. All insertions and extensions not delivered in debate will appear at the end of the proceedings with a bullet symbol. The Chair trusts that Members will, in revising remarks they actually delivered in debate on this subject, confine their revisions to those which are necessary to correct technical and grammatical errors, and, consistent with the permission obtained by the gentleman from Florida (Mr. BENNETT) on page 12656 of May 29, 1980, refrain from making any changes in the substance of debate.

PERMISSION TO INSERT EXTRANEOUS MATTER PURSUANT TO PROVISIONS OF THE REFUGEE ACT OF 1980

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to insert extraneous matter into the RECORD, pursuant to provisions of the Refugee Act of 1980 (Sec. 201(b) of Public Law 96-212), notwithstanding the fact that the Government Printing Office has estimated the cost of printing such material will be $5,109.

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

There was no objection.

CONSULTATION ON REFUGEE ADMISSION PROGRAM FOR REMAINDER OF FISCAL YEAR 1980

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

● Mr. DANIELSON. Mr. Speaker, on March 17, 1980, the President signed into law the Refugee Act of 1980 (Public Law 96-212) which provided a comprehensive procedure for the admission and domestic resettlement of refugees. The law itself, the accompanying legislative history and certain informal agreements reached in the full committee and on the floor set forth a consultation procedure to be followed with regard to refugee admission programs.

The legislation specifically requires the President to initiate consultation and report to the Judiciary Committee prior to the fiscal year "regarding foreseeable number of refugees" to be resettled during the fiscal year and "the anticipated allocation" of the refugee numbers. In addition, for the remainder of fiscal year 1980, the President was required to consult within a 45-day period after the bill was signed into law.

The act also envisioned the continuation of the traditional consultative practice employed in the past by the House Judiciary Committee involving "in person" discussions between a Cabinet official and the chairs of the full committee and the Subcommittee on Immigration, Refugees, and International Law, together with the ranking minority members of the full committee and the subcommittee.

The act also requires a hearing to review the proposed determination as discussed in the consultation sessions with the Judiciary Committees and the printing of the substance of the consultation in the CONGRESSIONAL RECORD.

In accordance with the requirements of the act, the Chairs and the ranking minority members of the full committee and the subcommittees met with Attorney General Benjamin Civiletti, Victor H. Palmieri, U.S. Coordinator for Refugee Affairs, and Nathan Stark, Under Secretary of HEW on April 22, 1980, to consult on the refugee admissions program for the remainder of fiscal year 1980.

In summary, the administration proposed the admission of 117,416 refugees for the last 6 months of fiscal year 1980 for a total refugee admission level for the entire fiscal year 1980 of 231,700. Their figures included 3,500 Cuban refugees to be admitted in response to the Cuban nationals who sought refuge in the Peruvian Embassy in Havana.

Following is a brief description of the major refugee groups covered by the administration's proposal:

A. Indochinese Refugees.—The proposal calls for a continuation of the 14,000 monthly level originally announced by the President in Tokyo last June. There are currently some 230,000 boat and land refugees in the various countries of first asylum in Southeast Asia—120,000 from Laos, 100,000 from Viet Nam, and 10,000 from Kampuchea (this last figure does not include the 150,000 Khmer refugees in Thai holding centers and several hundred thousand refugees clustered along the Thai-Kampuchea border). The number of Indochinese refugees in asylum countries has been reduced by 130,000 refugees since last summer, as a result of the expanded United States program (14,000 per month) instituted last October and the improved response of the international community since the Geneva Conference on Indochinese Refugees held last July.

B. Soviet Refugees.—The proposal calls for the admission of 15,000 such refugees for the last six months of FY 80 as compared to 18,000 for the first six months. The reduced flow is based on the recent decline in the number of Jews permitted to leave the Soviet Union. The Administration has indicated, however, that it is prepared "to consult with the Congress on additional refugee admission numbers" and to "seek additional funds" if there is an increase in Soviet emigration levels. In testimony before the Senate Judiciary Committee, Secretary of State Vance noted that they are prepared to take the aforementioned actions in order "to accommodate all Soviet Jews who seek admission to the United States." While the vast majority of Soviet refugees are Jewish, there are also Armenians and members of certain Christian groups who are also admitted under the Soviet program.

C. Eastern European Refugees.—The proposal calls for the admission of 3,000 such refugees for the second half of FY 80 (as compared to 2,000 for the first half). Romanian refugees are the largest group admitted to the United States under this program. It is estimated that approximately 1200 such refugees will be admitted this year. As the result of Most Favored Nation treatment granted to Romania under the Jackson/Vanik amendment, that country has permitted increasing levels of persons to emigrate. The Administration has indicated that they will consult with Congress for additional refugee numbers and funding if the level of Romanian emigration increases beyond current levels. Other Eastern European refugees who have traditionally been admitted, and will continue to be admitted, under this proposal are those from Czechoslovakia, Poland, Hungary, Bulgaria, and Albania. As with the Soviet refugees, Secretary Vance stated before the Senate Judiciary Committee that "the policy of the United States has been to accept all Eastern European refugees who wish to come to this country subject to eligibility under the law. The Administration proposes to continue this policy."

D. Middle East Refugees.—The proposal calls for the admission of 2,000 such refugees for the last half of FY 80 (as compared to 500 for the first half). These numbers will be allocated among several groups, but the primary beneficiaries will be Assyrian Christians who left Iraq and are now in Greece and Iraqi Kurds who are currently in Iran.

E. Cuban Refugees.—The proposal calls for the admission of 10,500 such refugees for the second half of FY 80. This includes some 7,000 under the "Old" program and 3,500 under the President's "New" program announced two weeks ago.

F. Latin American Refugees.—In addition to Cuban refugees, the Administration proposal calls for the admission of 936 refugees from Latin America for the last half of FY 80 (as compared to 64 for the first half). Under this so-called Hemispheric Program, political detainees in Argentina have been processed for entry into the United States as well as political detainees from Chile. At the current time, the government of Argentina has refused to permit the emigration of a large number of approved cases.

G. Haitian Refugees.—The Administration does not propose to establish any special program for Haitian refugees because of the State Department's position "that a significant number [do not] meet the eligibility requirement of the Refugee Act definition and [cannot] demonstrate that they are subject to political persecution in their homeland". The following excerpt from Ambassador Palmieri's submission to the Committee explains the Administration's policy with regard to Haitian refugees.

"We will continue our long-standing policy of examining on a case-by-case basis applications for political asylum from Haitians already in this country. We are fully committed to affording political asylum to all Haitians who qualify. We will also begin accepting applications from Haitians in third countries who wish to enter the United States as political refugees, and will examine each case on its merits. As with refugees from Latin America and elsewhere, we will consider admitting Haitians who are to demonstrate that they are unable or unwilling to return to Haiti because of a well-founded fear of political persecution, that they have a close association with the United States, that they have no other resettlement opportunities, or that there are other humanitarian reasons for admitting them to the United States as refugees."

H. African Refugees.—The proposal calls for the admission of 1380 such refugees for the last half of FY 80 (as compared to 120 the first half). The largest number of African refugees who will be admitted are Ethiopian refugees located primarily in Europe. There are smaller numbers of Ethiopian refugees in Somalia, Sudan, and Djibouti. During his Senate testimony, Secretary Vance indicated that the Administration plans to establish more comprehensive and equitable admissions criteria and that "we are strongly committed to expanding admissions of refugees from Africa". He also noted that INS will be establishing a presence in Africa and that "our experience in the coming six months should provide us with a sound basis for adjusting the (FY 80) number in calculating FY 1981 admission levels."

The following chart summarizes the total refugee admissions contemplated for FY 1980:

Area of origin	Approximate number admitted 1st half of fiscal year	Approximate number to be admitted remainder of fiscal year	Total number of admissions for fiscal year 1980
Asia			169,200
Indochinese	84,000	84,000	(168,000)
Other	600	600	(1,200)
Soviet Union	18,000	15,000	33,000
Eastern Europe	2,000	3,000	5,000
Middle East	500	2,000	2,500
Latin America			17,000
Cubans	9,000	7,000	(16,000)
Other	64	936	(1,000)
Africa	120	1,380	1,500
Subtotal	114,284	113,916	228,200
Asylum status adjustments			2,500
Total			230,700

A full committee hearing to review the administration's proposed refugee admissions program for the remainder of fiscal year 1980 was held on April 30, 1980, to comply with the second consultative step mandated by the act.

A transcript of that hearing follows for the information of all Members of the House:

ADMINISTRATION'S REFUGEE PROGRAM FOR FISCAL YEAR 1980

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 30, 1980.

The committee met at 3 p.m. in room 2141 of the Rayburn House Office Building; Hon. Peter W. Rodino, Jr. (chairman), presiding.

Present: Representatives Rodino, Edwards, Conyers, Danielson, Drinan, Holtzman, Hall, Volkmer, Harris, Synar, Evans, McClory, Fish, Butler, Sawyer, Lungren, and Sensenbrenner.

Also present: Representative Fascell.

Chairman RODINO. The committee will come to order.

Mr. DANIELSON. Mr. Chairman, I ask unanimous consent that the committee permit this meeting to be covered in whole or in part by television broadcast, radio broadcast, and/or still photography, pursuant to rule 5 of the committee rules.

Chairman RODINO. Without objection, so ordered.

Mr. SENSENBRENNER. Mr. Chairman.

Chairman RODINO. The gentleman from Wisconsin.

Mr. SENSENBRENNER. A point of order. The committee is sitting this afternoon in violation of rule 11, clause 2(i) of the rules of the House of Representatives which provides that no committee of the House, with certain exceptions, may sit without special leave while the House is reading a measure for amendment under the 5-minute rule.

There was objection to the request made this morning by the gentleman from California, Mr. Danielson, for leave for the committee to sit today; and I believe that further proceedings today would be in violation of the House rules.

Chairman RODINO. Is anyone desirous of being heard on the point of order?

Mr. MCCLORY. Mr. Chairman. A point of order. I would like to as what the statutory requirement is as far as our meeting is concerned, as far as hearing from the President with respect to the subject of refugees? I think the committee has a role, and I think we have a deadline to meet; is that correct?

Chairman RODINO. The gentleman from Illinois states the situation correctly. According to a provision of the Refugee Act of 1980, which was recently enacted into law, as Public Law 96-212, on March 17, 1980, section 207(d)(3)(A) reads:

"After the President initiates appropriate consultation prior to making a determination under section (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals."

It is my understanding that the final date for a hearing is today since consultation will terminate as of May 1. The President may, notwithstanding the fact that we have not proceeded in accordance with the law, make a determination.

I think the committee is under a responsibility, since the committee saw fit to write this provision into the law. It must proceed in this manner if it wishes to be informed.

Mr. SENSENBRENNER. Will the gentleman from Illinois yield?

Mr. MCCLORY. I will be happy to yield.

Mr. SENSENBRENNER. Mr. Chairman, I made this point of order not because I am opposed to the hearing on this very important issue, but in protest over the scheduling that has taken place this week in the committee. We spent all yesterday morning wasting our time in general debate over the regulatory reform bill, with no votes being taken and with very few members of the committee being present.

If there was a deadline of May 1, which is not set forth in the statute, it seems to me this hearing could have been held yesterday morning when the House did not go into session until noon and when the 5-minute rule on the budget did not begin until substantially thereafter.

I believe that the committee should follow the law which it itself wrote in requiring a public hearing; but again, because under the rules the need to sit was objected to, it seems to me very ill advised for the committee to go ahead even after objection was raised on the floor.

Mr. MCCLORY. I would just say in connection with the point of order, that it is unfortunate that this hearing is scheduled at a time when many of us are very interested in the discussion that is taking place on the floor of the House of Representatives.

I don't want to argue with the gentleman so far as the subject of scheduling is concerned. I agree that we could have scheduled the regulatory reform meeting at another time. However, I would hope the gentleman would not object to this hearing this afternoon, because I think we have all the parties here; and I think we are all anxious to get the information from the Representatives that are here and fulfill our role, even though I think it is a very inadequate role.

I would offer an amendment to this legislation to the effect that we would have to give approval to these figures with regard to refugees; but notwithstanding that, we passed the bill in another form. I think this hearing is in order and appropriate. I think it would be very useful to all of us to have the information that we can get this afternoon.

Ms. HOLTZMAN. Would the gentleman yield?

Mr. MCCLORY. Yes.

Ms. HOLTZMAN. Thank you. I would like to add a footnote to the gentleman's remarks. Tomorrow is the deadline under which the President must decide under the Refugee Act of 1980 how many and which refugees are to be admitted for the remainder of fiscal year 1980. If Congress and the public are to have any meaningful input at all in that decision through the public hearing process that was suggested by the gentleman from Illinois, Mr. Hyde, the hearing has to be held today.

Chairman RODINO. The Chair would like to state before ruling on the point of order recognizing that if the gentleman insists on his point of order the gentleman is within his right to do so, with regard to the questions he raised about the scheduling of legislation. Unfortunately this committee has considerable legislation that's just been reported out.

We make every effort to try to advise all of the members about the importance of all of the legislation and keep them advised. We don't have enough dates, actually to be able to fulfill all our requirements. I think that scheduling is a judgment that the Chair has to make: and it was made confident that we were giving the members sufficient time, to be informed and to meet other deadlines.

Insofar as this hearing is concerned, the Chair would like to state that if it is the intention of the gentleman from Wisconsin to persist, the Chair will rule: the Chair, however, will advise that we will hold the hearing immediately following the close of the debate on the floor on whatever legislation there is pending in order to fulfill the requirements of this legislation. I think it's imperative that this committee do that. I think we would be very remiss if we didn't.

Having stated that, I am prepared to rule, unless the gentleman is prepared to withdraw his point of order.

Mr. SENSENBRENNER. The gentleman from Wisconsin has gotten the message from the chairman. Knowing the great desire of the members not to have to be paid time-and-a-half, I will withdraw my point of order: but let me state that my protest relative to the scheduling of matters in this committee remains.

I am sick and tired of coming here and participating in general debates and in markups with very few members of the committee, a bare working quorum present.

Let me state for the record that my charity of today will probably not be repeated if we spend long periods of time with 11 or 12 members in this room and a whole pocketful of proxies marking up legislation.

I withdraw my point of order.

Chairman RODINO. Thank you very much. The Chair will state that this hearing has been called in order to comply with the requirements of the Refugee Act of 1980 which requires a hearing by the Judiciary Committee prior to a Presidential determination for refugee admissions for the remainder of fiscal year 1980.

The other requirement as to consultation has already been complied with; and I believe that we are prepared now to hear from the witnesses who will present the administration's proposed refugee admissions program for the remainder of the fiscal year.

We are glad to welcome Ambassador Victor Palmieri, U.S. Coordinator for Refugee Affairs; and Undersecretary for Health, Education, and Welfare, Nathan Stark; and David Crosland, Acting Commissioner of the Immigration and Naturalization Service.

STATEMENT OF VICTOR H. PALMIERI, U.S. COORDINATOR FOR REFUGEE AFFAIRS, ACCOMPANIED BY DAVID CROSLAND; NATHAN STARK, UNDER-SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY ROGER WINTER, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT; AND DORIS MEISSNER, DEPUTY ASSOCIATE ATTORNEY GENERAL

Mr. PALMIERI. Mr. Chairman, members of the committee. I am pleased to have this opportunity to consult with you, in accordance with the Refugee Act of 1980, on our plans for refugee admissions and resettlement assistance for fiscal year 1980.

The administration has long shared the views of this committee on the need for a more comprehensive and equitable basis for our refugee programs. We greatly appreciate your efforts to see this legislation enacted. And we look forward to working closely with you to implement the Act. The rapid evolution of the Cuban refugee problem in the last 2 weeks—and the policy issues it raises—are evidence of the long and difficult task we face together in determining the U.S. response to volatile and broad-reaching refugee problems around the world.

This afternoon I would like to focus on our basic approach to the growing refugee problem and then to address the major considerations which underlie our proposed fiscal year 1980 refugee admissions. Nathan Stark, Under Secretary of Health, Education, and Welfare, will discuss refugee resettlement programs. And David Crosland, the Acting Commissioner of the Immigration and Naturalization Service, and Doris Meissner, Deputy Associate Attorney General, are also here to answer your questions about admissions policies and procedures.

Let me begin with a few words about our overall approach to refugee problems. Through active diplomacy, economic and security assistance programs, and through practical support for human rights, we will persist in our efforts to resolve the conflicts and ameliorate the underlying conditions that give rise to large numbers of refugees. It is both in our national character and in our national interest to respond compassionately and sensibly to a mounting refugee problem.

Events around the world in the past few months vividly illustrate the magnitude and the complexity of the refugee problem confronting the international community. From Kampuchea, Afghanistan, Ethiopia, and many other countries, refugees totaling in the millions have fled their homes in the face of external aggression, political and religious persecution, and civil strife. They constitute a vast sea of uprooted, homeless, aggrieved people. We cannot be blind to their suffering, or to the consequences for stability and peace if we leave them to languish without hope.

In nearly every instance, an enormous burden has fallen on countries of first asylum—a burden most have borne with extraordinary compassion and generosity. But it would be unrealistic and unwise to expect that these nations can bear this burden alone. International efforts are essential, both to alleviate human suffering on a massive scale and to lessen the unsettling political, economic, and social tensions that large refugee populations can create for first-asylum countries.

Our initial objective in responding to specific refugee situations has been to join in international efforts to provide relief to the refugee in place—that is, in the countries of first asylum—and to promote voluntary repatriation of refugees where possible. Many nations have contributed generously—through the United Nations High Commissioner for Refugees, and in other ways. The United States has been in the forefront among contributors to these international relief efforts. Often U.S. leadership has been instrumental in generating the broad international response these situations require.

In some cases, however, resettlement of refugees is a practical necessity. Last spring, for example, thousands of Indochinese fled their homes by sea and by land, only to be turned back by neighboring countries overwhelmed by large refugee populations. President Carter's pledge to double our rate of resettlement of Indochinese refugees to 14,000 a month was a critical factor in generating new resettlement pledges by over 20 countries at the Geneva conference last July. Support from the international community encouraged Southeast Asian countries to begin once again to grant asylum to all new arrivals.

Against this general background, let me outline for the committee how we propose that the United States participate—consistent with the Refugee Act of 1980—in international resettlement efforts during the remainder of this fiscal year.

By eliminating the previous geographic and ideological restrictions on the granting of refugee status, the act enables a more flexible system for refugee admissions and assistance. We intend to avail ourselves of this flexibility to establish admissions criteria that are as comprehensive and equitable as possible. In doing so we will pay close attention to the resettlement needs of refugees in regions not explicitly encompassed by the prior legislation.

Let me be frank in pointing out, however, that it will take time to translate the goal of greater equity into a workable system. Many of the factors which contributed to our previous refugee admissions practices will of necessity continue to play an important role for some time. Indeed, these factors should be taken into account as we strive to define the elements of a more equitable system.

Among the considerations which have helped shape our admissions proposals for fiscal year 1980 are the following:

We must continue to be sensitive to the needs of refugees with close ties to the United States. We will remain dedicated to reuniting families and to aiding those who have had past employment ties to the United States.

Where the United States has stood uniquely as a symbol of freedom from oppression for a particular group, we must respond to their understandable aspirations for safe haven in our country.

We must consider how our participation in refugee resettlement efforts can further our broader foreign policy objectives—for instance, by promoting the stability of friendly, democratic governments in countries of first asylum.

And we will continue to be guided by our assessment of the opportunities for resettlement in other countries, and the practical limits of U.S. resources, also.

In fiscal year 1980 we propose to admit into the United States 231,700 refugees. This figure includes over 114,000 refugees admitted before April 1 under previous statutory limits and parole programs authorized by the Attorney General and appoved by the Congress. For the second half of the fiscal year, we propose to admit approximately 117,000 refugees.

Let me briefly review the major groups of refugees we propose to admit and the considerations underlying these proposals.

In Southeast Asia we face a human tragedy of staggering dimensions. The enormous Indochinese refugee burden is also a continuing challenge to the stability of neighboring nations. Therefore, we propose to continue to resettle 14,000 Indochinese refugees per month in the United States—a total of 168,000 this fiscal year. This level would continue the admission rate pledged last year by President Carter and previously authorized for fiscal year 1980 under the Attorney General's parole authority, with congressional concurrence. In addition to the major humanitarian dimension of this commitment it is an important, tangible demonstration of U.S. support for the ASEAN nations.

At the Geneva conference last year, the world community more than doubled its resettlement offers and the Vietnamese pledged an end to forced departures. Since the conference, the rate of new arrivals of "boat people" has declined. Resettlement in third countries has increased. This has somewhat eased the burden of first-asylum countries. Boats of refugees are not now being pushed back to the sea.

Nevertheless, the situation remains grave. In addition to some 150,000 Khmer in temporary holding centers in Thailand, some 230,000 Indochinese remain in refugee camps. Many of those in refugee camps have been waiting for resettlement for as long as 5 years. Without sustained resettlement commitments from the United States and other countries, these people face a bleak future—an existence without hope. Many are haunted by the prospect of forced repatriation, with persecution and possible death in their homelands. Flagging international interest, a sharp new influx of refugees, or new tension in the region could prompt changes of policy toward the refugees by the countries of first asylum.

I want to point out that most of the Indochinese refugees we propose to admit this year have ties in the United States—relatives already in this country or past associations with the U.S. Government or U.S. institutions. In addition, we propose to admit a substantial number of refugees who have been languishing for years in refugee camps and have no other resettlement prospects.

Let me note that some of the Vietnamese qualified for admission by virtue of family ties or political persecution may come directly from Vietnam to the United States, if the Vietnamese authorities permit the planned "direct departure" program to go forward. We have now agreed on a list of over 1,000 qualified persons, as the Vietnamese have insisted. We hope many of them will be allowed to leave soon. Any people leaving Vietnam under the orderly departure program will count against our quota of 14,000 Indochinese a month.

We are also proposing to admit 1,200 other Asians, principally Chinese who have escaped from the People's Republic of China and sought temporary refuge in Hong Kong.

From the Soviet Union and Eastern Europe, we propose to admit 33,000 to 5,000 refugees, respectively.

It has been the policy of the United States to offer a haven to any refugee from the Soviet Union who wishes to resettle in this country. This will remain our policy. We deplore the restrictions by Soviet authorities that have resulted in a recent decline in the number of Jews allowed to leave the Soviet Union. Should these restrictions be eased and the trend reversed, we are fully prepared to consult with the Congress immediately on additional admissions and the necessary funding to accommodate all Soviet Jews who seek admission to the United States. We also anticipate admitting Soviet Armenians and other Christians who wish to resettle here, as well as Eastern Europeans of diverse backgrounds who have suffered discrimination in their homelands.

We propose to admit 20,500 refugees from Latin America. This figure includes 19,500 Cubans, other, of course, than those who are now on our shores under the current Cuban emergency.

The United States has a long and proud history of aiding Cubans fleeing repression under the Castro regime. To date some 800,000 Cubans have resettled in the United States. In recent years, Cuban refugee admissions have been limited primarily to

former political prisoners and their families, and to cases involving family reunification. Persons in these categories will continue to comprise the bulk of the Cuban refugees we will admit directly from Cuba or from third countries.

The rush to the Peruvian Embassy compound in Havana nearly 2 weeks ago by some 10,000 Cubans seeking asylum was stark evidence of the oppressive conditions under which Cubans are living. The number of those Cubans who expressed a desire to come to the United States is proof that our country remains a strong symbol of freedom and safe haven.

Since we first consulted with the ranking members of this committee on April 11, the Cuban situation has obviously changed dramatically. After several hundred Cubans from the Peruvian Embassy had been flown to Peru and Costa Rica, Castro cut off the airlift and left as the only avenue of escape departure from the port of Mariel in boats provided by friends and relatives in the United States. This inhumane act has forced thousands of people to risk their lives at sea. We do not know how many people have drowned during the last few days of rough weather, nor do we know how many more lives will be lost before Castro relents and provides a more orderly means of departure, such as airlifts to resettlement countries.

In the meantime, almost 4,000 Cubans have reached the United States, and there is evidence that additional tens of thousands may be setting out for our shores in the coming weeks. Their sudden arrival in this country without proper screening and documentation presents serious legal as well as humanitarian problems for which we were frankly not prepared. The Cuban-American community, State and local officials, HEW and the voluntary agencies are helping to meet the immediate humanitarian needs of these people—although resources are rapidly being exhausted. With the full cooperation of the White House and the Federal Emergency Management Administration, we have mobilized various Federal agencies to provide emergency assistance in Florida. We are currently working on a range of immediate steps to care for the Cubans, including the creation of reception and processing centers. Given the expected numbers of arrivals and the support system needed to relieve the burden on the local communities and provide for orderly processing, it is clear that we will soon have to seek supplemental funding from the Congress.

We also believe that special legislation may be necessary to resolve the legal status of the Cubans arriving directly from Mariel. One alternative may be special legislation on this question.

For the moment, they are granted a 60-day parole with deferred inspection. During that time they must apply for political asylum under the procedures of the Refugee Act, like any alien without proper documentation who wishes to seek refuge here because of a well-founded fear of persecution in his or her country of origin. As you know, asylum procedures involve a careful case-by-case review, and the process can take months under the best of circumstances. The Refugee Act does not authorize assistance to those awaiting final action on asylum claims, except those who applied by November 1, 1979. Clearly these provisions were not written with the kind of situation in mind that we face today. We intend to keep the Congress fully informed on the evolution of this problem, as well as our plans to deal with it. We welcome your thoughts on ways to respond to this situation humanely and expeditiously.

Since the Cubans are now arriving directly on our shores without the proper screening required by our laws, we are not proposing to accommodate them in refugee admissions numbers we presented to you last week. They will be treated as political asylum cases, which are not included in authorized refugee admissions by the Refugee Act. At the same time, we are preserving the 3,500 refugee admissions numbers we added to the proposed annual flow from Cuba when we invoked emergency group admissions procedures at the beginning of this crisis. We will need some of these numbers for Cubans airlifted to Costa Rica who qualify for the U.S. resettlement program because they meet the refugee definition and are former political prisoners or have close family ties to the United States. We also expect to use some of the numbers allocated for Cubans within Cuba who meet the above criteria, as stated in the consultation document. Finally, the proposed number could be used for others leaving Cuba directly for the United States if we are successful in convincing Castro to begin a more orderly and humane program of official departures.

With this current influx of undocumented arrivals fleeing from Cuba, we are experiencing the pressures of being a country of first asylum—a burden that we have borne before in our history. Like scores of first-asylum countries around the world today, we will be generous; we will be sensitive to the basic human desires that motivated their flight; no boats will be turned away; and no one will be returned to a country where he or she might face persecution.

In addition to Cubans, we anticipate admitting 1,000 other refugees from various parts of Latin America. These include former political prisoners and Central Americans fleeing civil strife in their homelands.

We are strongly committed also to expanding admissions of refugees from Africa. The geographical restrictions in the previous legislation severely limited the number of Africans who could qualify for refugee status. Nearly all of those who did qualify came from the Horn of Africa, defined by the prior legislation as a part of the Middle East. The Refugee Act of 1980 eliminates this restriction, making it possible for refugees in any part of Africa to apply for admission. The Immigration and Naturalization Service currently is developing temporary procedures for reviewing applications for Africans, pending the establishment of an INS presence in Africa.

We propose 1,500 admissions this fiscal year for African refugees. This level constitutes a threefold increase over the last fiscal year. It is our best estimate of the number who will wish to apply for and will qualify for refugee status during this fiscal year. Our experience in the coming 5 months should provide us with a sound basis for adjusting this number in calculating fiscal year 1981 admission levels.

We shall also maintain our longstanding policy of resettling persons fleeing political and religious persecution in the Middle East. We propose to admit a total of 2,500 refugees from this region. This reflects a growing demand for resettlement among religious and ethnic minorities in the region, such as Christians from Iraq. Internal repression, and now the Soviet invasion of Afghanistan has also created large numbers of Afghan refugees, some of whom are also seeking admission to the United States.

Mr. Chairman, we recognize that there remain large regional disparities in the numbers of proposed refugee admissions. Considerations I have noted compel these disparities for the present. As I have indicated, however, we are determined to develop a system which permits refugees in all parts of the world to apply freely for admission to the United States and to have their applications fairly considered.

In addition to the refugees we propose to admit into the United States from abroad, the act also authorizes an adjustment to permanent resident status of up to 2,500 persons in the United States granted political asylum at least a year ago. These 2,500 would bring to 234,200 the total number of refugee admissions and adjustments for this year.

We also expect to use the authority under part B of the refugee definition to provide in special circumstances for the admission of certain political prisoners and others released directly from their country of origin, specifically those leaving Vietnam, Argentina, and Cuba, as noted in our consultation document. We will also be alert to ways of extending this provision to other political detainees who may be released in the future.

The cost to the Federal Government of processing, transporting, and initially resettling these refugees in the United States will be approximately $267 million for fiscal year 1980. We estimate that domestic assistance—funded through the Department of Health, Education, and Welfare—will cost an additional $243 million. A number of other Federal agencies will incur lesser expenses for providing services to these refugees. It is still too early to tell what the Federal costs will be of assisting Cuban and other asylum applicants. We will keep the Congress informed on these costs as estimates become available.

It is important to note that the private sector, particularly voluntary agencies, contribute generously to refugee resettlement programs. Our ability to work closely with dedicated private organizations and individuals has helped to make resettlement a remarkably effective process.

In the coming months, I will be working with officials in the Departments of State, Justice, and Health, Education, and Welfare—and with the Congress—to refine the admissions criteria and procedures needed to implement the new act. As I mentioned, we will be consulting with you on a regular basis on the evolution of the Cuban problem and legislation or other provisions necessary to resolve their status and provide them assistance. We will also be making a special effort to assure equity of treatment for all asylum applicants.

Mr. Chairman, the refugee admissions I have discussed constitute a major commitment by our Government and by the American people. Helping these persecuted and uprooted persons begin new lives in our country will require the creative use of limited resources. But I am confident that our Nation, which provided a new life for our forefathers, will faithfully uphold this humanitarian tradition and meet this challenge. I would be happy to answer your questions.

Chairman RODINO. Thank you, Mr. Palmieri.

We will hear next from Mr. Nathan Stark, Undersecretary of Health, Education, and Welfare.

If you will, Mr. Stark—you may either read your prepared statement in full or summarize it for insertion in the record, in the interest of expediting the proceedings so the members may have an opportunity to ask questions.

Mr. STARK. I will do that, Mr. Chairman.

Chairman RODINO. Thank you very much.

Mr. STARK. Let me first introduce Roger Winter, on my left, our Director of the Office of Refugee Resettlement.

Mr. Chairman, members of the committee, I appreciate this opportunity to appear before you today in response to the mandate for congressional consultation in this Act. I am going to be very brief. I will just pick out highlights of this statement which in itself is quite brief; but I am going to give testimony today focusing on four major areas: Fiscal aspects of the refugee assistance program, including current availability of funds; the new 1981 budget request occasioned by enactment of the Refugee Act of 1980; the status of funding for social services in the current fiscal year; and our estimates of costs for assisting the additional 3,500 Cuban refugees whom President Carter has authorized to enter the United States.

Under our current continuing resolution, the refugee program is authorized to spend funds to aid Indochinese refugees based on 14,000 admissions monthly. We believe the

1980 budget has sufficient moneys to provide basic assistance to newly arrived Indochinese refugees. The only problem is social services, which I will allude to later.

We also have before us a fiscal year 1980 supplemental request, primarily to address activities which are not covered by our current appropriations. This is a $100 million supplemental.

I won't go into the details of what that will provide. They are also in my prepared statement.

In the fiscal year 1981 budget, we are asking for $693,457,000 for the new Refugee Act of 1980. Since that budget was prepared, there have been dramatic events concerning refugees, as well as the arrival of Cubans on our shores.

These events have not been reflected in the 1981 budget that Congress has before it now. We are not yet able to estimate the impact of these changes due to the many uncertainties, such as the rate of refugee flow, the timing of entry, the level of their education and occupational skills, and the States in which they will settle.

As I indicated earlier, the current fiscal year 1980 appropriation is sufficient to meet the needs of the Indochinese refugees in all areas except social services. Our 1980 budget contains $57.5 million for State-administered social services for refugees. At the beginning of the fiscal year, the States had estimated that they would spend about $90 million for social services and that they desired Federal reimbursement for this level.

In the past, quarterly grants to States for the Indochinese program provided a total amount with no earmarks on individual components. That is, States could distribute their total share of funds among cash assistance, medical assistance, and social services programs.

Each State's allowance was based on the total of its estimates in the need for each of these areas.

With the Refugee Act of 1980, we have some fiscal management requirements which are retroactive to October 1, 1979, and thus does not afford the same flexibility for expenditures among the categories as in previous years.

Specifically, social services were placed under an authorization ceiling of $200 million separate from cash and medical assistance and administrative costs.

The new law requires identification of how much a State is allowed to spend for social services; and we intend to monitor closely individual State spending for these services.

On the 3,500 Cuban refugees to be admitted into the United States, an estimated 10,000 Cuban refugees who want to flee Cuba entered the Peruvian Embassy compound in early April. The President announced that the United States would admit up to 3,500 from that group.

The first preference for admission is given to those refugees with family members already living in the United States.

Little is known about the demographic makeup of this group of refugees, or new arrivals, but State Department officials expect that they represent a cross section of the Cuban population.

At this time we cannot make a firm estimate of the costs until we learn more about these refugees.

I think that in sum gives you a capsule of what I had. I am looking forward, as our Department is, to working closely with members of this committee and State Department officials to determine an appropriate response regarding the status of Cubans and other groups seeking asylum in this country.

Thank you for allowing me to appear, Mr. Chairman. I would be happy to answer any questions you may have.

Chairman RODINO. Thank you very much. We will proceed with questioning. I recognize the gentleman from Illinois, Mr. McClory. We will adhere to the 5-minute rule.

Mr. MCCLORY. Thank you very much, Mr. Chairman. I do have a couple of questions.

One question is directed to Ambassador Palmieri. One of the most touching experiences I have had when I chaired an all-day meeting of the Select Commission on Immigration and Refugee Policy in Chicago just a week ago Monday, was from a woman who is Vietnamese and her husband who was an American GI. The Vietnamese woman worked in our American Embassy and married the American GI over there. She's been here now for, I think, 3 or 4 years.

Members of her family are still in Vietnam.Very tearfully she complained that she was unable to get them over here; and her husband feels very unhappy having devoted himself as a combat memoer of the Armed Forces in Vietnam.

I am trying to assure them that we were trying to process especially members of families and trying to provide reunification of families under our policy, and that that was the first priority.

Are we without access to consular officers or personnel to process visas on behalf of these Vietnamese personnel, members of families?

Mr. PALMIERI. You are speaking of people who are in Vietnam now?

Mr. MCCLORY. Right.

Mr. PALMIERI. That is the subject of our orderly departure negotiations which I mentioned in my testimony.

Following the Geneva Conference, we engaged in discussions in part on a direct bilateral basis, in part through the UN High Commissioner for Refugees and we have continued those negotiations with the Vietnamese now for many months.

I have participated in them personally. We have made some progress but it has been painfully slow.

We now have about 1,300 names which the Vietnamese—and we have agreed upon for interview in South Vietnam. We have a voluntary organization representative standing ready to go to Ho Chi Minh-Ville to interview as a prerequisite for flights into Ho Chi Minh-Ville with U.S. Consular officers who would then be in a position to process and take off with the planeloads on the same day.

So far the Vietnamese have not granted permission for our intermediary to proceed to Ho Chi Minh-Ville and complete the preliminary interviews, so that we can fly in the consular officials. There are, apparently, as many practical problems standing in the way of this process from the Vietnamese standpoint, in terms of conditions within South Vietnam and particularly conditions within Saigon, as there are policy problems.

Mr. MCCLORY. You don't have any time estimate as to when we might be able to——

Mr. PALMIERI. I was in Bangkok in mid-January. I was having discussions with the Vietnamese authorities there, when we succeeded in agreeing on a basic process. We made the match-up of some 1,300 names within a few weeks afterward. It is now late April and we still do not have permission for our intermediary to proceed. We have no indication either, Congressman, that the other countries who have similar discussions are doing any better. In fact, they have not made as much progress.

Mr. MCCLORY. When we met earlier, I asked about what was the difference between the 10,000 Cubans in the Peruvian Embassy and the rest of the Cubans, all of whom appear to be repressed. You estimate there might be 10,000 more who would want to come in boats and that we would provide asylum. Why do you think there are only 10,000? Why aren't there a million?

Mr. PALMIERI. Congressman, I am not sure I understand your reference to my testimony. There were 10,000-plus Cubans within the Peruvian Embassy compound in Havana who were the subject of our actions and the staging area of Costa Rica. I don't know of another 10,000 figure.

Mr. MCCLORY. How many do you expect to come by boat?

Mr. PALMIERI. I didn't make that statement, sir.

Chairman RODINO. The time of the gentleman has expired.

I am going to recognize the chairperson of the Subcommittee on Immigration, Refugees, and International Law, Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Palmieri and the other witnesses, I appreciate your testimony. I think this is an important and historic hearing. I have a number of questions, but I would like to focus immediately on the Cuban issue, because I just returned today from a visit to Miami and Key West, where I spent this morning and last night. I am deeply concerned about what I saw there.

I saw, on the one hand enormously impressive efforts by the local Cuban community, both in Key West and Miami, to help in the resettlement of their compatriots. They are doing a marvelous job. I met refugees who clearly were fleeing political persecution. I met refugees who were clearly seeking family reunification. I saw families with immense joy at being in the United States after trying to get here for many years.

I also met, however—and this is a matter that concerns me—people who could be termed "common criminals." I met 17 people who were detained in a Federal correctional institution, and I met others coming directly off boats who said they had been in prison.

I met a young man who said he had been imprisoned twice for petty theft. His story disturbs me the most.

He said he was taken to a central processing area in Cuba where there were approximately 700 other ex-prisoners, and they were told by the Cuban authorities, "Either go to the United States now or face jail." When I asked him whether anybody picked the alternative, facing jail, he laughed. He said not to his knowledge.

I don't know if this man's statement is true: but I do think that it represents a serious problem when virtually every single adult male I questioned this morning in Key West said that he had served a term in prison.

We do not have, according to the Immigration authorities in Miami, an adequate procedure to screen and monitor those who are coming in.

I, therefore, want to urge you immediately to set up a screening and holding center at Eglin Air Force Base or some other facility. I think this should have been done before and I would like to know what assurances you can give to me and this committee at this point about this matter.

Mr. PALMIERI. Let me give you this assurance: that this has been the focus of our Federal effort over the past few days. We have a naval air station at Key West which is currently fully deployed with military maneuvers; and we are, therefore, in the process of setting up—we hope within the next 24 hours—an airlift from Key West to a military base which can serve as processing, holding, and detention for the people that you mentioned. That is the highest priority in the picture.

I would also like to ask Mr. Crosland, from the Immigration and Naturalization Service, to respond with respect to the problem of screening and detention on reception in Key West, which I totally agree with you is a priority issue for us. It is a cause of major apprehension in that community.

We have augmented the numbers of officers, but I think Mr. Crosland, who is in the front line of that problem, should answer.

Mr. CROSLAND. Ms. Holtzman probably knows better than I, from her firsthand observation, what is actually happening there. For the benefit of the committee, we have detailed 100 border patrolmen into the Key

West area. We are screening persons as they come off the boat as well as we can as to whether they have a criminal record.

We have sent in, are sending in, some 15 vans and 35 sedans and will segregate those persons who seem to be criminals from the rest of the population coming over on boats, and will then transport them up to Miami for separate processing.

I have asked that those persons who are being held on account of their being excludable under the immigration laws for criminal records—I have asked that I get a detailed report on each individual. We certainly do not want to be in the position of holding persons who have a criminal record if it's a political crime such as speaking against the state or perhaps getting extra food or something like that.

We don't want to be in that posture. I have asked that we screen those kinds of persons very carefully.

However, given the present setup, we do rely upon what people tell us; not only the persons who are interviewed but what other persons tell us who come in. Certainly having a separate location, as you have recommended and we have been exploring and looking at that with the other agencies—the Department of Defense—it would provide an opportunity for a more leisurely screening, more thorough screening, and an opportunity to interview other persons who are coming in more thoroughly as to the nature of their companions on the boats.

One thing that is of interest: Last night we had 25 boats come in. Of that number, eight of them came back empty; and the reasons reported were that the Cuban Government was overcrowding the boats, and also the expense to the captains of staying in Cuba for some period of time seemed to be a factor.

It is clear that some of the people are going to pick up friends and relatives, and it is clear that some of these people, as you indicated, are being forced on the boats by the Cuban Government.

Ms. HOLTZMAN. May I just ask Mr. Palmieri to be as specific as he possibly can with regard to when this facility is going to be set up?

I think, Mr. Crosland, from my conversations with the Immigration people in Florida that they cannot conduct adequate screening under the present arrangement. Even with hundreds more people it will continue to be inadequate unless there is a different kind of procedure. When will this Air Force base be available, and which Air Force base will it be, Mr. Palmieri?

Mr. CONYERS (presiding). I regret to note the gentlewoman's time has expired.

Ms. HOLTZMAN. I would ask unanimous consent to proceed for 2 more minutes.

Mr. CONYERS. What I would propose we do now, if it meets with the concurrence of the committee, is that we suspend for 15 minutes and then regather after the Mitchell substitute, which is the record vote pending on the floor, after that has been disposed of.

Mr. CONYERS. What I would propose we do floor, after that has been disposed of.

Without objection, and with the concurrence—we hope the witnesses will excuse us for just a short recess for purposes of a vote.

[Recess.]

Mr. CONYERS. May we come to order.

The gentlewoman from New York may continue. She is recognized for 2 additional minutes.

Ms. HOLTZMAN. I had already addressed a question to Mr. Palmieri. I would appreciate his response.

Mr. PALMIERI. Let me assure you, Congresswoman Holtzman, that I am advised as of this moment—as a result of a consultation that's been in progress with the officials who are working on the problem—that we can assure this committee we will have a facility opening within 24 hours. We can assure you that we will keep pace with the problem; but I am not in a position to tell you which facility it will be. I don't even know myself at this time. They have identified one and are working on it.

Ms. HOLTZMAN. You don't know the location?

Mr. PALMIERI. I do not know myself at this point.

Ms. HOLTZMAN. A facility has been identified, is being prepared, and will be available for use within 24 hours?

Mr. PALMIERI. I have just been assured of that in order to answer your question on the latest and best information I could get.

Ms. HOLTZMAN. The statement I heard when I arrived was that a press conference had already been held in Florida by the person in charge of the Federal task force. He said Eglin Air Force Base had been decided on. You are saying that is not correct at this moment?

Mr. PALMIERI. First of all, I didn't hear the press conference. That's Tom Casey, head of the Federal Emergency Management Administration team down there, working on the problem. I did not hear the press conference. I do not know if it's Eglin. I do know that I am authorized to assure you that there will be a facility in operation within 24 hours and that we will keep pace.

Ms. HOLTZMAN. Well, I hope you can advise us as soon as you find out which facility that is.

The screening problem raises a larger issue—that is the nature of the exodus from Cuba. I think it is clear that leaving in small boats creates a risk to life, and it is also clear that leaving without prior screening by U.S. officials means we take the risk that we will have criminals and other types whom we do not want to admit to this country coming here.

Can you tell us specifically what steps have been taken to try to deal with the Cuban Government directly to establish an orderly, regularized flow from Cuba?

Mr. PALMIERI. To my knowledge there are no steps taken to deal with the Cuban Government directly at this time. The information that I gave earlier this morning at a press briefing was apparently in error when I said I thought that the first inquiries had been raised with respect to that. I want to assure you, however, that the question of how to accomplish what you are talking about is uppermost in the minds of this Government; but there is, at this time, a real question as to how that should be pursued and whether direct negotiations such as you suggest would have a counterproductive rather than a helpful effect.

Ms. HOLTZMAN. I did not mean to limit my inquiry to direct negotiations. I am asking about any kind of negotiations, dealings or contacts, direct or indirect, through third countries or otherwise, to begin to establish an orderly outflow from Cuba as opposed to what we have now.

Mr. PALMIERI. I see. First of all, we have continued to follow up with our discussions in relation to the possibilities of Costa Rica and Peru succeeding in resuming the airlift, in securing approval of the Cuban authorities to the airlift. They have been conducting those discussions with the Cuban Government.

We have continued to be in touch with the Costa Ricans and the Peruvians. We have, as you know, a staging area in Costa Rica, if that air shuttle is resumed.

The second thing that you may be interested in, in response to your question, is that we are considering the possibility of an immediate conference with our friends in Latin America and other regions which would consider this whole problem and which would open up precisely the question you asked.

Mr. CONYERS. The time of the gentlewoman has expired.

Before I recognize our colleague from New York, Mr. Fish, might I just direct this question that I think needs some clarification.

Both Haitians and Cubans are refugees in an economic sense, are they not? Are they treated on quite different bases. Mr. Ambassador?

Mr. PALMIERI. The Cubans who are arriving on our shores by small boats today are not refugees in the sense of the Act. They are applicants for asylum, at least potentially. They are paroled into the country on the basis of a 60-day parole with deferred inspection. So that both Haitians and Cubans who arrive here in undocumented status are essentially candidate for asylum.

The Refugee Act is aimed at persons either within their country or outside their country who are subject to screening and processing outside of the United States; and come here as refugees after a determination of their status.

The question of how the Cubans who are arriving here now and how the Haitians who are arriving here now will be regulated may be an issue that can be covered under the present Refugee Act. We will be consulting with the committee on this. It is being studied. It could possibly be a subject of special legislation.

Mr. CONYERS. The Haitians are not receiving—are they eligible for social services in the same sense that the Cubans are?

Mr. PALMIERI. Candidates for asylum who arrive here in undocumented status are not eligible.

Mr. CONYERS. Neither are?

Mr. PALMIERI. Correct.

Mr. CONYERS. I want to pursue this line of questioning, but I want to recognize the subcommittee members, and I yield now to my colleague from New York, Mr. Fish.

Mr. FISH. Mr, Ambassador, when we met April 22, a week ago, in consultation with members of this committee, as I recall most of our talk was in terms of Haitians. The Cubans were just beginning to land. I see from your testimony that you now state that 4,000 have landed.

I would like to support Ms. Holtzman's comments here that it seems to me we have at present the worst situation possible.

I certainly approve of efforts to get other nations involved; but I hope that it won't take as long to determine whether or not the Cuban authorities will allow people to leave, to go to the third countries, other than the United States. I really question whether or not we shouldn't be thinking in terms of processing in Cuba itself and to regularize the flow coming from Cuba if—as I understand it—that is what they would support.

It certainly seems to be a better situation than that we have today.

As far as the processing is concerned, I understand that we are paroling in Cubans for deferred inspection, for a period of 60 days, during which asylum claims will not be considered for those 60 days; is that correct? Is that what our processing is?

Mr. PALMIERI. The asylum claim is considered after inspection is completed. It is then reviewed by the State Department after the Immigration Service has completed its proceeding.

Mr. FISH. During the 60-day period?

Mr. PALMIERI. The State Department review takes place after.

Mr. FISH. That's my understanding.

What I have difficulty understanding is in the treatment of these people's asylum cases. I understood we have had negotiations dealing with political prisoners released since 1978; and then there were negotiations dealing with prisoners released prior to 1978, and that some 2,500 have been committed, and some 7,000 remain. Would those people be

considered refugees or would they be considered asylees?

Mr. PALMIERI. Congressman, those political prisoners are part of our regular refugee admissions program and are part of the 19,500 that we have described in testimony.

Mr. FISH. How many political prisoners are there in Cuba today?

Mr. PALMIERI. Political prisoner petitions? I understand about 15,000. Let me ask Mr. Scully if that's correct.

About 15,000.

Mr. FISH. So we have two pieces of legislation to deal with this problem: The Refugee Act and the Immigration and Naturalization law? If 19,500 can be refugees, and the balance are political prisoners, then you have, I suppose, a 20,000 limitation on the rest, of which we have 15,000 petitioners?

Mr. PALMIERI. That excludes the immediate relatives.

Mr. FISH. How many more would that be?

Mr. PALMIERI. Let me ask Mr. Scully to make an estimate of immediate relatives.

Mr. SCULLY. Mr. Fish, I don't have an estimate of the total number of immediate relatives registered in Havana. The incident has been approximately 100 a month. We have no indication of any administrative backlog. I would assume there are probably not more than several hundred immediate relative petitions there.

Mr. FISH. Beyond those who really qualify as refugees and beyond the ones we have in the Immigration pipeline, the rest of the people are just the ones that Mr. Castro said could leave the country? Is that it?

Mr. PALMIERI. Yes, sir.

Mr. FISH. Are not members——

Mr. PALMIERI. Some of them, of course, are people who were in the Peruvian Embassy. Did you mention that?

Mr. FISH. They are in a different category?

Mr. PALMIERI. Those in the Peruvian Embassy would count against the 3,500 numbers about which we initiated consultations on emergency group admissions.

Mr. CONYERS. Your time expired a little while ago. Perhaps a subsequent colleague would yield.

The gentleman from Virginia, Mr. Butler, is recognized for 5 minutes.

Mr. BUTLER. Thank you, Mr. Chairman.

I appreciate the work you are doing. I don't envy you your job. The problems that these circumstances are creating seem to multiply every day. I thought when we passed the Refugee Act and established the numbers and the procedure for expanding the numbers that we were putting ourselves in a position where Congress would make the policy as to the numbers.

Now, all of a sudden it's slipping away from us under this emergency.

We are talking about the Cubans. We are not talking about the numbers, the procedures under the statute. On page 12 you say they will be treated as political asylum cases. Of course, that provision is made for asylum procedure in the Act. The act, section 208 (a), says the Attorney General shall establish a procedure for asylum; and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines such alien is a refugee.

We come back to the basic point of the legislation and, of course, to the policy of this legislation: That you have to be a refugee, and Congress has to decide how many refugees there are.

I don't think the Attorney General has had time to establish this procedure since the act, but there was one kind of in place before.

Where does the 60-day parole, for example, come from, the 60-day parole with deferred inspection?

Mr. PALMIERI. That's simply temporary parole to permit deferred inspection. It does not constitute legal admission to the United States. Under the Attorney General's discretionary authority—let me ask Mr. Crosland to speak to that.

Mr. CROSLAND. The temporary parole is merely for the purpose of allowing the various intelligence agencies adequate time to screen the individuals.

Mr. BUTLER. So that's something you pulled out of the air? That's not part of the established procedure? That's what you had to do because of the tremendous influx?

Mr. CROSLAND. Right.

Mr. BUTLER. I certainly think that's reasonable. What it does do is lead us to the ultimate decsion: That you are going to have to insist that each one of these people apply for political asylum; and from there you have to proceed on a case-by-case determination. Is that the plan of the administration at this point?

Mr. PALMIERI. I would say that's the process dictated by the terms of the Act. That is to say, asylum process is necessarily a case-by-case process which applies to undocumented aliens who are in this country. Obviously, this Act was not drafted to deal with a problem of this magnitude. We have been thrown a curve in terms of the mass of people arriving here in undocumented status. And it may well be, as I suggested in testimony, that the Congress may want to act on this in some special way.

Mr. BUTLER. I think, with all due respect, that's where we disagree. I think the Act was passed with the view that Congress would determine the number. It does call for consultation and hearing. We are not going through consultation at the moment with respect to Cubans beyond the 19,500.

It seems to me that what really concerns me is that this situation is getting out of the control of everyone, but the people are showing up; and we don't have the temerity—certainly I wouldn't have the courage to turn them back, especially after all the things we said to the Malaysians.

What efforts are being made, if you could outline them for us, to discourage this immigration, to discourage the use of our boats to bring them in? Are we confiscating boats? Are we finding the people?

I wish you would address that aspect of it, even though I judge from your testimony you don't sympathize with that aspect.

Mr. PALMIERI. I don't want you to have the impression that I am unconcerned about the impact of these flows on our own country, our own communities. I will tell you that there are many officials and many members of the community in South Florida who are concerned.

Our problem has been to deal with the realities of the situation; and these involve an extraordinarily emotional response on the part of the Miami Cuban community to the opportunity for long-deferred family reunification.

On the other hand, this Government is not in a position to take a vacation from the responsibility of enforcing the law. What is required in the guidance that the Attorney General has issued is a general statement that we intend to enforce the law, the continuation of the application of the civil sanction, applicable under 1323 of the Criminal Code, applying a $1,000 fine for every undocumented alien brought back. Those citations continue to be issued.

But I want to be quite clear with you that the enforcement process, in going beyond that to the question of seizure, question of arrest, is being implemented in a way which takes account of the fact that when a community is in an emotional state one of the products of enforcement activity which is not careful can be major disobedience, civil disorder, and we are not going to solicit that kind of a response.

We believe the situation, incidentally, Congressman, is cooling. We believe the problems that Congresswoman Holtzman related about the individuals whom Castro is forcing into this flow are giving great pause now to members of the Cuban-American community in Miami.

We believe that this will have important results; and just as enforcement authorities have had to do in high-tension community situations many times in the past few years, we are seeking to uphold the integrity of our immigration laws. We are maintaining the responsibility of the community and of Federal agencies to enforce the law. We are trying to take account of the fact that we have difficult problems of emotions and our enforcement should be aimed, in this instance, at people who are in aggravated cases, where they endanger the safety of the individuals, where they are profiteering, and otherwise.

My understanding from Mr. Crosland is that three boats have been seized in exactly those circumstances; is that correct?

Mr. CROSLAND. That's correct.

Mr. CONYERS. The gentleman's time has expired.

Once again we have a record vote that requires the presence of all Members on the floor for the Synar substitute. If the witnesses will indulge another brief recess, we will resume immediately after this vote.

[Recess.]

Mr. CONYERS. The committee will come to order.

Before recognizing my colleague from Massachusetts, Mr. Drinan, I wanted to ask the Ambassador if he wanted to make any further distinction between the assistance being provided the Haitians and the Cubans that are coming to these shores.

Mr. PALMIERI. Mr. Chairman, I will ask Under Secretary Stark to take the question.

Mr. CONYERS. All right.

Mr. STARK. As far as I know, we are not making any distinction. As far as the Haitians are concerned, they are seeking a legal opinion as to what their status is. I would assume that whatever status is given to the Haitians, whatever status is given to the Cubans, if it's the same they will be treated exactly the same.

Mr. CONYERS. Information is coming in that requires a lot more time to that question. I yield to the chairman of the committee, Mr. Rodino.

Chairman RODINO. Mr. Secretary, isn't it true, though, that in the case of the Haitians they are treated on a case-by-case basis, and there is a distinction. Presently, according to some of the opinions that have been handed down—and this is the opinion in the State Department that Haitians, in most instances, have been looked upon not as refugees in the terms in which we understand them and define them, but as those who have need because of economic reasons rather than political reasons.

Isn't that the case right now?

Mr. STARK. Mr. Chairman, as far as HEW is concerned, the policy determination is a responsibility of the Justice Department. I can assure you we will carry out whatever the mandate is.

Chairman RODINO. Well, do you know what the mandate is?

Mr. STARK. Perhaps the INS can answer that.

Mr. CROSLAND. Mr. Chairman, we are treating Cubans and Haitians the same in the processing. They will all have to file a claim for asylum, if they have a fear of persecution; and that claim for asylum will be presented to the State Department for review, and then will come back to INS for a hearing in an exclusion proceeding.

They will have the burden each, of going forward and proving that they would be in fear of persecution.

Mr. CONYERS. The chair recognizes Father Drinan.

Mr. DRINAN. Thank you. First, I want to

commend you for the extraordinary work you continue to do on behalf of the Vietnamese refugees. I wish more time were available today to go into some of the problems and what the Congress could do. I know on a continuing basis we will try to assist them in this difficult role.

I want to introduce, Mr. Chairman, also an inquiry from our colleague, Congresswoman Shirley Chisholm. Let me read one sentence and ask them not now but for the record to repond:

"I thought you might be interested in the fact that Latin America, with the exception of Cuba, is slated for only 1,000 refugees for fiscal year 1980. As a member of the Black-Hispanic Coalition—"

And I rise this question on behalf of Congresswoman Shirley Chisholm and ask the witnesses to respond in due course.

I would ask unanimous consent that a letter I sent to Ambassador Palmieri the other day, along with a memo from Amnesty International, be made part of the record. These relate to the whole question of the admission of refugees who are prisoners of conscience within their countries.

Mr. CONYERS. Without objection, so ordered.

[Information to be furnished.]

Mr. DRINAN. I would be happy to yield to Congressman Fascell of Florida.

Mr. CONYERS. We welcome our colleague from Foreign Affairs whose interest in this matter is quite apparent. He has represented his district in Florida for lo these many years. Welcome to the committee, Mr. Fascell.

Mr. FASCELL. Thank you, Mr. Chairman. Let me thank the members who have given me this opportunity today not only to speak but also to thank the gentlewoman from New York, Ms. Holtzman, for having traveled to my District in order to look directly at the problem. I would invite all members of the Judiciary Committee to go to the area and view the situation in order to better understand, and assess the problem after having had the opportunity to see the difficulties of processing and providing assistance and after talking with individuals who are involved in the community as well as the people who are themselves entering the country. In this way, I believe the members will be more fully aware of the problem itself rather than only the historic responsibilities of this committee with respect simply to whatever the law happens to be.

I agree, of course, that the letter of the law as it treats alien status is a matter of consideration for which this committee has high regard. I do think that it is important for the maintenance of national policy. We should either respect the law or change the law.

Therefore, I obviously believe that a determination of status is vital. However, I would like to ask the director at this point whether in light of the previous statement concerning a case-by-case determination for asylum, applications: Isn't that policy negated if the Federal court makes a contrary decision in the Haitian case?

Mr. CROSLAND. This——

Mr. FASCELL. By the way, I might add for the record that at the present time my opinion is that the Federal order now barring deportation in effect permits people to enter the United States under color of law. Lawyers can argue about that point for a long time, I'm just venturing my opinion. As long as the Federal order remains in effect saying no Haitian can be deported because of the class action now pending, then it appears to me that there is no way that the other arm of the Federal Government, which has the responsibility, can enforce the law until that matter is resolved, unless this committee is going to change the law and disenfranchise for the particular lawsuit. I can sympathize with your problem.

Isn't that part of the issue on how to treat the problem of either refugees or asylees?

Mr. CROSLAND. As a matter of law, it's obvious that, under the new refugee legislation. Haitians and Cubans who come here shall be treated the same; whereas in the past Cubans were not treated the same as Haitians because the law was not the same.

We are, therefore, processing them identically within INS except that persons who come from Cuba are interviewed and we get extensive biographical data on them to determine whether they would be a security risk since they come from a Communist country which does not have diplomatic relations with us.

Mr. FASCELL. Let's proceed to the issue of how you determine numbers of refugee entries as far as this committee is concerned in being responsive to the dictates of the law. The numbers on refugees are quite clear: 50,000 within the 320,000 worldwide limitation. But there are additional numbers for various categories, whatever they are under the law—which I gather are two exceptions. For fiscal 1980 the numbers are used up on a 50,000 limitation, from the time that the law went into effect until October 1. Am I correct? Are the numbers used up in the 50,000?

Mr. PALMIERI. We have certainly admitted more than 50,000.

Mr. FASCELL. Agreed. Therefore, if you want to go above the 50,000, as I understand it, the 3,500 number picked for the Cuban refugees in the Peruvian Embassy was within the exception provided for in the law; correct? Isn't that the matter of colloquy here?

Mr. PALMIERI. Correct.

Mr. FASCELL. As far as any other people are concerned, over and above 3,500, or other than the 3,500 contemplated in the presentation before this committee, are they "illegal"? Are they undocumented?

Mr. PALMIERI. Correct.

Mr. FASCELL. They do not come into the purview of the law?

Ms. HOLTZMAN. Would the gentleman yield?

Mr. FASCELL. Correct.

Ms. HOLTZMAN. The law does apply to them whether or not they carry documents. The law is silent on the issue of documents. Whether someone carries a document with him or her is irrelevant to whether they are entitled to asylum, whether they are refugees. If these people are, in fact, refugees, the Attorney General in his discretion may grant them asylum. Then there is the question of adjustment of status.

Mr. FASCELL. So you can get back to the numbers within the framework of the law?

Ms. HOLTZMAN. Absolutely.

Mr. FASCELL. Once a decision on status has been made, if the administration wants the numbers to go up. On the other hand, they are not to ask for any additional numbers beyond the 3,500; am I correct? Is that correct, Mr. Chairman?

Mr. BUTLER. Will you yield?

Mr. FASCELL. Certainly, I am looking for information.

Mr. CROSLAND. Mr. Fascell, the numbers—anybody who files an asylum claim, who comes to this country and lands or finds himself here, those numbers don't count against the numbers that we are talking about here for refugees.

Mr. FASCELL. I was trying to reconcile that statement with what the gentlewoman from New York just said.

Mr. PALMIERI. She was talking about the adjustment, right?

Mr. FASCELL. I don't know. I am asking, adjustment for refugees?

Mr. PALMIERI. For asylum applicants.

Mr. FASCELL. Within or above the 50,000?

Mr. PALMIERI. Above.

We have David Martin here from the Bureau of Humanitarian Affairs at the State Department, which actually oversees the asylum process. Why don't you answer the question?

Mr. MARTIN. Mr. Fascell, there are two separate arrangements under the Refugee Act; one for refugees—properly speaking, our program is for moving people from overseas. That's the major issue of numbers we are talking about now: the 231,700 refugee admissions we are talking about for all of fiscal year 1981. There is a separate section, 208, of the Refugee Act, that provides an asylum procedure for people who get here on their own in some fashion and then claim a right to stay and not be sent back because of a well-founded fear of persecution. That's a case-by-case determination. There's not a ceiling on the number of people who can get asylum.

Mr. FASCELL. I understand that. I just wanted to get it clear on the record that this has nothing to do with numbers. There is no requirement anywhere in the law with respect to the case-by-case determination on asylum. There could be 500,000.

Mr. PALMIERI. That's right.

Mr. FASCELL. Once they get within the jurisdiction of the United States and take advantage of the present law which simply requires them to file a petition for asylum, there are no numbers involved?

Mr. MARTIN. That's right, but let me make clear that does not necessarily make a right to obtain permanent residence.

Mr. FASCELL. I did not say that. Let me conclude. I could ask a thousand questions, but this committee is better equipped to handle that matter than I.

Let me say this: Since Ambassador Palmieri came on board—he has only been here a short time—I must commend him for having at least discerned the problem. Up until now, believe me, we have tried with the assistance of HEW, INS, State Department, and everyone else, to get somebody to focus on the problem and on the needs of the local community which has had the feeling, and rightly so, that it was completely overwhelmed in dealing with what is basically a Federal problem. The local community needs to have some help in terms of personnel to deal with the processing (fundamentally a Federal responsibility), the humanitarian treatment of these people (a Federal responsibility), and there is no gimmick in the world that is going to lay that financial responsibility for humanitarian treatment on the local city, local county, or the State government.

No gimmick in the world is going to make that acceptable. This is a Federal responsibility; and if we cannot find a way to do it, then this Government is in some kind of trouble as far as I am concerned. For the processing assistance that you have brought down there, thank goodness. It is late, but thank goodness it got there. A decision on status is vital and imminent. The other point that needs to be finally resolved, Mr. Ambassador, is just there should be no equivocation or reservation about the fact that whatever services were provided at the local level will be unstintingly, unhesitatingly reimbursed to the local communities or the State.

Chairman RODINO. If the gentleman would yield?

Mr. FASCELL. Thank you very much.

Chairman RODINO. The gentleman from Florida. He makes the point and a very important one that I think we have to focus on: While we talk about these numbers, the numbers are going to mean dollars.

Mr. FASCELL. The other point I want to make, Mr. Chairman——

Chairman RODINO [continuing]. Right now we are cutting down on the amount of money that is going to be used in funding some of

these programs. But we do have admissions already and I think the committee has to be aware of it.

Mr. CONYERS. The gentleman from Illinois?

Mr. FASCELL. The other point I was making is if everyone asks for asylum, the numbers don't mean anything.

Mr. CONYERS. The gentleman from Illinois?

Mr. HYDE. I thank the Chairman. I have a statement I want to make that includes an awful lot of questions. I don't expect answers today.

First of all, I would like to start off by referring to the first paragraph—and ask that the entire text be put in the record—from an article in the Chicago Sun-Times, March 31, 1980, dateline Jerusalem. The Refugee Act of 1980 liberalizes benefits available to refugees in the United States and is being criticized here by Zionist leaders as a grave threat to Soviet Jewish immigration to Israel.

I invite the attention of the members to the additional minority views submitted by myself and Mr. Sawyer to the committee report on the Refugee Act legislation.

In it, we addressed a number of issues the treatment of which we thought was ill conceived and inconsistent in the identification of refugees, the treatment of refugees depending on the area from which they come, and the obvious influence exerted by foreign policy considerations, special interest pressures and not the least, press and media coverage on determining which groups would be favored.

In this consultation process, I would like to address four main areas which, I believe, require detailed explanation—

One, the question of classifying Soviet Jews as refugees rather than processing them as immigrants;

Two, the practice of admitting into the United States Indochinese as refugees who were considered to have been firmly resettled in Western European and other countries;

Three, the reason for and the extent to which we are subsidizing travel costs for refugees to other countries through contributions to UNHCR; and

Last, the rationale for relegating our prerogative to UNHCR in determining the method of teaching English language and imparting cultural orientation information to Indochinese refugees selected for the United States.

On my first point, I grant that the Jews in the Soviet Union are a persecuted group and to that extent would qualify as refugees. However, since they leave the Soviet Union with a valid visa for Israel—a democratic country striving to sustain its economic and political freedom—a country which accepts these people without equivocation—a country which needs these productive immigrants—would we not be doing our ally a tremendous service by encouraging these Soviet Jews to immigrate to Israel instead of allowing them to opt for coming to the United States? Why not, following their admittance to Israel, treat them as all other immigrants should they want to come to the United States?

Under the present definition in the Refugee Act, how do these Soviet Jews qualify since they do have an exit permit and a valid visa?

Is it not possible for those persons who qualify under our Immigration and Nationality Act to apply for immigrant visas in Israel under our normal preference system?

Now with regard to my second point, it is understood that a number of Indochinese refugees who accepted resettlement in another country, especially in Western Europe, are finding their way to the United States as refugees. Can you explain how these people qualify? If they don't qualify, under what guise are they coming here?

What action will you take to discontinue this practice which I understand is growing?

With regard to my third point: From the outset we in the Congress have insisted that the Department of State internationalize the Indochinese refugee program. A number of countries apparently have agreed to accept certain numbers of these refugees.

However, we now find that perhaps the administration succeeded to a certain extent to internationalize this problem by subsidizing transportation costs for those Indochinese refugees going to other countries through our contributions to UNHCR.

How many refugees have been resettled through this subsidization method? To what countries? And at what cost to the United States?

What agreements exist between our Government and UNHCR to pay for such movements? Are these expenditures identified in requesting funds for UNHCR? What are your future plans for continuing this subsidization?

On my fourth point: Up to this time, we have always been told that the primary aim of UNHCR was to guarantee the legal protection of refugees, and as such, UNHCR was not to be considered as an operational entity.

There have been some exceptions to this primary objective, such as Cyprus, where UNHCR was given broader operational jurisdiction because of its unique position of being able to operate freely in both the Greek and Turkish sectors. However, now we have learned that the Department of State has turned to UNHCR to organize an English language and refugee cultural orientation program in Indochina and the Philippines for those refugees destined for the United States.

My questions are:

What special expertise does UNHCR have to qualify it to determine for the United States what English-language or cultural-orientation programs are the most beneficial for those refugees coming to the United States? What role will UNHCR continue to play in the implementation of programs of this type?

What efforts have been made to seek assistance in formulating and implementing English-language and cultural-orientation activities among American institutions, especially universities? What drawbacks, if any, have been perceived in allowing American institutions to engage in these activities?

In closing, I am pleased that we have a sunset provision on this Refugee Act—perhaps our experiences under this Act will enlighten us with regard to the pitfalls we overlooked in passing this legislation.

"[From the Chicago Sun Times, Mar. 31, 1980]

"NEW U.S. LAW CALLED THREAT TO ISRAEL ON SOVIET JEWS

"(By Jay Bushinsky)

"JERUSALEM.—The Refugee Act of 1980 that liberalizes benefits available to refugees entering the United States is being criticized here by Zionist leaders as a grave threat to Soviet-Jewish immigration to Israel.

"The new law was passed by Congress early this month and signed by President Carter on March 18.

"The immediate result of the law will be an even higher 'dropout rate' among Soviet Jews who leave the Soviet Union with Israeli visas but opt for the United States on arrival in Vienna, Austria, says the chairman of the Jewish Agency for Israel, Aryeh Dulzin.

"Dulzin has urged Prime Minister Menachem Begin to take firm action on the problem during his forthcoming talks in Washington with Carter by insisting that the Soviet Jews not be classified as 'refugees.' He argues that Israel's readiness to admit them and grant them citizenship cancels their eligibility for refugee status.

"'Otherwise,' said Jewish Agency spokesman Zvi Eyal, 'our campaign to reduce the dropout rate will be ruined.'

"During the last two years, more than 65 percent of the Soviet Jews who passed through Vienna shunned Israel in favor of the United States, to the chagrin of Jewish Agency and Israeli government aides.

"This choice occurred even though the Soviet Jews left the U.S.S.R. after obtaining Israeli visas from the Dutch Embassy in Moscow on the basis of affidavits sent to them by the Jewish Agency in Israel. The affidavits attested to their having relatives here, thereby qualifying them for "reunification of families" under the Helsinki accords.

"Eyal said he feared that the Soviet authorities may halt the Jewish exodus entirely after this summer's Moscow Olympics because of the Vienna switchover.

"'The Russians have other minorities that want to be reunited with their families in the United States,' he said, citing Czechs and Ukrainians among others. 'The Jewish dropouts are causing the Soviets too many local problems with these groups.'

"In a parallel move, the head of the Jewish Agency's immigration department, Rafael Kotlowitz, sent a telegram to Max Fisher in the United States asking him as chairman of a U.S.-Jewish committee on the dropout problem to prevent the new law from being applied to Soviet Jews.

"He pointed out that 24 out of 32 U.S. cities (including Chicago) with welfare programs for Soviet Jews have accepted the Fisher committee's recommendation that aid be extended only to those with immediate relatives in the United States.

"According to Eyal, 50,000 Soviet Jews left for the West last year, compared with a projected 30,000 this year.

"Begin has proposed that Jewish organizations that deal with Soviet Jews in Vienna—the Hebrew Immigrant Aid Society and the Joint Distribution Committee—also accept the immediate-relative principle as a criterion for assistance.

"The Refugee Act of 1980, of which Sen. Edward M. Kennedy (D.-Mass.) was the chief Senate sponsor, grants automatic U.S. permanent residency to refugees within a year of their arrival, as well as free English language training and a wide range of free social services.

"Jewish Agency personnel and Israeli politicians admit that they were unaware that the new legislation was about to be signed by the president.

"'I heard the radio Friday morning and found out about it for the first time,' said Eyal."

Mr. CONYERS. Can the gentleman submit the rest of the questions?

Mr. HYDE. Yes; I will submit them and many more. As long as the light is still amber, I see that you are going to admit and ask for necessary funding to accommodate all Soviet Jews who seek admission to the United States. Why them? Why not all refugees from everywhere who seek admission? Why the preference? What about all Sudanese or all of the Ethiopians that are in Somalia. Why all Soviet Jews? Why the preference?

Would someone answer that? Anybody answer that?

Mr. PALMIERI. The United States has made a continuing commitment to Soviet Jews to aid them in their struggle to emigrate and to take all who wish to come to the United States. That policy predates my jurisdiction. It was reaffirmed in this administration. If it is going to be changed, it will undoubtedly be a subject for discussion and consultation with this committee and ultimately by the President. It is a long-standing policy and an important part of our effort to reinforce freedom of choice among persecuted peoples. No.

1; and an important part of our policy vis-a-vis the Soviet Union, No. 2.

Mr. HYDE. I hear you, but I can't say I am satisfied. I yield back my time.

Mr. CONYERS. The Chair recognizes the gentleman from Missouri, Mr. Volkmer.

Mr. VOLKMER. I would like to continue on with some of the previous questioning. Of the Cubans that are presently in Florida that came over on the boats, direct access, they are being treated as those requesting asylum; right?

Mr. PALMIERI. Yes, sir.

Mr. VOLKMER. Are they included within the 3,500 or not?

Mr. PALMIERI. No, sir.

Mr. VOLKMER. Not at this time?

Mr. PALMIERI. No, sir, let me clarify——

Mr. VOLKMER. No; let me clarify. Will they ever be?

Mr. PALMIERI. No, sir.

Mr. VOLKMER. None of them will be sent back to Cuba. You and I know that.

Mr. PALMIERI. There are some we hope to send back, the ones Ms. Holtzman was talking about.

Mr. VOLKMER. Would you advise me personally, and I think the committee, within—after the 60 days or the 90 days or the 120 days or the 6 months, whenever somebody is sent back to Cuba that came over on those boats, I would like to know who it was or at least the numbers. Whether it is a year from now or whenever it happens?

Mr. PALMIERI. We will certainly do that.

Mr. VOLKMER. What you are telling me is basically if you get on the boat and come over directly you are better than waiting around than to go to Costa Rica and coming to the United States? That's what you are telling me? That's what you are telling the Cubans?

Mr. PALMIERI. Well, I'm not telling you anything in that respect. That's your conclusion. It's not an irrational conclusion based on the fact that we probably have 6 million undocumented workers in this country who have come here illegally.

Mr. VOLKMER. Right.

Is it legal or illegal to bring them in like that on the boats?

Mr. PALMIERI. It is illegal. And we are issuing citations to the boatowners.

Mr. VOLKMER. We confiscated three boats?

Mr. PALMIERI. Correct.

Mr. VOLKMER. Out of how many estimated?

Mr. PALMIERI. Must be several thousand—or several hundred, excuse me.

How many boats have come back?

Mr. CROSLAND. Fifty-four boats.

Mr. VOLKMER. Fifty-four boats have come back? We've only confiscated three?

Mr. CROSLAND. Yes.

Mr. VOLKMER. Have we cited more than three?

Mr. CROSLAND. We cited a $1,000 fine for each Cuban who is brought here, every single boat.

Mr. VOLKMER. Every single one? But you haven't confiscated any of the boats?

Mr. CROSLAND. It's a combined law enforcement effort. Customs is the agency charged with the seizure process on this civil proceeding.

They have only seized three; that's correct.

Mr. VOLKMER. Do you know whether or not there's been any notice or warning to any of the boatowners down there that if they don't that they will be seized?

Mr. CROSLAND. Yes; I issued a directive and it went out—and also a press release which stated quite clearly that a person was subject to a civil fine and that their boats would be held until it was paid, and also that they could be subject to criminal prosecution for a felony.

Every single person who has gone out and gotten clearance from Customs to leave was given a copy of that notice in English and in Spanish.

Mr. VOLKMER. Have the boats going out slowed down in the last day or two?

Mr. CROSLAND. Well, we had a fairly major storm. I don't know what the report is today. I was told there were no boats going or coming in any great number over the weekend because of the storm, so I cannot report to you as to the numbers that have gone out today.

Mr. VOLMER. About how many have come over so far?

Mr. CROSLAND. We have 4,006.

Mr. VOLKMER. 4,006?

Mr. CROSLAND. Right.

Mr. VOLKMER. Where are those 4,006 right now today, this minute? Generally?

Mr. CROSLAND. Most of those are processed and they are with friends and relatives in the Miami area.

Mr. VOLKMER. How do you plan to locate them for examination to determine whether or not they are going to be acceptable?

Mr. CROSLAND. We have addresses on each one of them and we will call them back in for hearings when it's appropriate.

Mr. VOLKMER. If they don't show up or if you can't find them?

Mr. CROSLAND. Then we will go look for them.

Mr. VOLKMER. That's what it amounts to?

Mr. CROSLAND. That's what it always amounts to.

Mr. VOLKMER. Thank you very much.

Mr. SENSENBRENNER. Mr. Chairman?

Mr. CONYERS. The gentleman from Wisconsin, Mr. Sensenbrenner.

Mr. SENSENBRENNER. During the debate on the Refugee Act of 1980, the supporters of this bill informed the Congress that one of its purposes was to eliminate such dodges as utilization of the Attorney General's parole power, so that all people who were refugees were put into this country as refugees pursuant to the limitations in this act.

Today, you have informed us that the people who are getting off the boats from Cuba are being treated as possible political asylees and given 60 days to file an application for political asylum.

What I would like to know is what happens to these people if it is subsequently found that they do not meet the criteria for political asylum and their petition for asylum is thus denied?

Mr. PALMIERI. Subject to the legal remedies that exist to stay exclusion proceedings, they would be sent back to Cuba.

Mr. SENSENBRENNER. Isn't it true that in the case of the Haitians that are coming here, that there has been a class action filed in the Federal court, and the Federal court has prohibited the deportation of the Haitians?

Mr. PALMIERI. It has prohibited the exclusion proceedings; that's right.

Mr. SENSENBRENNER. Why shouldn't we be honest and increase the quota of refugees beyond the 231,000 plus that is contained in the Presidential executive order rather than using the dodge of political asylum as a way of keeping them in the country?

Mr. PALMIERI. I don't think we are—we are not understanding each other. We are not trying to use any dodge or keep anybody here or do anything but comply with the terms of this act.

No. 1, we are in the process of working out these terms; and I might add that we and the staff have been talking about what these terms mean and how they should be applied to specific situations; so the first thing I want to say to you, Congressman, is that we are right now in this hearing, and in the prior consultation, implementing the Act, and we are learning how to do it. That's point No. 1.

Point No. 2, we regard this massive human phenomenon that we have in the Cuban situation as an appropriate subject of consultation within the spirit of the act. We don't intend to do anything without consulting with this committee and the Senate committee. It's squarely within the spirit of the Act.

Whether it's within the letter, because of the special circumstances, I don't know.

We are in a need for legal opinions on some of this: but all of that will be worked out with your staff and this committee. We are not trying any dodge.

Mr. SENSENBRENNER. It seems to me that the way that you are interpreting this law and the way you are utilizing the political asylum technique, we are playing right into Mr. Castro's hands in accepting anybody who gets off the boat from Cuba and then getting that person into a situation where it would be impossible to kick him out and return him if the Federal court's decision in the Haitian case is upheld.

Mr. CROSLAND. Mr. Congressman, under the law, anybody who comes to our shores has a right to an exclusion hearing. We can hold them in jail until the hearing. Or we can, if we are satisfied we will have control of them, and they will report for the hearing, we can use parole for the limited purpose of letting them go out into the community, subject to certain limitations. There has been widespread confusion as to what parole is.

We parole people in sometimes for limited periods of time. There's no determination that they are paroled in to stay—it is so that they can make an application for political asylum.

They are applicants for asylum. They have a right to a hearing. They will make that claim before an Immigration judge in the exclusion proceeding.

Mr. SENSENBRENNER. My time has almost expired. I do have one additional question: Has the administration taken any steps to convene an international conference for the resettlement of Cuban refugees so that the United States does not have to bear the exclusive burden of resettling all of the people who do leave Cuba through one means or another—and if not, why not?

Mr. PALMIERI. I will take that question for the State Department. The answer is that a conference is being considered with other Latin American countries and other countries who may attend outside of Latin America.

We think it's a good idea, because we have, from the start, regarded the Cuban emergency as a hemispheric problem.

I agree with you that the issue of Cubans who leave Cuba should be an open issue as to where they settle. We do have problems in seeking to divert those who arrive here elsewhere, problems which realistically you have to deal with.

If we can get back to a staging area in a third country, we have a far better chance of implementing some international resettlement; but I would not oversell you on the possibilities other countries have not been that willing in—except with respect to quite small numbers.

Mr. CONYERS. The gentlewoman from New York? Do you desire any additional time?

Ms. HOLTZMAN. Thank you very much, Mr. Chairman. Yes, I do.

Going to the issue of asylum, under the law it says that asylum may be granted in the discretion of the Attorney General if the Attorney General determines that an alien is a refugee within the meaning of section 101 (a) (42) (A).

That really contemplates that regulations will be issued to determine who will be eligible for asylum, who qualifies, and what procedures will be used.

Indeed, until that happens, these people are really in limbo, the Haitians and the Cubans.

Do you have any plans for establishing or promulgating these regulations promptly?

Mr. CROSLAND. The State Department and

the Immigration and Naturalization Service have formed an ad hoc group in developing regulations on the implementation of the asylum proceedings of the Refugee Act.

Ms. HOLTZMAN. Let me urge you to do it as promptly as possible. I think that it is materially important in order to handle the situation effectively.

Mr. BUTLER. Would the gentlelady yield on that point?

Ms. HOLTZMAN. Sure.

Mr. BUTLER. Is it the Attorney General's intention to bring these regulations to us for review?

It seems to me that since it is clear that asylum is being used, as suggested by the gentleman from Wisconsin, as a device by which people are not brought in under the numbers, then Congress' intention was to control the numbers in passing this legislation, that it would be appropriate for you to bring these asylum regulations to us for review and a hearing before they are finally promulgated.

Do you have any plans along that line?

Mr. CROSLAND. Any regulations would be published subject to comment; and in the past, on regulations of this nature, the Immigration and Naturalization Service certainly has spoken with key staff people and obtained the views of the committees as to what would be the most appropriate way to implement the legislation.

David Martin might be better able to answer this in terms of how this is proceeding.

Mr. MARTIN. The act requires——

Ms. HOLTZMAN. Excuse me. I hope the gentleman will get me additional time.

Mr. BUTLER. I ask unanimous consent for the lady to have additional time.

Mr. CONYERS. We are trying to avoid unanimous consent, but we will allow—we are trying to close down——

Mr. BUTLER. Close down debate?

Mr. CONYERS. Discussion.

Mr. BUTLER. You can have my time when we get to it.

Mr. MARTIN. The act requires new regulations by June 1. We have been working with the INS to prepare regulations to meet that deadline.

Looking at those as interim regulations and then a publication shortly thereafter for public comment on the ultimate final regulations; but I should point out there are existing regulations providing for asylum processing and a procedure to establish that.

All this goes back to 1968 when the United States accepted the U.N. protocol relating to the status of refugees. It's that treaty standard that is now embodied in the statute.

This is not a totally new legal provision for the United States. It was done by treaty before. Now it's been established by statute. There are regulations that exist at present. They will be modified by June 1.

Ms. HOLTZMAN. I want to ask another question going back to the point Mr. Conyers raised earlier, namely, the difference in the treatment between Haitian refugees and Cuban refugees.

I understood, Mr. Palmieri, you said neither Cuban refugees nor Haitian refugees are entitled to assistance from the Federal Government while they are seeking asylum; is that correct?

Mr. PALMIERI. Let me turn to Mr. Stark, whose direct responsibility it is.

Ms. HOLTZMAN. I will tell you I saw Cuban refugees getting a check, funds, from the Federal Government. If what you said before was accurate, I want to know the authority under which these funds were disbursed.

Mr. STARK. I think the statement that was made, Ms. Holtzman, was that the undocumented people were not receiving funds. We made a judgment—and I must say that I did this not to be bureaucratic about it. We had to act quickly. We had an emergency on our hands and the newly arriving Cubans bearing the INS Service Form I-94 are being registered by our Cuban Refugee Office, program office, as temporary parolees. They are claiming political asylum at this time.

Ms. HOLTZMAN. Where is the authority—excuse me.

Mr. VOLKMER. They are getting a check?

Ms. HOLTZMAN. They are getting a check; is that correct?

Mr. STARK. They are getting a check from the State which we will eventually reimburse the State for. That's within the 60-day period.

Ms. HOLTZMAN. Where is the authority for that?

Mr. STARK. It was our understanding that we have that authority.

Ms. HOLTZMAN. Would you point to the section of the law that grants you the authority? There is nothing, by the way, that draws any distinction in the law between someone with documents and someone without. Nothing.

I would like to know what provision of the law you are relying on to provide Federal funds to the Cubans.

Mr. STARK. We are only relying on the certification of INS giving this temporary parolee status to these people for a period of 60——

Ms. HOLTZMAN. Where does the law allow you to provide funds for someone in a temporary parolee status? What law allows you to do that?

Mr. STARK. It's my understanding that we have that authority. We have checked that out with State. We checked that out with the INS. We checked it out with the White House.

We are still trying to determine where we are. We may not wind up with that authority.

Ms. HOLTZMAN. I think it is important to understand that. Certainly if the State is disbursing funds on the notion that it is going to be reimbursed by the Federal Government and that is inaccurate, you ought not to be misleading the State. I would like to know what law you are relying on. I do not see anything in the Refugee Act of 1980 and I do not know of any other law that would apply that would in any way authorize the distribution of Federal funds.

Mr. CROSLAND. I think it's fair to say there is a difference of opinion. Legal opinion within the agencies. I have asked for an opinion from the Office of Legal Counsel to lay the issue at rest.

Ms. HOLTZMAN. What provision of law would give you the authority to disburse Federal funds? You said there is a dispute within the agencies. Obviously someone must be relying on some section of law. Can you cite that section of the law to me?

Mr. CROSLAND. I don't wish to be in the position of speaking for HEW as to what they are relying on. I'm not sure what they are relying on; but our view is that Haitians and Cubans stand in the same shoes now under the law; and we have asked for an opinion from the Office of Legal Counsel.

Ms. HOLTZMAN. Are Haitians getting checks from the State of Florida which will be reimbursed by the Federal Government?

Mr. STARK. We have not had any Haitians applying.

Ms. HOLTZMAN. Why is that?

Mr. STARK. I have no idea.

Ms. HOLTZMAN. I am not sure the Cubans actually applied. There is a little table. They file through and get a check. I don't think they even know they are getting a check.

Mr. STARK. We are under the impression as late as last Thursday that we were—that these were being processed in the way I have described it.

Now we may have been wrong. We are trying to determine that status at the present time.

Ms. HOLTZMAN. I must say, and it is probably clear from my questions, that I am not at all satisfied with the answers here. I think it is very important. I think it is of concern to the memoers of the committee as to the fair treatment of all persons regardless of race, regardless of origin. That was the point of the Refugee Act of 1980. We want to know why there is a difference of treatment between the Cubans and the Haitians with respect to the distribution of Federal funds. We want to know why it is that you are disbursing Federal funds.

Mr. STARK. We have no intention of treating Haitians any different than Cubans.

Ms. HOLTZMAN. But you are.

Mr. STARK. We may. I do not know until we get a legal interpretation. We may have made a mistake in granting this to Cubans. If Haitians had come to us, we probably would have done exactly the same thing. Not probably. We would have.

Ms. HOLTZMAN. Well, I think someone ought to let the Haitians know they are entitled to these funds.

Mr. VOLKMER. Let the Haitians have it, too.

Ms. HOLTZMAN. I don't think they are.

Mr. STARK. We have not made any secret of this. The Cubans are very much aware of it. The families have probably been the greatest source of information.

Ms. HOLTZMAN. Mr. Chairman, can I just tell you how this works? Nobody asks for these checks. There are a series of tables, 1, 2, 3, 4, 5. Cubans come in, they are taken from table 1, to table 2, to table 3, to table 4, to table 5. When they get to table 4, they are given a check.

Mr. STARK. HEW does not go out and solicit these. These people must apply. When they have applied they are processed in the same way as others. They must meet the financial criteria.

Ms. HOLTZMAN. This is part of the processing done by the Federal Government. The Federal Government does not have in its processing of Haitians at table No. 4 with a check sitting there. That's all I am saying. It seems to me this procedure is, on its face, apparently discriminatory.

It may not be. I would like to have your answer. Maybe since you do not seem to know the procedure clearly now, perhaps you can make some inquiries and find out the legal basis for the procedure.

Mr. STARK. I would be very happy to do so. I wouldn't want to leave you with the impression that we are in any way discriminating. We will treat the Haitians exactly as we do any other group.

"THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
"Washington, D.C., May 2, 1980.

"Hon. ELIZABETH HOLTZMAN,
"Chairwoman, Subcommittee on Immigration, Refugees and International Law, U.S. House of Representatives, Washington, D.C.

"DEAR MADAM CHAIRWOMAN: As you recall during the Subcommittee hearing of Wednesday, April 30, I promised to clarify for you the Department's role with respect to those individuals who are arriving by boat in Florida from Cuba. Enclosed is a statement which addresses the concerns you expressed and describes HEW activities regarding these individuals.

"If you have any further questions or wish to discuss this matter further, please do not hesitate to contact me or Assistant Secretary for Legislation, William Welsh.

"Sincerely yours,

"NATHAN STARK.

"Enclosure.

"May 1, 1980.

"Upon the advice of counsel, the Administration has concluded that funds under the Refugee Act of 1980 are not available to provide services to those Cubans currently arriving by boat in Florida. Because of this, the Office of Refugee Resettlement is discontinuing registration of these arrivals in the Cuban Refugee Program and so advising the Offices of the Governor, the Dade County

Manager, the Florida Secretary of Health and Rehabilitation Services, the Mayor of Miami and the National Voluntary agencies currently involved in this resettlement. Of course, those Cubans arriving as refugees under the Refugee Act of 1980 will continue to receive the full range of services available under the Refugee Act.

"The Office of Management and Budget will make every effort to find funds to reimburse the State of Florida and the Voluntary agencies for expenditures made in anticipation or reimbursement under the Refugee Act. In addition, the Department of State is moving ahead to plan for national involvement of the voluntary agencies in responding to the needs of these recent arrivals from Cuba.

"HEW will maintain those of its services to the new arrivals in Key West and Miami now being provided by the Public Health Service and the Social Security Administration such as health services and receipt of applications for social security cards for those who are work authorized."

Ms. HOLTZMAN. I am glad to know of your intentions. That may not be the fact of the matter.

I would like to point out, finally, that there may be people not eligible for asylum. There may be people not qualifying as refugees. There may be people we want to deport to Cuba. It is imperative in my judgment that we work out a system for an orderly flow from Cuba, so we avoid these problems at the outset. I cannot urge you strongly enough to do that. If necessary, the President ought to say, as President Johnson did in 1965, we are willing to take our fair share, if we open up an orderly process. I think that ought to be seriously and immediately considered: otherwise we will create a serious problem for the localities and create serious problems for us in terms of what are we going to do with people who are not refugees, are not asylees, and are not family reunification cases.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

Mr. Ambassador, with regard to this consultation involving the 117,416 people to be admitted in the rest of this fiscal year, there are 10,500 from Cuba. In your testimony you accounted, as I recall, for 3,500 as being earmarked for those people. I don't think we discussed the number of 7,000.

Mr. PALMIERI. Can I clarify one point, Congressman? I think I said that the 3,500 numbers relating to the Peruvian Embassy crisis would apply to those in the Peruvian Embassy coming to this country.

I don't think that's right, because again we—people who come here are not within the refugee numbers. We went all through that colloquy.

This is just a point for clarification. Those numbers are for people coming out of the Peruvian Embassy to Costa Rica and back to the United States under that special determination.

The 7,000—those are the family reunification program.

Mr. FISH. These people will be processed by Federal immigration officials within Cuba?

Mr. PALMIERI. Well, that's right. We have some that go to Madrid and are processed there for the United States.

Mr. FISH. We have been processing them, INS personnel, FBI personnel, in Cuba now for several years; is that not the case?

Mr. PALMIERI. Yes, sir.

Mr. FISH. I understand there's nobody left in the Peruvian Embassy compound?

Mr. PALMIERI. The last word I heard today was something like 500 to 600.

Mr. FISH. How many have gone across the straits from Cuba?

Mr. PALMIERI. We have—400 have gone to Costa Rica.

Mr. FISH. Why do we need those who have been returned to their own homes with some guarantee that they will not be persecuted?

Mr. PALMIERI. The Costa Ricans are seeking to institute the airlift?

I'm having trouble hearing you.

Mr. FISH. This is a contingency figure?

Mr. PALMIERI. Yes. If it were not used up, it would lapse.

Mr. FISH. The 7,000-refugee numbers then are for political prisoners either—released in 1978 or those people in the new category of prisoners released prior to 1978?

So this is being handled in Cuba today by the Immigration officials who have been there for some time and are familiar with this. I would like to point out something about the applicability of the Refugee Act. You discussed this earlier today. It's my first chance to come back. I was responsible for section B of the definition. "A person within his own country who is persecuted or fears persecution." At the time we did have in mind this situation, contrary to your testimony. We were in the midst of discussions with the U.N. staff about the normal flow from Vietnam. We talked in terms of the situation in Chile, in Argentina, where the State Department was interested in having people come directly from those countries.

It is not outside the context of the bill or the genesis of the bill that we are facing this issue today.

I submit that we have the apparatus, the history of doing this, the Immigration Office officials, in dealing with the class of people that has heretofore been allowed to leave.

Mr. PALMIERI. I don't understand, Congressman. Direct departures, from Vietnam, for instance, processed by our consular official at the airport there would not be comparable, would they, in terms of the statute with Cubans arriving on our shores?

Mr. FISH. Cubans from Cuba, yes. That's what I am addressing.

Mr. PALMIERI. Yes.

Mr. FISH. That was the contemplation of this legislation.

I think we have two things. As I said before, we have the refugee bill which would pick up prisoners and former prisoners; and we have the immigration process which is being done by consular offices.

I can't help, to get back to my original point, that this would be a far more preferable, more humane way, than this very haphazard, scraggly situation, in which you are consulting with us on 10,500 admissions; and yet we are really talking about a tremendously open-ended process of asylum, which through mobilization of the process in Cuba, I think it could be avoided.

I feel once again that we are talking about a broad problem here, that we will be months, years, processing if you do anticipate, as I believe you said, many more thousands of people coming from Cuba. An individual asylum determination will provide years and years of tremendously expensive processing for the American people.

Mr. CONYERS. Do other members desire recognition?

Mr. VOLKMER. Yes.

Mr. BUTLER. Yes.

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

Mr. VOLKMER. Who instigated the proposal to issue the checks to the Cubans? The State of Florida or yourself?

Mr. STARK. No. It would be our office.

Mr. VOLKMER. You instigated it?

Mr. STARK. Yes, sir.

Mr. VOLKMER. In the event it is held these checks were not authorized by law, Florida will not get any?

Mr. STARK. If that is the case, and we cannot find other funds.

Mr. VOLKMER. What do you mean by that?

Mr. STARK. There may be other ways.

Mr. VOLKMER. Imburse them from money you are holding for other things.

Mr. STARK. Under the Refugee Act.

Mr. VOLKMER. These are not refugees.

Mr. STARK. If these are refugees at some point.

Mr. VOLKMER. They are either refugees initially or they are not refugees initially.

Mr. STARK. Oh, no. They are going through the individual criteria that is set up by the INS and by the Justice Department, and I would say that they can be declared refugees at almost anytime.

Mr. VOLKMER. I think you are wrong on that.

Mr. STARK. Let me just say this. We do have a continuing Cuban refugee program; and, hence, we register these people under it.

Mr. VOLKMER. That's a different program than this. That's completely different.

Mr. WINTER. Let me talk about it from the operational side.

We have a permanent Cuban refugee staff that has operated the regular——

Mr. VOLKMER. That's the old program?

Mr. WINTER [continuing]. Program, and the political program that's currently in operation.

Our onsite staff, when they were faced with dealing with the first boat a week ago Monday, I believe, the first 54 or 55 individuals that came in, understood that those individuals were to be counted against the 3,500 refugees. That may have been in error; but they did accept them along with the simultaneous political prisoners. That is the source of the beginning of this confusion.

Now we did not become aware of that here in Washington until 2 days later, on Wednesday.

Since that time, we have tried to get this legal clarification straight. We don't have it yet, but that is the genesis of the problem at the operational level.

Mr. SENSENBRENNER. Would the gentleman from Missouri yield at this point?

Mr. VOLKMER. not quite. I am not finished.

We do understand—I understand you to say you are going to try one way or the other to get money to Florida whether we authorize it or not? That's clear to me. That's my statement. That's very clear.

I object to that. I think that's one of the worst things the bureaucracy does. You don't have to answer. That's my statement.

Mr. STARK. Well, we still are under the very deep impression that we are going to be able to do this legally. Now it's still a question of law and there's some——

Mr. VOLKMER. Let's say there is no basis in the law for you to do it. You get a reply from the Attorney General of the United States or someone that says, a legal opinion, there is no basis. You are still going to find a way?

Mr. STARK. I didn't say that. I would hope that there would be some way, so that the State would not be penalized for something that we have created.

Mr. VOLKMER. All right.

The next question and then I will finish, is: Since you instigated this, you knew we had Haitians coming into this country for some time; is that correct? You have known this? On the shores of Florida, you have known that? Haven't you?

Mr. STARK. Haitians?

Mr. VOLKMER. People from Haiti.

Mr. WINTER. We know there are Haitians on shore, yes.

Mr. VOLKMER. When did you institute a program for them, to give them a check through the State of Florida?

Mr. STARK. I have stated, Mr. Congressman, that we have not solicited any of those people coming to our office.

Mr. VOLKMER. Why didn't you go down and set up tables for them?

Mr. STARK. Because that is not our pur-

pose. We have a processing center. We have been in this business in Florida for some 18 years now. We expect when people are in need they will come to our office and make application. When they come there, there is not discrimination.

We may make the same mistakes, but we are still not going to discriminate.

Mr. VOLKMER. Are you telling me that the processing that you are doing now for the Cubans was in the same place, the same processing, identical—you had people right there at these tables, all this time for the political prisoners for the last 4 or 5 years?

Mr. STARK. I'm not familiar with the period going back 4 or 5 years.

Mr. VOLKMER. I really don't think so. I think you set something up special down in Key West for these Cubans coming in and you didn't set up something special for the ones from Haiti coming in: is that right?

Mr. WINTER. We were not aware that the individual documentation that the Cuban boat arrivals had is the same as the Haitian arrivals until this past Wednesday, here in Washington, or a week ago today here in Washington.

Mr. VOLKMER. What do you plan to do for the ones in Haiti now?

Mr. STARK. Let me say that we are going right back to what you heard from our two colleagues here. We are going to try to do this as expeditiously as possible.

Mr. VOLKMER. Are you going to give them a check——

Mr. STARK [continuing]. To get the status clarified, so we can do the same thing for everyone who qualifies.

Mr. VOLKMER. I want to know—you are still going to be giving checks—if Cubans come in tomorrow, you are going to give checks to Cubans. If Haitians come in, you won't give them a thing.

Mr. STARK. If Haitians come in with the same documentation, and we are still able to do this for Cubans, we are going to give them to Haitians.

Mr. CONYERS. Mr. Butler?

Mr. BUTLER. Thank you. I recognize the problem the witnesses have. I don't want to be too hard on you for learning to live with the new act. There are some things about it that I feel like we should be insisting upon. Mr. Ambassador, you are telling us you are living within the spirit of the Act, but having problems with the technicalities. I think you should be aware that the Attorney General's parole authority to an agent who is a refugee was withdrawn by this statute: If refugees are admitted here, as parolees, there's no statutory authority for that, and I hope counsel will correct me if I am in error.

The second thing that concerns me is this. We are moving to the requirement for developing regulations with references to asylum as the basis for admitting these people here. I don't think that's the appropriate way to do it. I think the statute contemplates that you must arrive at the number that you expect, or tell us what the number is and go through the consultation and hearing procedures; certainly the consultation, as to these numbers and not go through the asylum route.

Asylum on the scale that we are doing it here or plan to do it here was simply not contemplated by this legislation. If you are operating within the spirit of the act, then I think you misread the spirit.

Your counsel there is waving his head one way or the other. I would appreciate it if he would tell me whether I am on the wrong route or not.

Mr. MARTIN. Let me say first on the parole power, we are certainly aware of that provision which I believe you introduced, about terminating the power to parole groups of refugees. The people who are coming in now are getting a form of parole, but it's not a refugee parole. In this respect, it's not being done for a group.

The parole power is used, as you know, in many different ways; sometimes for somebody who needs to come in for an operation; someone will be paroled for a limited period of time for that purpose.

Mr. BUTLER. A refugee cannot be a parolee?

Mr. MARTIN. That's right. These people are not being termed to be refugees.

Mr. BUTLER. Why don't you send them home?

Mr. MARTIN. The fact is what is being provided now is simply a form of temporary refuge. The United States is not in a position, and I think does not want to be in a position of pushing boats back out to sea. People come in here and there has to be an orderly procedure to resolve their status, and resolve all the questions we are dealing with now in this emergency situation; and the parole document that they are receiving, the 60-day parole document, is simply an identification card that allows that to proceed. It does not commit us in any way on the final resolution of the status.

It is the documentation that provides them to come in here and live in humane conditions while the other questions are being resolved.

Mr. BUTLER. Well, I don't think that's a very satisfactory answer. I judge you agree with me on the law. I am concerned about undertaking to treat these people as political asylees and going through the route of regulations and the insurmountable, it seems to me, bureaucratic problem it's going to create for the due process we require.

That certainly was not within the spirit of the law. What is your response to that?

Mr. PALMIERI. Well, I have already said that I thought the problem we had in respect to the Cubans is not a problem that the act contemplates; specifically in that some special amendments or new legislation may be required.

Mr. BUTLER. All right. I yield back, Mr. Chairman.

Mr. CONYERS. For the final set of questions, Mr. Sensenbrenner.

Mr. SENSENBRENNER. I have some questions for the people from HEW based upon your answers. They relate to questions posed by Mr. Volkmer relative to where those checks being passed out by the State of Florida are to come from.

I certainly agree the State of Florida and the local jurisdictions should not be left holding the bag, particularly if there was authorization given from a Federal agency. My question is, I receive the impression that there would be funds from refugee programs used to reimburse the State of Florida. Yet at the same time we are being told that those people are not refugees. They will not be included in the quota. The administration is not planning on asking for an increase in the quota pursuant to the Refugee Act. How can we spend refugee funds for people who are determined not to be refugees; and isn't that inconsistent?

Mr. STARK. This, as far as we are concerned, is a legal question which has to be resolved. We are still under the impression, at this moment, that we are doing what is legally right; that we are expending the funds, or at least committing the expenditure of funds properly.

Mr. SENSENBRENNER. If you don't have a legal opinion, you haven't been able to cite any section of any act for the authority to reimburse the State of Florida for these funds, isn't the horse out of the barn, because if it's determined that there can be no legal payment, certainly you are not going to attempt to seek reimbursement from the people who have been admitted?

Mr. STARK. The only part of the law—and again it is a new law, and I would have to give way to anyone on interpretation—the alien may be granted asylum in the discretion of the Attorney General. If that is the case, then he's a refugee under the meaning of this law.

Mr. SENSENBRENNER. I disagree. Perhaps I should have pursued my point of order, so that you could have come back at a later time a little bit better prepared.

I yield back the balance of my time.

Mr. CONYERS. There being no further comments from the members of the committee, I wish to thank the witnesses for joining us today.

Ms. HOLTZMAN. Mr. Chairman?

Mr. CONYERS. Ms. Holtzman?

Ms. HOLTZMAN. May I be recognized for a unanimous consent request? I would like to submit questions in writing to members of the panel with respect to some of the testimony that was presented.

Mr. COYERS. As any other members may do.

You have been very patient, I would like to say to the witnesses. We appreciate it. You have been charged with a lot of responsibilities for more detailed responses; and we hope this dialog will be able to continue with the full committee.

We thank you for your appearance. The committee stands in adjournment.

[Whereupon at 6:30 p.m., the hearing was adjourned.] ●

PERMISSION FOR SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE, ON TOMORROW, WEDNESDAY, JUNE 11, 1980

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, Wednesday, June 11, 1980.

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

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. The Chair hears an objection.

The Chair will ask that the Members kindly be seated, please. The gentleman from California (Mr. ROUSSELOT) is making an objection that requires 10 objectors.

On the objection that the gentleman from California (Mr. ROUSSELOT) has made, are there 10 objectors?

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

□ 1700

Mr. VOLKMER. Mr. Speaker, reserving the right to object, is this on the request of the gentleman from California?

The SPEAKER. The objection was withdrawn, and there were no other objections at that time.

Mr. VOLKMER. Mr. Speaker, I had made a reservation of objection while I was standing over there. At the same time the gentleman objected, I was over there and I made a reservation of objection.

The SPEAKER. If the gentleman would speak louder, mavbe the Chair could understand what the gentleman is saying.

Mr. VOLKMER. The microphone was taken away. Mr. Speaker, I would like

to say that at the time the gentleman from California made his reservation of objection, I made a reservation of objection over there. The gentleman from California was recognized.

The SPEAKER. Does the gentleman reserve a right to object?

Mr. VOLKMER. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman from Missouri (Mr. VOLKMER) reserves the right to object.

Mr. VOLKMER. Mr. Speaker, I have a serious problem about what the gentleman from California is requesting. I would like to discuss it with the gentleman from California.

Mr. Speaker, I would like to say that as a member of that subcommittee, and knowing the importance of the legislation, I would like to be there. But if tomorrow we are going to be here on either the fair housing bill or the prejudgment interest bill at the same time, I also have amendments on those bills. I would like to know from the gentleman if he would, within that unanimous-consent request, put in there that we would not meet if either one of those two bills are being taken up by the House at that time. Then I would have no objection, if he would include that in his unanimous-consent request. Otherwise I would have to object.

Mr. McCLORY. Mr. Speaker, will the gentleman yield on his reservation of objection?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I am going to be in the subcommittee at the same time, and I want to be on the floor with regard to those bills. I am sure that we can adjust our meetings so that we are not taking advantage of any of the Members when we have to leave the subcommittee and be present on the floor with regard to general debate. So I hope the gentleman will not object, that we can work on marking up the bottlers' bill and at the same time accommodate the need for doing that so that we can have it before the full committee on Thursday and, likewise, we will take care of whatever Judiciary Committee matters have to be taken care of on the floor.

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

Mr. VOLKMER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California.

Mr. ROUSSELOT. This is what has become known as the bottlers' bill; is that correct?

Mr. McCLORY. If the gentleman will yield, yes, that is correct.

Mr. DANIELSON. Mr. Speaker, will the gentleman from Missouri yield?

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

Mr. DANIELSON. Mr. Speaker, yes, we are referring to the bill, H.R. 3567, also known as the bottlers' bill.

Mr. ROUSSELOT. If the gentleman will yield further, if the committee acts, it could preempt the discharge petition that has been issued; is that correct?

Mr. VOLKMER. I have made the reservation of objection, and I do not know the answer.

Mr. ROUSSELOT. What is the answer?

Mr. VOLKMER. At this time, with the assurances of the gentleman from Illinois, and I had hoped the chairman of the subcommittee would be here, but I do not see him, I am sure that he would give the same assurances, I will withdraw my reservation of objection.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us, if the committee acts, does that preempt the discharge petition bill?

Mr. DANIELSON. If the gentleman will yield, I am not able to answer that question. That is an honest answer.

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

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I would just like to say that I am very anxious, and I have been pressing for marking up the bill and getting it to the floor, and I am sure that, under the pressure of the discharge petition, action is taking place. but we do want to resolve the markup of the bill and bring it to the full committee on Thursday and get it to the floor promptly.

Mr. ROUSSELOT. Further reserving the right to object, how much are you going to change the bill from the discharge petition position?

Mr. McCLORY. I would not know what amendments, if any, would be taken on, but at any rate, it will come to the floor of the House and the House can work its will.

Mr. ROUSSELOT. On that basis, Mr. Speaker, I renew my objection.

Mr. DANIELSON. Did the gentleman renew his objection or withdraw his objection?

Mr. ROUSSELOT. I renewed my objection.

The SPEAKER. Are there other objections? The Chair counts nine objectors.

An insufficient number of objectors have arisen.

For what purpose does the gentleman from California (Mr. DANIELSON) rise?

Mr. DANIELSON. Mr. Speaker, I have another unanimous-consent request.

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

The SPEAKER. The gentleman was aware that the gentleman from California had renewed his objection, and nobody rose at that moment. The Chair counted the nine Members who were standing.

The Chair will recognize the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I have another unanimous-consent request.

Mr. ASHBROOK. Mr. Speaker, a point of order.

The SPEAKER. The Chair leans over backward to try to be fair.

Mr. ASHBROOK. Mr. Speaker, a point of order. The question was not put. I did not even have a chance to get on my feet. The minute the Chair said that, I was on my feet. I do not know how fast we have to get up.

The SPEAKER. The Chair knows that the gentleman is not trying to embarrass the Chair.

Mr. ASHBROOK. I am not trying to embarrass the Chair. I am getting older and it is harder to get up, Mr. Speaker.

The SPEAKER. The gentleman did not arise at the proper time. The debate had been going on for several minutes when the objection was suddenly renewed.

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

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, JUNE 12, 1980

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Thursday, June 12, 1980.

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

Mr. MYERS of Indiana. Mr. Speaker, I object.

(Messrs. MILLER of Ohio, BAUMAN, HILLIS, ASHBROOK, CAMPBELL, ROUSSELOT, SYMMS, McCLORY, and CLAUSEN also objected.)

The SPEAKER. Objection is heard.

AUTHORIZING APPROPRIATIONS FOR U.S. INTERNATIONAL TRADE COMMISSION, U.S. CUSTOMS SERVICE, AND OFFICE OF U.S. TRADE REPRESENTATIVE FOR FISCAL YEAR 1981

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1081) on the resolution (H. Res. 699) providing for consideration of the bill (H.R. 6783) to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1981, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDING CERTAIN INSPECTION AND MANNING LAWS APPLICABLE TO SMALL VESSELS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1082) on the resolution (H. Res. 700) providing for consideration of the bill (H.R. 5164) to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COASTAL ZONE MANAGEMENT IMPROVEMENT ACT OF 1980

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report

(Rept. No. 96–1083) on the resolution (H. Res. 701) providing for consideration of the bill (H.R. 6979) to improve coastal management in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

YOUTH ACT OF 1980

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1084) on the resolution (H. Res. 702) providing for consideration of the bill (H.R. 6711) to extend the authorization of youth training and employment programs and improve such programs, to extend the authorization of the private sector initiative program, to authorize intensive and remedial education programs for youths, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REQUEST FOR APPOINTMENT OF CONFEREES ON S. 1159, AUTHORIZING APPROPRIATIONS FOR THE MOTOR VEHICLE SAFETY AND INFORMATION AND COST SAVINGS ACTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

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

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EGG RESEARCH AND CONSUMER INFORMATION ACT AMENDMENTS OF 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6285) to amend the Egg Research and Consumer Information Act, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 5, after line 20, insert:

SEC. 7. The Commodity Exchange Act is amended by adding at the end thereof a new section 21 to read as follows:

"SEC. 21. The Commission shall establish a joint working group with the Federal Reserve Board, Department of the Treasury, and Securities and Exchange Commission to analyze the various aspects of the events in the silver cash and futures markets during the period of September 1979 through March 1980. The joint working group will prepare a report of its findings that shall include, but not be limited to, a description of the causes of this situation, an appraisal of the adequacy of consultation during this period between the members of the joint working group, and recommendations for legislative changes that could prevent a recurrence of these or similar events in any futures market. The joint working group shall submit its report to the appropriate committees of Congress by October 1, 1980.".

Amend the title so as to read: "An Act to amend the Egg Research and Consumer Information Act and to establish an intergovernmental study group to analyze recent events in the silver cash and futures markets.".

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

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, for the purpose of explanation to the Members, would the gentleman please explain just what the amendment was that was put on by the Senate and for what purpose was it put on?

Mr. FOLEY. If the gentleman will yield, the Senate agreed to the House bill exactly as the House passed it but added an amendment, technically nongermane, to the House bill, which would require the Commodity Futures Trading Commission to establish a joint working group with the Federal Reserve Board, Department of the Treasury, and the Securities and Exchange Commission to analyze the causes and circumstances surrounding the recent so-called silver crisis on the commodity exchange markets.

The group, through the CFTC, would submit a report of its findings and legislative recommendations, if any, to the congressional Agriculture Committees—and other appropriate congressional committees—by October 1, 1980. This will give the group time to explore fully many of the myriad issues presented and prepare its report.

We are seeking a broad-based study and recommendations for any legislative changes that may be deemed advisable to prevent a recurrence of similar events in the future. While the study called for by the amendment is addressed to the futures market, it extends as well to trading in cash markets and the forwards markets and the effect they may have had on the events that transpired in the futures market.

□ 1710

The simple effect of the amendment is to call upon a joint study by all of the agencies that might be involved in issues arising from this so-called silver crisis.

As the gentleman may remember and the House Members may recall, the incident involving silver trading raised questions about the stability of a large brokerage house and about the possible stability of even certain banking institutions.

The Conservation and Credit Subcommittee has held several days of hearings in which it received testimony on possible need for amendments to the Commodity Exchange Act and the adequacy of existing regulatory authority in the light of recent market developments. The subcommittee heard testimony from various Government agencies, representatives of the major commodity exchanges, future commission merchants, silver users, the Hunt brothers, and others. In order to evaluate to what extent legislation was needed, the representatives of the CFTC, Treasury Department, Federal Reserve Board, and SEC were questioned as to their recommendations for legislation. We were advised by representatives of the latter three agencies that a study was in progress and a response was not possible at the time of the hearing.

The group that is charged with responsibility for the study under the amendment would be expected to use and expand upon analyses already undertaken by the Federal Reserve, Treasury, and SEC. By having the CFTC take the lead in this effort, Congress will be assured of the full participation of the Federal agency that is responsible for futures trading and has all the information on the futures markets. The extensions of bank and brokerage house credit to meet margin calls which were all part of these events, call for the involvement of the other Federal entities.

By having a single report submitted to Congress from all of the affected Federal entities, we will avoid a proliferation of reports. All points of view will be represented in the report and there is the real possibility that unanimous agreement of all of the agencies will not be reached on every point. There should be a full and free sharing of information among the Members of the working group. Sensitive business data should be handled on a strictly confidential basis.

The amendment calls for the submission of the working group's report to the appropriate committees of Congress by October 1, 1980.

The appropriate committees of Congress would be those committees vested with legislative jurisdiction over the activities of the Members of the working group. If other committees or individual members wish copies of the report, it will be readily available from the committees of jurisdiction.

This amendment merely calls for a joint study to report to the interested committees of Congress on the findings of the various agencies that would have immediate concern with those problems.

This amendment has been cleared on both sides of the aisle. I believe that this provision is urgently needed and should be enacted into law as soon as possible.

Mr. JEFFORDS. Mr. Speaker, as I understand it, there are no changes in any substantive or procedural law. It is just merely a joint study.

Mr. FOLEY. The gentleman is entirely correct. The amendment merely calls for a study and both the House and Senate Committees of Agriculture and other appropriate committees will be informed of the results of the study.

Mr. JEFFORDS. Mr. Speaker, I would just like to say that I have checked with the ranking minority Member on the Committee on Agriculture and the ranking member on the subcommittee which deals with these, and they both agree that this amendment is an excellent one.

Mr. Speaker, as the manager of H.R. 6285 when the matter was taken up on the floor of the House, I wish to go on record as favoring the amendment added in the Senate that directs the Commodity

Futures Trading Commission (CFTC) to establish a joint working group with the Federal Reserve Board, the Department of the Treasury, and the Securities Exchange Commission (SEC) that would analyze the various aspects of the matter involving the silver, cash and futures market during the period from September 1979 through March 1980.

This joint working group under the provisions of the Senate amendment would prepare a report of its findings and submit its report to the Congress by October 1, 1980. Included in the report would be such things as a description of the causes of the runup in the silver, cash and futures market and the abrupt decline that occurred during the first part of this year, and an appraisal of the adequacy of consultation between relevant Federal agencies during the September 1979 to March 1980 period, that is, between the members of the CFTC, the Federal Reserve Board, the Department of the Treasury, and the SEC. The report is also to contain recommendations for legislative changes that could prevent a recurrence of these or similar events in any similar futures market activity.

The Senate amendment seems certainly reasonable to me and one that presumably would bring all of the Federal agencies into consultation in preparing a report for the consideration of Congress that would address the issue surrounding the silver market problems which occurred late last fall and early this spring.

The Subcommittee on Conservation and Credit, of which I am a member, held extensive hearings on this matter in recent weeks. I believe that all of the members of the subcommittee—and many of the members of the Agriculture Committee who are not members of that subcommittee who were in attendance at these hearings—are all quite conversant in this subject and would support this amendment. I daresay that there is broad general support by committee membership on this side of the aisle for the proposal contained in the Senate amendment.

From my point of view, Chairman Volker of the Federal Reserve Board and Deputy Secretary of the Treasury Carswell have warned against precipitous action in reacting to certain of the allegations regarding the silver trading problems that occurred earlier this year. If I perceive their statements correctly, they are urging close and careful study to examine the possibility of additional Federal regulatory authority, if indeed any is needed, over the silver, cash and futures market. I believe that in adopting the Senate amendment, we are being cautious and directing the agency which is principally involved here, the CFTC, to conduct a thorough study which will bring this matter back to the attention of the Congress by October 1 of this year.

I urge the adoption of the Senate amendment which has been added to H.R. 6285 by the other body.

(Mr. JEFFORDS asked and was given permission to revise and extend his remarks.)

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

The SPEAKER. Is there objection to the request of the gentleman from Washington (Mr. FOLEY)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. 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 considered.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1159, AUTHORIZING APPROPRIATIONS FOR THE MOTOR VEHICLE SAFETY AND INFORMATION AND COST SAVINGS ACTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, with the House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, SCHEUER, PREYER, OTTINGER, BROYHILL, and RINALDO. As additional conferees: the gentleman from Michigan (Mr. STOCKMAN) solely for consideration of section 102 of the House amendment and the modifications committed to conference, and The gentleman from Georgia, (Mr. LEVITAS) solely for the consideration of title III of the House amendment and modifications commited to conference.

CONFERENCE REPORT ON S. 562, AUTHORIZING APPROPRIATIONS TO THE NUCLEAR REGULATORY COMMISSION

Mr. UDALL. Mr. Speaker, I call up the conference report on the Senate bill (S. 562) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Under the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 4, 1980.)

The SPEAKER. The gentleman from Arizona (Mr. UDALL) will be recognized for 30 minutes, and the gentleman from Idaho (Mr. SYMMS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

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

Mr. Speaker, the NRC authorization bill for fiscal year 1980 began its prolonged journey through Congress before the March 28, 1979, accident at Three Mile Island nuclear plant. Following that accident, the authorization became the primary vehicle for congressional response to many of the glaring deficiencies that were revealed in our nuclear regulatory process.

The conference agreement before us today is the product of many months of hard work by House and Senate conferees. The agreement enjoys the unanimous approval of the conferees and represents a careful and fair legislative compromise that is timely and needed. By taking up this conference report, the House is not only fulfilling its authorization-appropriations responsibility, but is also acting on a bill that will provide substantially greater assurance that public health and safety will not be endangered by the operation of nuclear powerplants.

Our national commitment to commercial nuclear power is at a crossroads as a result of the accident at Three Mile Island and other significant events of the past year and a half. The conference agreement incorporates interim steps that should be taken while the Congress and the public continue to reevaluate the Nation's nuclear policies. Coming more than 14 months after TMI, this conference agreement, if enacted, will be the first nuclear regulatory reform bill sent to the President since that accident.

Let me summarize some of the key provision in the conference agreement:

First, the agreement contains a provision that will correct a gross inadequacy in existing law which now limits to an unreasonably low level the maximum civil penalty assessable per violation of an NRC license. The Atomic Energy Act now limits the maximum civil penalty per violation of Commission regulations to $5,000 with an aggregate limit of $25,000 in any 30-day period. These limits provide insufficient deterrent to NRC licensees operating in violation of their licenses when compared to the high cost of unplanned reactor shutdown and purchase of replacement power. The conference agreement amends the Atomic Energy Act to raise the level of civil penalties to $100,000 per violation and removes the overall ceiling in a 30-day period.

Second, the agreement prohibits NRC from issuing new operating licenses for nuclear plants unless there exists an approved State or local emergency response plan, or unless the Commission determines that a State, local or utility plan (or combination thereof) provides "reasonable assurance" that public health and safety is protected. The conferees intend that ultimately every operating

nuclear plant will have a State emergency response plan that provides reasonable assurance that the public health and safety will not be endangered in the event of an accident at the plant.

Third, the compromise requires that the Commission develop strict new remote siting regulations to assure that new nuclear powerplants are located away from densely populated areas.

Under the new regulations an important criterion for site selection will be the likelihood that evacuations and other emergency actions will be feasible in the event of a serious accident at the nuclear plant. The conferees intend that compliance with remote siting regulations, once promulgated, is a condition for the issuance of new construction permits for reactors.

Fourth, based on a provision originally offered by Congressman BINGHAM and adopted by the House, the conference agreement directs NRC to establish a comprehensive plan for the systematic safety evaluation of all currently operating nuclear powerplants. The conferees believe that, among other things, the accident at Three Mile Island revealed the need for such a systematic assessment of the extent to which currently operating plants comply with significant NRC safety requirements.

Fifth, the conference agreement establishes a criminal penalty for acts of sabotage against various nuclear facilities and materials. The criminal penalty would apply to any person who willfully and intentionally destroys or causes physical damage to, or who willfully and intentionally attempts to destroy or cause physical damage to those facilities or materials. The conference agreement is derived from an amendment offered during the House floor debate by Congressman HERB HARRIS. The provision seeks to deter acts of sabotage at nuclear facilities that could endanger the public, such as the attempt last year to damage reactor fuel at the Surry nuclear plant in Virginia.

Sixth, the conferees agreed to a provision that responds to allegations made during the past year about irregularities in construction at several sites for new nuclear powerplants.

The allegations include both intentional violations of NRC regulations and orders for assuring quality control of construction, and intimidation of quality control inspectors. The conference agreement creates a criminal penalty where a knowing and willful violation of an NRC safety standard in the construction of a plant significantly impairs a basic component. Ultimately, the provision is intended to serve as a deterrent to such violations.

Mr. Speaker, the conference agreement also contains several provisions that will enhance the capability of NRC to respond to future emergency situations.

The agreement directs NRC to prepare an agency plan for its own internal responses to emergencies at nuclear plants;

The compromise directs the President to prepare and publish a national contingency plan for use by appropriate Federal agencies in the event of an accident at a nuclear plant;

The agreement amends the Atomic Energy Act to require, as a condition for an operating license, that a utility have the capability to immediately notify the Commission in the case of an accident; and,

The Atomic Energy Act is amended to give the Commission new authority in certain emergency situations to suspend an agreement with an Agreement State, so that NRC might take actions to protect public health and safety.

Mr. Speaker, the conference agreement also includes several provisions that will assist NRC to be a more effective regulator on a day-to-day basis. Among these provisions are the following:

In accordance with an amendment offered in the House by Mr. DICKS and Mr. GLICKMAN, the agreement accelerates NRC's program for putting full-time inspectors at all nuclear plants by authorizing funds to hire 146 additional resident inspectors;

The compromise directs NRC to implement a plan to improve training and retraining programs for nuclear plant operators—a provision similar to an amendment offered in the House by Representative HOLTZMAN;

The agreement directs the NRC to prepare a plan for instantaneous, remote monitoring or other timely communication of key safety data from all operating nuclear powerplants; and

The Atomic Energy Act is amended to give the Commission limited new authority to withhold from public disclosure certain sensitive safeguards information, if the disclosure of the information could reasonably be expected to have a significant adverse effect on public health and safety.

Finally, Mr. Speaker, let me briefly mention several other provisions that were originally agreed to by the House and have remained intact in the conference agreement:

The agreement includes the overall authorization level of $426,821,000 approved by the House for the salaries and expenses of the NRC during fiscal year 1980;

As suggested by the House Committee on Foreign Affairs, the conference agreement designates funds to be available for implementation of the U.S./International Atomic Energy Agency Safeguards Treaty;

The compromise incorporates a provision first proposed by Congressman SEIBERLING that requires the notification of Governors before nuclear waste is shipped through their States;

As required by an amendment first offered by Congressman LAGOMARSINO, the conference agreement requires prior notification of Congress of any plan to ship spent fuel to Pacific islands;

The conference agreement, like the amendment offered in the House by Mr. GONZALES, makes it a Federal crime to kill, assault, or intimidate inspectors of nuclear plants; and

Based on the amendment in the House by Congressman QUILLEN, the compromise designates funds to be used for the regulatory improvement of material control and accounting safeguards and the development of improved regulatory requirements for safeguarding the transportation of spent nuclear fuel.

In conclusion, Mr. Speaker, the conference agreement on the NRC authorizing legislation for fiscal year 1980 has been a long time coming, and some say it is long overdue. Speaking for myself, I am convinced that the conference report is carefully crafted and fairly balanced, and I urge my colleagues to approve its adoption.

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

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

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

Mr. Speaker, I noted, I realize this is rather an academic question in view of the fact that we are only dealing with the period from now until the end of the 1980 fiscal year, but I see that the conferees agreed to the language regarding the dumping of nuclear waste material in the oceans. That was an amendment which was offered here on the House floor and discussed at some length and rejected by the House. It has been apparently agreed to by the House conferees.

I am disturbed by the language, not because it is in the bill, that is academic almost, but because I do not think this is a good policy for the country to pursue in the years ahead; in other words, why we would eliminate from the possible places we might want to dispose of some of this waste, be it high level waste or low level waste, all the oceans of the world and to do it unilaterally. I mean, it would be the only country in the world which would have made this type of commitment. I do not think it makes much sense as national policy.

I am just trying to get the reaction of the gentleman as to what the conferees were trying to do or say.

Mr. UDALL. Mr. Speaker, let me state to the gentleman, I agree with his proposal that we ought to study this. We ought to study every kind of proposal.

This started out as a line item authorization bill, but it was the first nuclear regulatory bill to come up after Three Mile Island and a number of policy provisions were written into the bill to deal with things that are longer range than simply the authorization of money.

We had to give on some things, and the provision from the Senate bill on ocean dumping was one of those things. I am interested in the nuclear waste issue and will try to work with the gentleman on future legislation.

Mr. WYDLER. Mr. Speaker, I thank the gentleman very much.

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

Mr. Speaker, as one of the conferees on this bill, I can tell you that we sought to maintain those basic principles agreed to in the House, particularly in the area of emergency planning. However, I must restate a point that I made earlier in the House debate on this bill and that is, I

do not believe that the authorization bill is the proper vehicle for the amendment of substantive law. I recognize that the accident at Three Mile Island produced an environment that demanded that Congress mandate certain legislative changes on a priority basis. I believe that we have certainly done this. However, I hope our action on amending substantive law via an authorization bill is a one-time-only event—not a precedent.

Mr. Speaker, at this time I would like to ask if the gentleman from Arizona would engage in a colloquy.

Mr. Speaker, I would like to obtain a clarification of one point in the statement of managers accompanying S. 562 from the gentleman from Arizona. The statement of managers states that the increased limits on civil penalties provided for in section 234 of the Atomic Energy Act of 1954 are also intended to apply to violations of section 206 of the Energy Reorganization Act of 1974, which specifically references the limits in section 234. I assume that the application of the increased civil penalty limits to violations of section 206 is based upon the same underlying rationale as that described in the statement of managers for section 234.

Mr. UDALL. Mr. Speaker, if the gentleman will yield, the gentleman is correct. As the statement of managers indicates, the increased civil penalty limits are intended to provide a stronger deterrent against violations by large corporate entities such as major NRC licensees that might otherwise have an economic incentive to commit a violation and incur a relatively low civil penalty. The application of the higher civil penalty limits to violations of section 206 is intended to be consistent with this underlying rationale.

Mr. SYMMS. The statement of managers also described several factors that the conferees expect the Commission will consider in setting the amount of civil penalty under section 234. These include the gravity of the violation, good faith, the history of previous violations, and the financial impact of the fine on the licensee. Are these same factors, including the financial impact of the fine, intended to apply to the Commission's decisions in setting the amount of civil penalty under section 206, particularly where the civil penalty may be imposed for violations by individuals as opposed to organizations?

Mr. UDALL. Yes. The Commission has discretion in setting the specific amount of any civil penalty within the overall limits established by the bill. The conferees intend that the Commission, in exercising that discretion under both sections, specifically consider the factors enumerated in the statement of managers. This should insure that the civil penalties imposed are fair and appropriate to the violation, and that the Commission's civil penalty authority will provide an effective deterrent against possible future violations.

Mr. SYMMS. I thank the gentleman for that clarification.

□ 1720

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of the conference report. However, I would appreciate the attention of the chairman of the Committee on Interior and Insular Affairs, because I wanted to remind him of our colloquy earlier when the bill was under consideration in the House in which several of us agreed, I think, that the Nuclear Regulatory Commission, once the authorization is passed, should move on the licensing for operation of those plants that have been delayed and not had their licenses finally approved. Certainly I refer to those who have no problems, those who have no safety factors and so forth, and there is no reason to extend that delay any longer because we need the power. While we have a glut in the oil market at this time, we still ought to have nuclear power where we can have it put into effect and if there is no safety problem.

As I understand, no new operating licenses have been issued yet, so I think we need to remind the Nuclear Regulatory Commission of their responsibility to regulate and that means both approve when it is timely as well as disapprove when it is appropriate.

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

Mr. BROWN of Ohio. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I would say to the gentleman we are trying very hard in our committee, as the gentleman is in his, to further the national debate on the whole question of where we go with nuclear. Certainly I agree with him that if the new standards are being met, and there are facilities ready to go on line, the NRC must make that determination. I trust they will make that kind of a determination.

Mr. BROWN of Ohio. I would assume also the gentleman would agree with me that the States should voluntarily comply with the guidelines which NRC will issue regarding State emergency response plans, that those guidelines, once prepared, need to be appropriately addressed by the States, and it is my hope that the Nuclear Regulatory Commission will complete those guidelines as rapidly as possible.

Mr. UDALL. I trust they will. Working together with the Federal Emergency Management Agency, we are trying to give them some authority they need and give them a little kick in going off in that direction.

Mr. BROWN of Ohio. Finally let me say to the chairman of the Interior and Insular Affairs Committee I am gratified that the language of the other body was rejected which would have mandated no new operating licenses if there were not State plans. I think the voluntary approach is better. I am delighted that issue was settled and want to congratulate the gentleman for the work done by the conference committee.

Mr. UDALL. I thank the gentleman and would advise him we are beginning a markup this week in our subcommittee and eventually we will be working with the gentleman's committee. We are trying to write a national nuclear policy bill. We have a bill before us, and the day after tomorrow we are going to start to work on that. I hope we can address some of the things the gentleman is concerned about.

Mr. BROWN of Ohio. Finally I want to make sure that I am correct in my assumption, because I intend to continue to keep some kind of an eye on what the Commission is doing. It is my understanding that existing plants are in no way affected by the compromise State plan language that was agreed to in the conference report; is that correct?

Mr. UDALL. If the gentleman will yield, that is correct.

Mr. BROWN of Ohio. I thank the gentleman very much. I want to again commend the work of the gentleman from Arizona (Mr. UDALL) and the ranking member of the committee, the gentleman from Idaho (Mr. SYMMS), for the work they have done on this legislation. I feel that at least we have gotten some progress made, which is salutary.

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

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of the conference report for the bill authorizing appropriations during fiscal year 1980 for the Nuclear Regulatory Commission. I signed the conference report because I believed in the agreement of the conferees from this House with the Senate that we did accomplish something.

The accident at Three Mile Island took place nearly 15 months ago. The 1980 fiscal year began nearly 9 months ago. It is long past due that Congress acted to correct some deficiencies in the laws governing nuclear power.

The President's Commission on the Accident at Three Mile Island pulled no punches last October when it concluded that such an accident was "eventually inevitable" given the policies and procedures, or lack of them, that brought the nuclear industry to its present state of disarray.

I supported safety reform measures stronger than those on which the conferees have agreed. Key amendments attached in the House and Senate last year in reaction to the TMI-2 accident have been watered down. For example, in this body we approved an amendment offered by the gentleman from New York (Mr. BINGHAM) requiring the timely identification of unresolved safety problems common to all nuclear plants. The status of these so-called generic safety questions, whether technical solutions have been developed yet, and if so, in which operating reactors these solutions have been implemented, was to be reviewed. A schedule for developing solutions to the remaining unresolved safety questions was to be prepared. Further, a full examination of all safety-related rules and regulations governing

nuclear power was to be made with respect to the application of these rules to all currently operating reactors. Finally, the NRC was to submit to Congress, within 120 days after an accident, a report containing a compilation of all these studies.

There are many questions, many areas that were addressed in this piece of legislation dealing with penalties, criminal penalties on those that violate the laws, whether it be the manufacturer, architect or contractor, that could have been tougher safety requirements with regard to remote siting and emergency planning in particular, but compromise was necessary.

I wish this Congress were ready to go further than this conference report to insist that if we err in the regulation of nuclear power that we err in favor of greater insistence upon nuclear safety than in the other direction. But because this report makes some progress in this regard, I urge the Members of this House to support this conference report today.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I rise in support of the conference report accompanying S. 562 and urge strongly that it be adopted by the House.

This conference report on Nuclear Regulatory Commission's 1980 authorization legislation contains some very important recommendations, requirements, and funding levels for programs which stem from our experience last year with the Three Mile Island nuclear accident. In particular, I would point out to my colleagues a provision in the bill before you which requires the Nuclear Regulatory Commission to undertake its first systematic safety evaluation of all existing commercial nuclear powerplants. While the original House bill directed the NRC to begin such a safety exercise, there was no similar language in the Senate bill. The compromise worked out on the so-called Bingham amendment reflects a broad-based, bipartisan desire to see that the NRC develops and implements expeditiously a truly comprehensive and meaningful evaluation of how safe our nuclear powerplants are, and of what might need to be done to further insure their safety. Good faith negotiations among the conferees have produced a good program. I urge my colleagues to study the detailed discussion contained in the conference report about this very important safety program.

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

Mr. Speaker, this conference report represents the most significant piece of legislation in the area of nuclear regulation move out of this body since the accident at Three Mile Island. I can tell you it deserves our undivided attention. This bill addresses a number of key areas of concern that resulted from Three Mile Island, these being radiological emergency planning and the remote siting of nuclear powerplants. These particular provisions, as envisioned in our conference report, will undoubtedly assure that an additional measure of safety will be provided for the public around and near nuclear powerplants.

We also accepted a number of the Senate provisions which would improve the communications between NRC and the operators of nuclear reactors. These provisions include dedicated telephone lines from the powerplant to NRC regional offices and headquarters. We are also having NRC undertake a study that would evaluate the feasibility of the automatic transmission of reactor data to NRC. These provisions, we think, would provide a clear understanding both to NRC and to the public of the conditions surrounding events at a malfunctioning nuclear powerplant.

● Mr. HARRIS. Mr. Speaker, I am pleased that the House is now considering the conference report on S. 562, the Nuclear Regulatory Commission's fiscal year 1980 authorization bill. This conference report includes my amendment which would impose uniform sanctions against the sabotage of any nuclear facility. It would provide criminal penalties for those who engage in nuclear sabotage of not more than $10,000 and/or 10 years in prison.

Early in 1979, I had an opportunity to tour the VEPCO nuclear generating facility in Surry, Va. I was impressed with the elaborate and intricate security measures in place to guard against potential damage to the plant and danger to workers and to the public. But not withstanding this most sophisticated security system, in May of last year, two persons with access to the plant demonstrated that the security system could be breached and that, in fact, a nuclear facility could be sabotaged. Something else was demonstrated by this incident, that there is no apparent Federal jurisdiction either to investigate or prosecute in a case of sabotage against a nuclear generating facility.

The Federal Bureau of Investigation (FBI) did initially enter the Surry case under the belief that existing Federal statutes might have been violated, but the FBI later discovered that the Surry incident did not fall within Federal jurisdiction. As a result, the FBI turned over the case and its files to the Commonwealth of Virginia for prosecution.

Passage of this conference report, which includes my amendment, would clearly establish the Federal interest in preventing, investigating and punishing acts of sabotage against nuclear plants. It would make it possible for the FBI to become involved in investigating attempts to sabotage nuclear facilities and would provide for criminal penalties for those who engage in sabotage of not more than $10,000 and/or 10 years in prison.

I feel strongly that there is a clear Federal interest in insuring the health and safety of all Americans who might be jeopardized as a result of sabotage to a nuclear facility. Sabotage of a nuclear facility could clearly affect parts of the Nation other than the place in which the sabotage occurred. This amendment would make it clear that nuclear sabotage is a serious offense that the Federal Government will thoroughly investigate and fully prosecute. We cannot tolerate willful and intentional acts of violence to nuclear facilities which could endanger the safety of the American people and the environment.

This provision carefully defines the acts of sabotage covered with the intent of achieving a narrow, but effective, definition of nuclear sabotage. Specifically, it would cover only willful and intentional acts of sabotage that cause serious physical damage to a nuclear facility. The provision is tightly worded and covers only those nuclear facilities actually involved in the production, utilization or storage of nuclear material. It would not cover other auxiliary components such as fences, access roads, guard houses, and visitors centers.

I feel strongly that it is in the national interest to protect the health and safety of all Americans and to protect the environment from the sabotage of a nuclear facility. I am pleased my amendment was included in this conference report and I think it is absolutely necessary to pass S. 562 and clear up this ambiguity in Federal law. We must make it clear that nuclear sabotage is a serious offense that the Federal Government will thoroughly investigate and prosecute.●

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. RICHMOND). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAUSEN. 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 386, nays 9, not voting 38, as follows:

[Roll No. 308]

YEAS—386

Abdnor	Beilenson	Byron
Addabbo	Benjamin	Campbell
Akaka	Bennett	Carney
Albosta	Bereuter	Carr
Alexander	Bethune	Carter
Ambro	Bevill	Cavanaugh
Anderson, Calif.	Bingham	Chappell
	Blanchard	Cheney
Andrews, N.C.	Boggs	Clausen
Andrews, N. Dak.	Boland	Cleveland
	Bolling	Clinger
Annunzio	Boner	Coelho
Anthony	Bonior	Coleman
Applegate	Bonker	Collins, Tex.
Archer	Bouquard	Conable
Ashbrook	Bowen	Conte
Ashley	Brademas	Corcoran
Aspin	Breaux	Corman
Atkinson	Brinkley	Cotter
AuCoin	Brodhead	Coughlin
Badham	Brooks	Courter
Bafalis	Broomfield	Crane, Daniel
Bailey	Brown, Calif.	Crane, Philip
Baldus	Brown, Ohio	D'Amours
Barnard	Broyhill	Daniel, Dan
Barnes	Buchanan	Daniel, R. W.
Bauman	Burgener	Dannemeyer
Beard, R.I.	Burlison	Daschle
Bedell	Butler	Davis, Mich.

de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammer-schmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Motti
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Schroeder
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Waytt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—9

Burton, John
Conyers
Dellums
Jeffords
Kelly
Paul
Satterfield
Stark
Weiss

NOT VOTING—38

Anderson, Ill.
Beard, Tenn.
Biaggi
Burton, Phillip
Chisholm
Clay
Collins, Ill.
Danielson
Davis, S.C.
Dixon
Ford, Mich.
Gephardt
Giaimo
Hawkins
Heftel
Holtzman
Ichord
Jenrette
Kemp
McKinney
Mathis
Michel
Moffett
Nedzi
Nolan
Pritchard
Railsback
Reuss
Roberts
Rostenkowski
Runnels
Scheuer
Sebelius
Thompson
White
Whitten
Wilson, C. H.
Wydler

□ 1740

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Beard of Tennessee.
Mr. Reuss with Mr. Wydler.
Mr. Giaimo with Mr. Michel.
Mr. Hawkins with Mr. Pritchard.
Mr. Danielson with Mr. Kemp.
Mr. Nedzi with Mr. Railsback.
Mr. Rostenkowski with Mr. McKinney.
Mr. Thompson with Mr. Sebelius.
Mr. White with Mr. Dixon.
Mr. Roberts with Mr. Jenrette.
Mr. Phillip Burton with Mr. Ichord.
Mrs. Chisholm with Mr. Heftel.
Mr. Clay with Mr. Mathis.
Mr. Moffett with Mr. Runnels.
Mr. Whitten with Mr. Charles H. Wilson of California.
Mr. Ford of Michigan with Mrs. Collins of Illinois.
Mr. Nolan with Mr. Scheuer.
Ms. Holtzman with Mr. Davis of South Carolina.
Mr. Gephardt with Mr. Anderson of Illinois.

Mr. PURSELL and Mr. McDONALD changed their votes from "nay" to "yea."

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. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 562

Mr. UDALL. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 359) directing the Secretary of the Senate to make corrections in the enrollment of S. 562, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 359

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 562) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 101(a)(4)(C), strike out "and" in the first place it appears.

(2) In section 101(a)(5), strike out "Reserach" and substitute "Research".

(3) In section 110(c), after "Congress" insert "on".

(4) In paragraph (3) of subsection b. of the amendment made by section 203, strike out "as" and substitute "in excess of the limits".

(5) In the last sentence of the amendment made by section 203 insert "required to be" before "licensed".

(6) In subsection d.(3) of the amendment made by section 207, before the period insert "or the common defense and security".

(7) In section 301(a), strike out "bundaries" and substitute "boundaries".

(8) In section 303(2), after "permit" insert "and".

(9) In section 307(a), strike out "programs by" and substitute "programs for".

(10) In section 308, strike out "Secretary of Health and Human Resources" and substitute "Secretary of Health and Human Services".

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

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RE-REFERRAL OF S. 1895, CHANGING NAME OF LOS ESTEROS DAM, TO COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1895) to change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Ga. and S.C., as "Clarks Hill Dam and Lake," and that the bill be re-referred to the Committee on Public Works and Transportation.

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

There was no objection.

PERSONAL EXPLANATION

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

Mr. GILMAN. Mr. Speaker, on Thurs-

day, June 5, I was required to return to my congressional district before the House rose, causing me to miss several rollcall votes.

On rollcall No. 298, the Minish amendment, I would have voted "no" had I been present. This amendment failed 177 to 198. I opposed the Minish amendment because it affected aid to only three countries which, while members of OPEC, do receive some aid from the United States. Those countries are Ecuador, which will receive $9.5 million, Indonesia, which will receive $100 million, and Nigeria, which will receive $5 million. These are countries with which we need to maintain ties and which are on friendly terms with us. We should not cut off these relatively small projects out of pique against OPEC.

On rollcall No. 299, the Bauman amendment, as amended, to cut the amounts authorized in the foreign assistance authorization by 10 percent except for funds intended for Israel and Egypt, for refugees, narcotics control, UNICEF, peacekeeping operations, and American schools and hospitals abroad, I would have voted "yes." The Bauman amendment carried 243 to 131.

On rollcall No. 300, final passage of H.R. 6942, the foreign assistance authorization for fiscal year 1980, I was paired in favor of passage, of the bill.

On rollcall No. 301, the question of passing H.R. 7428, to extend the public debt limit and repeal the oil import fee of 10 cents per gallon, the objections of the President to the contrary notwithstanding, I would have voted "yes" to override the President's veto. I was a cosponsor of two measures which would have had the effect of repealing the oil import fee, which represented an unconscionable inflationary additional tax on the American people. The President's veto was overridden by a vote of 335 to 34.

PERMISSION FOR SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY OF COMMITTEE ON GOVERNMENT OPERATIONS TO MEET TOMORROW DURING 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Legislation and National Security of the Committee on Government Operations be permitted to meet on Wednesday, June 11, while the House is proceeding under the 5-minute rule.

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

There was no objection.

AMENDMENT TO SECTION 8 OF THE MOTOR CARRIER ACT

(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, a few days ago I got a letter from the National Small Business Association regarding the Motor Carrier Act, section 8, and I started doing a little checking. It was amazing what I have found.

Where did this amendment come from? After doing a little bit of checking, one person, a Senator from Louisiana, offered this amendment. There was no debate, no vote. It comes out on the floor of the other body. What happened to those silent sentinels in the Senate who are usually protecting the consumers? Not one of them spoke up.

I asked a few of them and they said, "Well, a Senator from Louisiana wants this."

It is now over in this Chamber. I then asked some of the Members on our side what this section 8 was and they said, "Well, a Senator from Louisiana said it cannot come out."

Well, let me tell you something. I have been around here for 20 years and I have watched some strange things happening, but this is the type of thing that should get a lot of attention and, believe me, it will in the next few days. I ask my colleagues to watch the RECORD for some of the statements that I will be putting in regarding section 8 of the Motor Carrier Act.

Mr. Speaker, the letter I received from NSBA follows:

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, D.C., June 6, 1980.

DEAR REPRESENTATIVE ASHBROOK: Very shortly you will be voting on H.R. 6418, the Motor Carrier Act of 1980. This legislation is needed and we generally support the concepts and goals covered by the bill.

However, section 8 of the bill entitled "Food and Grocery Transportation," because of its potential effect on the Robinson-Patman Act and our nation's 14,000,000 small businesses, should be deleted. Small businesses depend on the protection of the Robinson-Patman Act to survive the intense competition offered by larger businesses. This is a very important issue and one which we believe should be thoroughly evaluated before Congress makes any final decisions.

Section 8 of H.R. 6418 providing for discriminatory customer pickup (backhaul) allowances is, in effect, an amendment to the Robinson-Patman Act, and as such, is clearly an antitrust issue of great concern to small business which regards the Robinson-Patman Act as the "Magna Carta" for small business.

Despite claims made by the proponents of this move, the Federal Trade Commission has repeatedly held that enactment of this section would make it impossible for the Commission to enforce the discriminatory pricing provisions of the Robinson-Patman Act.

Testifying before a House Small Business Committee hearing, Alfred Dougherty, Director of the FTC's Bureau of Competition, said:

"The Commission position is that backhaul allowances can be offered to buyers confronting uniform delivered price systems, as long as the price that results from the deduction of the allowance is the same for all buyers, thereby preventing price discrimination.

"From my point of view, Mr. Chairman, the real issue is simple: If I show up at a seller's loading dock with my own truck, the cost of the product I buy should be no different from the price charged to any other buyer who shows up with his own truck. This is because the seller's costs at the loading dock are the same for everyone."

Because of the leverage that can be utilized by large chain buyers, discriminatory pricing, decreased competition and added concentration would result. Therefore, we ask that the measure be thoroughly examined by the House Judiciary Committee, under whose jurisdiction Robinson-Patman issues properly fall.

If an issue of such vital importance to small business as the Robinson-Patman Act is to be tampered with, it must only be done after thorough evaluation and realistic assessment of the consequences.

This is not a transportation issue, nor is it an energy saving measure. Although the language of section 8 would seem to involve only "food and grocery" industries, it is evident that the chief sponsor of the amendment in the Senate considers a much broader application:

". . . Existing law does not make unlawful the type of compensation specified in this section, whether the goods picked up by the customer are food or grocery products or some other materials, nor does existing law establish this type of compensation or allowances. *Thus, even though this section is expressly limited to food and grocery products, its enactment should not be construed to mean that the payment of similar compensation—or the granting of a comparable allowance—to customers picking up other materials is unlawful. In addition, the enactment of this section should not be construed as meaning that other types of pickup compensation or allowance formulas are unlawful either as to food or grocery products or any other material.* In other words, the purpose of this section is to reaffirm what is now the law as to food and grocery products but not to express or infer anything else with respect to any form of pickup compensation or allowance applied either to food and grocery products or any other product line." CONGRESSIONAL RECORD, April 15, 1980, p. S363—Remarks of Senator RUSSELL LONG, italic added.

Therefore, the entire broad range of commerce may be involved, including thousands of retail establishments in your own Congressional district.

Finally, this measure undoubtedly would not result in any savings for the American consumer. Attached is a copy of a letter sent to all members of the Senate Commerce Committee on March 11, 1980, just prior to the markup on S. 2245. Kathleen F. O'Reilly, then Executive Director of the Consumer Federation of America, expressed the fear that increased economic concentration would only result in higher consumer prices.

As a simple matter of justice and equity, we cannot condone so severe a blow to the Robinson-Patman Act and small business as is being contemplated in H.R. 6418. That the U.S. Senate did not have the time to recognize the potential damage to small business is unfortunate. To have the White House follow suit with no defensible hearing record to support such a move would be unthinkable.

We urgently request that this measure be deleted from H.R. 6418 at this time.

Sincerely,

HERBERT LIEBENSON,
President.

THE DESTRUCTION BY TORNADOES OF THE CITY OF GRAND ISLAND

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matters.)

Mrs. SMITH of Nebraska. Mr. Speaker, the ordeal of the people of Grand Island, Nebr., is entering its second week following devastation of this wonderful Nebraska city by four or more tornadoes on the night of June 3, 1980.

I wish to bring the attention of my colleagues here in the Congress and in the Nation to the courage, initiative, and cooperation of not only the volunteer, local, State, Federal officials responding to this tragedy but especially of the people of the city itself. I thank the President of the United States for touring the stricken city today, for inviting me to confer with him in Grand Island, and for offering me passage back to Washington on Air Force One.

Let me just sketch the outlines of the devastation that descended upon Grand Islanders that black night: Within a few hours, perhaps one-third of the city, which has a population of about 33,000, was destroyed or heavily damaged. Dozens and dozens of city blocks of residences and businesses simply were flattened by the storm. The toll includes 531 homes destroyed, 460 damaged severely, 940 damaged to lesser extent; 60 businesses destroyed, 15 with major damage, and 33 with minor damage. For hours afterward, most of the city was without electricity and water, and transmission lines were wiped out. Total estimated damage to the city: $300 million. Nearly 50 farms were destroyed or heavily damaged in outlying Hall County.

The human toll consisted of 5 deaths and 200 injured. Eight persons were missing. Mr. Speaker, the search for bodies is continuing in the splintered homes and business offices of Grand Island even as I speak.

My district office staff in Grand Island informed me of the tornado's impact upon the city by about 12:30 a.m., on June 4, and then, working with our distinguished Governor, Charles Thone, I quickly appealed to the White House for whatever Federal assistance is available to help Grand Island to begin to pick up the pieces and put itself and its economy back together.

I am pleased to note that the White House did respond, and quickly declared the area formally to be a major disaster. This triggered a series of steps that led the Federal Emergency Management Agency to dispatch 70 persons to Grand Island to assist in categorizing and processing the pressing needs of the people.

I wish to commend Francis Tobin, the Federal disaster team leader, for moving in quickly afterward to begin helping people, to provide mobile homes for the homeless, and to guide the citizenry to obtain the array of services and resources available.

I commend Mayor Robert Kriz, the city council, the county board of supervisors for their indefatigable devotion to duty in the first dark hours and for their unswerving determination to put the city and Hall County on the right road to recovery.

Of special importance was the outstanding, uninterrupted performance of our newspapers, radios, and television who labored to keep us informed when most other means of communication were knocked out. I commend also all others, known and unknown, who helped each other to survive.

Once all that I could accomplish was done in Washington for Grand Island, I hurried home to the Third District to see the city for myself and to learn how best to tailor Federal assistance to the needs of our city.

Mr. Speaker, I must report to you and my colleagues here in the House that the sight of the incredible devastation was a shock. The psyche simply cannot be prepared for such a reality. I was shaken.

My spirits took a sharp turn upward, however, after my firsthand tour of the city and the damage it suffered.

Many commentators have expressed already well-deserved praise for the way Grand Island people responded, shared their overwhelming feelings of loss, and began taking the storm's aftermath in their stride.

Mr. Speaker, the recovery effort will be costly. Of human spirit, there is an abundance. Of outside money and muscle, there is a shortage.

The Federal Government is being asked to help Grand Island foot that part of the bill that exceeds State, local, and private sector resources.

This will be money well spent, in my view, far better spent, say, than endlessly pouring it out for foreign-aid assistance, often to lands who ungratefully scorn us and our efforts to help them.

So, as the Congress moves into its appropriations process, I appeal to my colleagues to take care of our own people first, and then let us see what can be spared for other lands.

Grand Islanders, and all Americans, deserve our first attention. My hat is off to Grand Island and its indomitable spirit.

Thank you.

THE JUSTICE DEPARTMENT SHOULD PROSECUTE RAMSEY CLARK AND OTHER AMERICANS WHO PARTICIPATED IN THE ANTI-AMERICAN IRAN CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 30 minutes.

Mr. RUDD. Mr. Speaker, I am today introducing a resolution designed to express the sense of Congress that the President instruct the Attorney General to prosecute to the fullest extent of the law those American citizens who evidently violated U.S. laws by their participation in an international anti-American conference in Iran last week. I am pleased to offer in the House a resolution containing identical language to that introduced in the Senate by the distinguished Senator from Kansas, Mr. BOB DOLE, and 24 colleagues.

In particular, the resolution cites the provisions of the Logan Act which specifically prohibit private citizens from entering into intercourse with any foreign government with intent to influence the measures or conduct of any foreign government in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.

Also cited in the resolution are the provisions of the International Emergency Economic Powers Act which grant to the President the authority to restrict travel to countries hostile to the United States which were invoked by the President on April 17 with respect to travel in Iran.

Both laws have clear relevance to the actions taken last week in disregard of these laws by former U.S. Attorney General Ramsey Clark and nine other Americans who traveled to Tehran to participate in an Iranian-sponsored international conference investigating American interference in Iran.

Their activities were undertaken despite warnings from the Justice Department about potential violations of U.S. law.

The 10 American citizens willfully participated in the conference, the very purpose for which was to serve as a platform for virulent anti-American statements and legitimize the continued holding of the 53 American hostages.

Mr. Clark and his associates contributed to the inflammatory nature of the tribunal with their repeated denigration of present and past U.S. policy toward Iran and with regard to the Shah's government and by their outspoken opposition to the current U.S. policy of economic sanctions against Iran and our Government's refusal to assist in returning the Shah to Iran.

Such a bias was a prerequisite for participation in the conference and ensured the condemnation of the United States sought by the Iranian Government.

The bias of the U.S. delegation was made clear by Foreign Minister Sadeq Qotbzadeh who said:

> The U.S. delegation taking part in the conference has been chosen by our friends in the United States and consists of those who have taken a clear stand in favor of the Iranian revolution.

A report from the British Broadcasting Service summarized the damage done by the Clark delegation:

> The international conference intended to prove Iran's charges of American connivings with a manipulation of the shah has been a success. One propaganda coup was to invite and get former U.S. Attorney General Ramsey Clark. His savage denunciation of past and present American governments was a bonus.

While in Iran, Clark mouthed the litany of Iranian grievances against the United States. He denounced previous U.S. support for the Shah of Iran and urged the return of the Shah to Iran "so that he may be tried and punished for all this treason."

Clark criticized the current U.S. policy of economic sanctions against Iran and denounced the April 24 hostage rescue attempt.

Indeed, Clark's statements parallel the final statement of the conference condemning the United States. That statement follows:

1. The conference supports the heroic struggle for freedom of the Iranian nation, based on Islam.

2. The conference praises the martyrs of the Islamic Revolution whose martyrdom has guaranteed Iran's liberty and freedom from imperialistic domination.

3. The conference strongly condemns U.S. interference in the internal affairs of Iran, especially during the past 27 years and after the coup d'etats that were prepared and executed by the United States and the CIA.

4. The conference decisively condemns the direct and indirect threats of the U.S. Government conspiracies and incitements against the Islamic Republic of Iran.

5. The conference condemns the recent U.S. aggression against Iran's territorial integrity and liberty.

6. The conference condemns the recent economic decisions against Iran, especially the freezing of Iranian assets in the United States.

7. The conference condemns the prejudiced treatment and pressure exerted by U.S. officials and organizations on Iranian subjects, especially Iranian students in the United States.

8. The conference recognizes Iran's right to compensation for the heavy material and humanitarian losses incurred by Iran as a result of U.S. actions during the past 27 years.

9. The conference recognizes the right of the people and the Islamic Republic of Iran to demand the extradition of the deposed Shah and the return of the wealth that the Pahlavi dynasty and its collaborators have plundered from Iran.

10. The conference stresses that all quarrels between the Islamic Republic of Iran and the United States should be solved through peaceful means as soon as possible.

11. The conference condemns U.S. pressure on other countries to force them to participate in the sanctions against Iran, thereby threatening world peace, and asks these countries to maintain and extend their cooperation with the Islamic Republic of Iran.

12. The conference expresses its solidarity and support for the Iranian people and the Islamic Republic of Iran, and has decided to establish a special committee to keep in touch with the participants in this conference in order to harmonize their efforts towards preventing all instigations by the imperialists against the Iranian revolution.

This statement was adopted unanimously by the more than 300 representatives from 54 countries or groups who attended the Tehran conference.

The Clark delegation's collaboration with the avowed enemies of our Nation and enthusiastic support for the revolutionary government of Ayatollah Ruhollah Khomeini have served only to inject into Iranian consciousness the mistaken impression that our citizens are not united in our dedication to the unconditional release of the 53 Americans wrongfully held since November 1979.

Such confusion inevitably serves to aid and abet the Iranian terrorists and strengthen their desperate hope that our Nation will capitulate to their ever-shifting demands.

The irresponsible actions of this radical group of Americans have served to widen the gulf between the U.S. Government and Iran, and to prolong the captivity of the American hostages.

Nothing constructive to the release of the hostages was derived from the participation of this self-appointed delegation. The purpose of the conference was clear from the outset: To create a forum for anti-Americanism and a premise for continuing to hold the 53 Americans.

The participation of the Clark delegation was used by the Iranians to give an appearance of respectability to the predetermined objectives of the conference.

The statements made by Ramsey Clark and his associates in Tehran are a disgrace to the United States.

Congress should make unmistakably clear that their views in no way represent the feelings of American citizens who remain committed to the return of the hostages.

Unlike previous visits to Iran before the travel ban by Representative GEORGE HANSEN, and even others since the ban, the Clark delegation engaged in conduct undermining the position of the U.S. Government, condemning U.S. policies, and supporting the revolutionary government in Iran.

The delegation was clearly warned in advance about the likely consequences of their actions.

The resolution which I am introducing today expresses the sense of the House that the President should instruct the Attorney General to begin immediate prosecution under the Logan Act and the International Emergency Economic Powers Act.

This resolution calling for the prosecution of Ramsey Clark and his associates does not deal only with the question of the President's ban on travel to Iran. My bill calls for prosecution of American citizens who broke the law by dealing with foreign government officials and condemning the United States after they got to Iran.

This act of taking the law into their own hands and formulating national policy without any authority or responsibility whatsoever is much more fundamental than the mere violation of a Presidential ban on travel to restricted countries.

It would be totally irresponsible for the President to allow this flagrant breech of loyalty to go unprosecuted.

When the administration is actively discouraging families of the hostages from going to Iran to plead for the lives of their husbands and fathers, and sons and daughters, we cannot allow the visit of these disloyal Americans to be misinterpreted by anyone as representing the United States or our policies or views.

By urging enforcement of the law through passage of this resolution, Congress can make it clear to the world that Ramsey Clark and his cohorts have been repudiated and condemned for their actions by the American people.

If there are other statutes which the Clark delegation has violated, these, too, should be fully enforced by the Justice Department and the courts.

The flagrant violation of U.S. laws cannot be sanctioned.

Mr. Speaker, I include the resolution which I have introduced at this point in the RECORD, and urge all my colleagues to join as cosponsors:

H. RES. 704

Whereas, the government of Iran has continued to act in a hostile manner towards the government of the U.S. since it seized American diplomatic personnel on November 4, 1979;

Whereas, certain residents and citizens of the U.S. have collaborated in this hostility by condemning and insulting their own country;

Whereas, the government of Iran is conducting a "sham" tribunal falsely pretending to be an assessment of "crimes of America" at which certain citizens and residents of the U.S. are attending at the request and expense of Iran;

Whereas, the only means of preventing the dangerous and damaging actions of those American participants in such anti-American propaganda, short of a declaration of war against Iran, is active enforcement of the Logan Act;

Whereas, Title 18, Section 953, of the United States prohibits that any citizen of the United States, wherever he may be, who without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States;

Whereas, the President of the United States by executive order prohibited all travel by American citizens to Iran as part of our overall policy of securing the release of American hostages;

Now, therefore, be it resolved, that it is the sense of the House of Representatives that the President instruct the Attorney General to prosecute to the fullest extent of the law any and all persons who are in violation of the Logan Act and the prohibition on travel to Iran, provided for under the authority of the International Emergency Economic Powers Act; thereby denigrating the United States, and giving the color of "right" to the illegal actions taken by the government of Iran.

□ 1800

PERSONAL EXPLANATION

The SPEAKER pro tempore (Mr. COELHO). Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, on Thursday, June 5, during consideration of H.R. 6942, the International Security and Development Assistance Act for fiscal 1981, I missed several rollcall votes. The votes are as follows:

Rollcall No. 292, a vote on a motion that the House resolve itself into the Committee of the Whole for consideration of H.R. 6942, the International Security and Development Assistance Act for fiscal 1981. The motion was agreed to by vote of 356 to 24. Had I been present, I would have voted "yea."

Rollcall No. 294, a vote on an amendment to H.R. 6942, offered by Mr. BROOMFIELD of Michigan. The amendment was agreed to by a vote of 220 to 148. Had I been present, I would have vote "no."

Rollcall No. 296, a vote on an amendment to H.R. 6942 offered by Mr. ASHBROOK of Ohio. The amendment was agreed to by vote of 320 to 71. Had I been present, I would have voted "no."

Rollcall No. 297, a vote on an amend-

ment to H.R. 6942 offered by Mr. WRIGHT of Texas. The amendment was agreed to by vote of 243 to 144. I was paired for this amendment and had I been present, would have voted "aye."

Rollcall No. 298, a vote on an amendment to H.R. 6942 offered by Mr. MINISH of New Jersey. The amendment was rejected by a vote of 177 to 198. Had I been present, I would have voted "no."

Rollcall No. 299, a vote on an amendment to H.R. 6942 offered by Mr. BAUMAN of Maryland. The amendment was agreed to by vote of 243 to 131. Had I been present, I would have voted "no." ●

WILL RAILROAD DEREGULATION INSURE THE SAFETY OF AMERICA'S RAIL SYSTEM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, as you know, for several months now I have taken the floor from time to time to discuss my concerns about the safety of our Nation's railroads. Today, I will conclude my series of statements with a general discussion of the financial condition of the rail industry as it relates to rail safety.

There was a time when railroads were the topic of popular songs. Riding by rail was a glamorous way to travel. Towns fought for rail service to assure economic prosperity. Times have changed and so has the tune. Airplane, cars, and trucks became the modes of travel in this country for both people and products.

Today, it is widely recognized that the U.S. railroad industry is facing serious financial problems. Although some railroads are financially healthy, a number of other railroads—such as the Milwaukee Road and the Rock Island—are bankrupt, and others—such as the Chicago and North Western, and the Illinois Central Gulf—are financially weak. Conrail, the quasi-public railroad, is continuing to incur large deficits, and is generally expected to need even more Federal financial assistance than the $3.3 billion already authorized by Congress. The Department of Transportation has concluded that, if present trends continue, railroads will incur a composite shortfall of between $13 and $16 billion in needed capital investment within the next few years.

The decline of our Nation's railroads is primarily the result of a policy decision made years ago to encourage and subsidize other modes of transportation such as airplanes, cars, and trucks. The railroad companies, seeing what was happening, began to divert their investment capital to everything else from pipelines, oil, and trucking companies, to publishing companies, amusement parks, and real estate. In terms of track maintenance, that meant company safety inspectors had to compete with a wide range of other—and more profitabe—interests when trying to secure funds for track repairs.

Although the figures vary from railroad to railroad, recent data indicates an average rate of return on company investments of only 3.43 percent. In 1978, the rate of return on equity was only 1.55 percent for railroad operations, compared to 8.62 percent for barges, and 17.21 percent for trucks. In short, railroads, due primarily to shortsighted Government policies, have been severely handicapped in their ability to compete with other modes of transportation.

It has been suggested that the solution to the problem of dramatic increases in rail accidents is deregulation. By deregulating the rail industry, as advocates of this argument contend, companies will have the capital necessary to operate safely. While there may be compelling reasons to deregulate the railroad industry, we should realize that deregulation, in itself, will not necessarily solve the problems related to rail safety. The result of a study conducted by the Federal Railroad Administration sheds some light on this subject.

The FRA's comparison of profit rates of the top 30 railroads shows that profits vary widely from a high of 7.58 percent profit to a 54 percent loss. The analysis of railroad profit rates and accident rates indicated that there was not a strong relationship between railroad profits and railroad accident rates. While bankrupt railroads do have higher accident rates, some other railroads with relatively high profits have very poor rail safety records. For example, the Elgin Joliet and Eastern ranks second in profit rates, and 29th in safety. Yet the Santa Fe ranks 13th in profit rates, and 3d in safety. The FRA report concluded that the relationship between railroad profit rates and railroad safety "cannot be considered very strong." The correlation coefficient which describes the association between the two variables equaled minus 0.54.

So that you will be aware of the FRA's statistics, I am submitting the following summary chart comparing profit rates and accident rates;

A COMPARISON OF PROFIT RATES AND ACCIDENT RATES BY RAILROAD COMPANY

Railroad company	Profit rate (per dollar of assets percent)	Profit ranking	Acidents per million car-miles 1975–77	Accident ranking
Sante Fe	2.64	13	0.136	3
Bessemer & Lake Erie	7.58	1	.325	11
Boston & Maine	−6.67	27	.390	16
Burlington Northern	1.86	16	.240	9
Chessie System	4.42	4	.372	14
Milwaukee	−2.44	25	.676	24
Chicago & North Western	−.93	21	.829	26
Rock Island	−7.02	28	.951	27
Conrail	−10.02	29	.392	17
Delaware & Hudson	−4.18	26	.382	15
Denver & Rio Grande	4.62	3	.093	1
Detroit Toledo & Ironton	−.07	20	.532	22
Duluth Missabe & Iron Range	−1.16	22	.346	13
Elgin Joliet & Eastern	5.79	2	1.741	29
Family Lines Systems	3.10	11	.482	20
Florida East Coast	4.17	7	.152	5
Grand Trunk Western	−1.52	23	.436	19
Illinois Central Gulf	.52	19	.499	21
Kansas City Southern	1.46	17	.814	25
Long Island	−54.05	30	7.754	30
MO-KS-Texas	−2.23	24	.668	23
Missouri Pacific	4.40	5	.162	6
Norfolk & Western	3.97	9	.142	4
Pittsburgh & Lake Erie	2.49	14	1.669	28
St. Louis-San Francisco	2.07	15	.339	12
Soo Line	4.26	6	.425	18
Southern Pacific	2.82	12	.184	7
Southern Ry System	4.01	8	.233	8
Union Pacific	3.94	10	.128	2
Western Pacific	1.12	18	.266	10

As we move to floor consideration of the rail deregulation legislation, I intend to keep an open mind. But I would remind my colleagues especially of two points. First, when we consider rail deregulation we are talking about a situation different from that in the instance of airline and trucking for two reasons: the relatively minimal Federal subsidies to the rail industry and the lack of common access to rail routes. Second, while deregulation should lead to improvement in the railroad's financial conditions, that does not mean it will be a cure-all, especially for the serious problem of rail accidents.●

LEGISLATION TO LIMIT TAX SHELTERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 20 minutes.

● Mr. VANIK. Mr. Speaker, today I have introduced legislation to combat a serious, spreading abuse which threatens the effectiveness, efficiency, and fairness of our system of taxation. I specifically direct attention to a loophole, the so-called tax straddle, which is being utilized by tens of thousands of high income people in the top strata of our society. The Treasury loss in the use of these special tax devices may be as much as $3 to $4 billion per year for the benefit of approximately 30,000 of the most affluent people in America. The potential for abuse is enormous. Commodity trading is a $2-trillion industry. This does not include the huge number of financial paper transactions which are outside the commodity markets. Many of these people do not even understand the intricate devices which their accountants and tax advisers employ to avoid proper taxation under our income tax laws. The straddle is an accounting bypass of the use of tax

obligations. This legislation deals with problems which were extensively discussed in hearings held by Congressman ROSENTHAL's Subcommittee on Government Operations over the last several months. I am pleased that Chairman ROSENTHAL joins me in cosponsoring this legislative approach.

Sophisticated and unscrupulous promoters are marketing a number of tax shelter schemes involving so-called straddle transactions. These activities are motivated solely by tax considerations and offer no opportunity for meaningful economic reward. They have attracted high-income clients eager to reduce or eliminate their income tax liabilities by deducting enormous paper losses from their incomes 1 year while deferring their offsetting gains to a later year. Some try not only to defer their taxes, they also try to convert ordinary income or short-term capital gain to long-term capital gain which is taxed at significantly lower rates.

In the last few years, the number and variety of these shelter deals have increased, even though the Internal Revenue Service has stated publicly that it will disallow deductions for the paper losses in these shelters. Straddle shelters have been structured in many commodities. Popular offerings include straddles in precious metals, especially silver and silver futures contracts, and in financial paper, particularly Treasury bills and Treasury bill futures. Individuals can purchase a single straddle, engage in multiple transactions through matched accounts, or invest in partnerships or subchapter S corporations participating in these shelters. Some persons take advantage of straddle shelters through offshore promoters, especially in foreign countries which refuse the IRS access to their records for audit purposes.

In one case currently under examination by the Internal Revenue Service, a corporate executive, who had salary and investment income in excess of $500,000, attempted to deduct over $500,000 as a loss from a Treasury bill straddle. This taxpayer reported a net loss for the year and claimed a refund of $38,000 for withheld taxes. In another case under examination, a taxpayer, who recognized a substantial gain from a business liquidation, tried to defer $2 million of gain year after year with commodities straddles. The IRS estimates, based upon a sampling of returns under audit, that there are in excess of 5,000 tax returns involving commodity tax straddles already under audit, with potential deficiencies of about $400 million.

The most highly touted example of these shelter schemes has been the straddle in silver futures contracts. In this deal, late in the tax year, a taxpayer with a large short-term capital gain buys a straddle consisting of, for example, one futures contract to buy a specified amount of silver in the next January at a fixed price and a second contract to sell an equal amount of silver at a fixed price in June. Because the taxpayer has purchased a straddle, the "margin"—security deposit—which he must put up is significantly less than the amount required if he were to purchase only one of the contracts. The straddle is a "covered" investment, safer than a single "naked" contract. In December, the taxpayer sells the contract on which he has a loss, and he immediately reestablishes the straddle by buying another similar contract. He continues to hold the original offsetting contract.

This original contract reflects an unrealized gain approximately equal to the loss on the sold contract. If the individual's real economic position were measured, his gain and loss from the offsetting positions of the straddle virtually would cancel each other out, with at most a relatively negligible gain or loss mainly attributable to transaction costs. By holding the contract reflecting a gain for 6 months, the taxpayer allegedly defers income until the next year.

In addition, because futures contracts have only a 6-month holding period, the taxpayer reports the income as long-term capital gain. And, by using a straddle which may require outlays of only 5 percent of the value of the offsetting contracts—plus commissions—the taxpayer has executed transactions on which he claims significant tax savings without exposing himself to the risk involved in genuine, economic, for-profit investments. His de minimis exposure is clearly insubstantial in relation to the alleged tax benefits. The size of the alleged tax benefits and the lack of genuine risk are evident in an example of a silver futures straddle using actual prices.

On November 30, 1979, a taxpayer enters 10 contracts to deliver silver in July—a "short" position—and enters 10 contracts to buy silver in September—a "long" position. The July contracts are for $19.83 an ounce and the September contracts are for $20.11 an ounce. Each contract is for 5,000 ounces.

On December 26, 1979, the taxpayer disposes of the 10 July contracts. On that date, silver for delivery in July is selling for $26.89 an ounce. Since the taxpayer's contract was to deliver silver at $19.83 an ounce, the loss on that transaction was $7.06 an ounce, or $353,000 on the 10 contracts of 5,000 ounces each.

Although the taxpayer has incurred a paper loss on the July part of the straddle transaction, it should be noted that, on December 26, September silver was selling for $27.295 an ounce. Since the taxpayer has a contract to purchase September silver at $20.11 an ounce, the taxpayer has an unrealized gain on the September contract of $7.185 an ounce, or $359,250 for the 10 contracts. Thus, as of December 26, the transaction as a whole has produced a modest gain of $6,250. Nevertheless, the taxpayer claims a tax loss of $353,000 which he records as a short-term capital loss. This could result in the taxpayer reporting his tax liability for the year in an amount which would be $247,000 less than if the loss were not reported.

In order to maintain his straddle position, the taxpayer on December 26 goes short on 10 contracts for delivery in December 1980. On that date, silver for delivery in December 1980 is selling for $27.91 an ounce.

On January 8, 1980, the taxpayer disposes of his straddle position. On that date, September silver is selling for $34.21 an ounce and December silver is selling for $34.90 an ounce. Thus, the taxpayer's gain on the September contract is $14.10 an ounce, or a total of $705,000. On the December contract, however, the taxpayer would have lost $6.99 an ounce, or a total of $349,500. For 1980, the taxpayer would claim a net short-term gain of $355,500.

Thus, on the transaction as a whole, despite the sharp movements in the price of silver and in interest rates between November 1979 and January 1980, and despite the taxpayer's large gross positions in silver, the taxpayer has gained a total of only $2,500—less transaction costs. However, the taxpayer might claim a 1-year deferral of tax liability which could be $247,000. If the taxpayer were in the 70-percent bracket in 1980, his tax on the gain would be $248,850. If the taxpayer held the contracts for 6 months and closed out the straddle at a gain, the profit would be long-term capital gain taxable at a maximum rate of 28 percent instead of 70 percent. In effect, the taxpayer would have "borrowed" $247,000 from the Treasury for a year at no cost and would have realized a small net gain—less transaction costs.

It is fair to note that the taxpayer could have had a real loss on the transaction as a whole. For example, if the taxpayer had been long July 1980 silver and short September 1979, at the beginning, his loss position on December 26, 1979, would have been his short September position. If he sold his short September position, it would produce a loss of $359,250 when sold. If he had then gone short December 1980 silver, his net loss on the transaction as of January 8 would have been $13,500—July silver was selling for $33.735 an ounce on January 8, so the taxpayer's gain on the July position would have been $13.905 an ounce or $695,250 on the 50 contracts; his loss on the September position would have been $359,250; his loss on the December position would have been $349,500.

However, the taxpayer could as readily have made the $13,500 if the contracts had run the other way. What is crucial to note is that even in an extraordinary market for silver and for interest rates, the real loss on the transaction did not approach the economic gain that could result from the tax deferred if the transactions were given the tax effects desired by the taxpayer.

Over 3 years ago the Internal Revenue Service issued Revenue Ruling 77-185, disallowing deductions for paper losses from straddles on the grounds that the transactions are tax-motivated with no real risk and no potential for real economic gain. Despite this ruling, many taxpayers continue to claim the alleged tax benefits of these shelter devices. Because these transactions bridge 2 or more tax years, taxpayers hope that their shelter activities will escape IRS detection in the "audit lottery."

Some taxpayers have taken additional measures to hide straddle shelters from the IRS. By structuring multiple straddle transactions and creating enormous paperwork burdens for IRS agents, they hope to disguise sheltering as investment activity. Others run their offsetting positions through a number of accounts nominally held by different persons.

Taxpayers' continuing disregard of the IRS position and their attempts to shelter income through these abusive devices must be stopped. It appears that shelter-seeking individuals and corporations will be dissuaded from purchasing these devices only if straddle shelters are specifically and expressly outlawed. While I believe that the IRS eventually will prevail judicially against these abuses, I also recognize that litigation is lengthy and costly. Therefore, the enactment of specific rules to invalidate straddle sheltering is necessary.

The bill which I have introduced today is intended to end these shelters by specifically denying deductions for noneconomic losses claimed even though a straddle position continues to be maintained. Taxpayers clearly are entitled to reflect real losses on their tax returns. Hedgers and legitimate investors must be allowed to reduce their income and gains by losses. But, phantom, paper losses which do not reflect any genuine economic change cannot be fabricated to create enormous tax savings.

When taxpayers sell stock at a loss and immediately replace it with substantially identical stock, present law provides that they may not deduct any loss from that sale. The wash-sale rules in section 1091 of the Internal Revenue Code forbid such manipulation. My bill extends the wash-sale principle to similar transactions in other types of property. This approach may not be the sole way to stop straddle shelters. I welcome the suggestions of all interested persons on improvements of effective alternatives to this proposal.

It is my hope that hearings on this bill can be scheduled soon. Illegal tax shelters cost the Treasury enormous amounts of revenue. They increase the tax burden of other taxpayers. They erode citizens' confidence in, and respect for, not only the tax system, but ultimately, in all government. Shelters must be closed.

EXPLANATION OF H.R. 7541

This bill would limit tax sheltering through straddle transactions by postponing the recognition of losses on certain straddle positions while the taxpayer continues to maintain offsetting positions in a straddle.

The bill would provide that if a taxpayer holds a straddle, the portion of loss which exceeds recognized gain from the straddle may not be recognized for the period during which the taxpayer holds the offsetting positions plus the 30 days after the day on which the offsetting positions—or successor positions—cease to be offsetting.

Thus, if a taxpayer sold one leg of a two-leg straddle at a loss on September 1, the taxpayer would have to hold the other leg—position—of the straddle without establishing any offsetting legs—positions—for the next 30 days before the loss could be recognized. The loss would be treated as sustained on October 1, 30 days after the straddle, that is, the offsetting positions ceased.

In addition, the running of holding periods for the straddle positions would be suspended for the balanced period, that is, the period during which the positions are offsetting plus 30 days. However, in determining the taxpayer's holding period for the position, any period during which a position was held prior to the establishment of an offsetting position could be tacked to any period during which that position was held after the close of the balanced period.

The bill uses the term "offsetting positions" to characterize a straddle. Under the bill, the term means that there is a substantial reduction of the taxpayer's risk of loss from holding any position with respect to personal property because the taxpayer also holds one or more other positions with respect to personal property—whether or not of the same kind.

The bill would create a rebuttable presumption that two or more positions are offsetting under specified circumstances. If two or more positions are customarily treated as straddles or offsetting positions or if the aggregate margin requirement for holding such positions is lower than the sum of the margin requirements for each such position—if held separately—the positions would be presumed to be offsetting unless the taxpayer establishes that they are not offsetting. The Secretary could prescribe by regulations other factors which indicate that two or more positions are offsetting and which would establish a rebuttable presumption that the positions are offsetting.

The bill would not apply to hedging transactions. The bill would provide that the term "offsetting positions" does not include positions in commodities which are an integral part of the taxpayer's business. Thus, for example, futures contracts in grain would not be subject to the bill's rules when held by a wheat farmer or cereal processor as an integral part of the farmer's or processor's farming or processing business.

The bill would apply to positions in personal property which are interests, including futures contracts or options, in commodities, evidences of indebtedness, and any other type of personal property, except for stock in a corporation. Personal property acquired by a taxpayer pursuant to a futures contract, option, or other interest will be treated as the same position as the predecessor interest.

In order to preclude manipulation of the character of gain or loss as ordinary income or loss, or capital gain or loss, the bill provides that obligations of the United States, of its possessions, of a State or political subdivision of a State, or of the District of Columbia, issued on a discount basis and payable without interest in less than 1 year, will be treated as capital assets in determining gain or loss. This change will apply prospectively to obligations issued after December 31, 1980.

The bill would provide special constructive ownership rules for determining whether any positions are offsetting. The general principles of the attribution rules in section 318 would apply except in determining attribution to and from family members and to and from a corporation, partnership, trust, or estate. Under the bill, an individual's family would consist only of the individual, his or her spouse, and the individual's children under 18 years of age. Attribution would be made to and from a corporation, partnership, trust, or estate, only if there is at least an 80-percent interest—determined after application of the family attribution rules—or if, in the case of a trust, the trust is a grantor trust (Sections 671 et seq.).

The amendments made by the bill would apply to offsetting positions established after June 30, 1980, in taxable years ending after that date.●

BEVERLY SILLS RECEIVES MEDAL OF FREEDOM

(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, among the 14 distinguished Americans receiving the Medal of Freedom from President Carter at the White House on June 9 was Beverly Sills, whose voice has thrilled and continues to thrill millions.

Miss Sills, now the general director of the New York City Opera Company, had an extraordinary career as an operatic soprano. We who have had the pleasure of listening to the purity of her voice and of watching her perform on a variety of stages know how much she deserves the tribute paid her at the White House.

Mr. Speaker, the Medal of Freedom received by Beverly Sills is recognition of an outstanding American who, now that she has retired from the operatic stage, is launched on a new career that will continue to bring all of us some of the best from the world of opera.

At this point, Mr. Speaker, I would like to include the text of the citation accompanying the Medal of Freedom received by Miss Sills yesterday:

Beverly Sills has captured with her voice every note of human feeling which her supurb dramatic talent projected to us with ringing clarity. Through her many and diverse roles she tells and retells operas' intensely hightened stories of human folly, goodness, pain and triumph. She has touched and delighted audiences throughout the world as a performer, as a recording artist and now a producer. And of all her arts, she is a master.●

WE NEED A COMPREHENSIVE WATER MANAGEMENT APPROACH TO THE COLORADO RIVER—NOT A DESALTING PLANT

(Mr. BROWN of California asked and was given permission to extend his re-

marks at this point in the RECORD and to include extraneous matter.)

● Mr. BROWN of California. Mr. Speaker, H.R. 2609, a bill to amend the Colorado River Basin Salinity Control Act to allow for cost overruns for the proposed Yuma Desalting Plant, will shortly be before the House and Senate again. In the House debate on this matter last February 7—there was no Senate debate—the House approved this bill, largely as a housekeeping action and a continuance of business-as-usual in approving pending bills. Since that time our difficult efforts to balance the Federal budget have become a matter of central concern, requiring cutbacks in even good programs.

One proposal which is not good, to build the largest desalting plant in the world to remove salts from irrigation water with an extremely expensive and unproven technology, should be cut. Since final action has not occurred in either the House or the Senate, we can still do this.

Mr. Speaker, for reasons which have never been explained to me, the administration officially supports H.R. 2609, even though several agencies of the Federal Government have serious reservations about it, and the proposed desalting plant fails to meet any of the criteria the administration uses to justify proposals or projects. The GAO, which evaluated the proposed desalting plant, opposed it as well. Unfortunately, this advice has been ignored.

An excellent article on the Colorado River Basin, which includes a discussion of the proposed desalting plant appeared in the "Earth Day 1980" issue of the administration's EPA Journal. I commend this article to my colleagues.

The article follows:

[From the EPA Journal, April 1980]

THE COLORADO—AMERICA'S HARDEST WORKING RIVER

(By Truman Temple)

The Spanish named it the Colorado because of its reddish, silt-laden waters. John Wesley Powell, a 19th century explorer, called it "a mad, turbid stream." In the 20th century, it has been nicknamed "Lifeline of the Southwest."

But in recent times, the Colorado River also has been termed an "ailing giant." Its lower reaches are burdened with so much salinity that the problem has become an international issue with Mexico. The increasingly severe demands for multiple use of its waters by the seven States in its drainage area keep lawyers busy. Near the river's upper reaches, cities containing the bulk of the State of Colorado's population are busy piping its water east to the so-called Front Range, while Western Slope farmers argue that their livelihood is being threatened. And many residents—not all of them dedicated environmentalists—are deeply concerned about what the exploitation of oil shale, coal, and other energy resources in the West will do to the river.

As Colorado Governor Richard D. Lamm, observed a few months ago, "Our finite, limited water resource is being seriously taxed and depleted in most geographic areas. For the first time in our history, we are consuming almost all of the water to which we are entitled in three of our four river basins * * *. Even in the most water-abundant area of Colorado, the Colorado River Basin, the competition is stiff as to how, when, and where we allocate the remaining 1,000,000 acre-feet of our unconsumed water. Further, the availability of this water will depend, in part, on interpretations of treaties, compacts, water quality requirements, and environmental statutes."

To understand the unusual character of the Colorado, it is necessary to consider how it differs from other great rivers of America.

First, when compared to many such waterways, the Colorado has a modest annual flow an estimated 13 to 15 million acre-feet. That is about the same as the Delaware River's, which is one-third the length of the Colorado and drains a far smaller basin. By contrast, the annual flow of the Columbia River is about 130 million. (An acre-foot is the amount of water that would cover an acre one foot deep.)

Furthermore, the Colorado is unnavigable to any ocean shipping. There is no major city at its mouth where it flows into the Gulf of California, no deepwater port along its length, no complex of docks, or any of the other transshipment facilities that characterize rivers like the Mississippi and the Hudson.

Despite all this, the Colorado has been described as the aorta of the Nation's fastest-growing region. Vast desert areas depend on its nourishing water. Fed by winter snows in the high passes of the Rockies, it begins at 14,000 feet in Rocky Mountain National Park and snakes its way more than 1,400 miles to the Gulf of California, helping to sustain a total of 29 million people in seven States. South of the border, it also is a water supply for half a million people and irrigates about 500,000 acres in Mexico.

In fact, the Colorado permeates the economy and lifestyle of the Southwest so thoroughly that three of EPA's Regional Offices are involved in the quality of its water in one way or another. Region 8 deals with many of the Upper Basin matters from its Denver headquarters. Region 9 with headquarters in San Francisco is concerned with the river since it flows through one State in its jurisdiction, Arizona, and borders two others, California and Nevada. Region 6 from its central office in Dallas also participates in Colorado affairs since one of the Upper Basin States, New Mexico, is in its territory.

"We are involved with the Colorado in several ways," says Frank Covington, Director of Region 9's Water Division. "We're on the receiving end of problems. The Lower Basin States of course contribute salinity, as do the Upper Basin ones, and as the latter gets into energy development, we'll feel any impact. We also interface with Mexico, and Paul De Falco, our Regional Administrator, represents the Region at meetings of the International Boundary and Water Commission."

The references to the Colorado as the cardiovascular system of the Southwest are not idle fancies of travel writers. The populations along its route depend on its life-nourishing flow for their household needs, electric power, food and fiber, as well as many jobs in a multi-million-dollar recreation industry. In fact, more than 90 percent of the Colorado and its tributaries is used to irrigate agricultural fields, most of which get little rainfall. The river's drainage basin covers some 244,000 square miles and waters 3.4 million acres producing crops worth more than $1 billion a year. Unfortunately, it also flows through the most arid sector of the North American continent. In this desert climate, water evaporation is extremely high. And although the irrigated farms in the Lower Basin permit a year-round growing season with double and even triple cropping, producing a big share of the Nation's fruits and fresh vegetables, a huge amount of the river evaporates into the air from the chain of man-made reservoirs along its course. This evaporation further increases the river's salinity.

What sort of climate is it? The region that the Colorado drains has an annual average rainfall of only 10 inches, compared with about 57 for Louisiana, the Nation's wettest State. But even worse, only one-eighth of that ten inches ever survives to contribute to the volume of the river, since the rest is lost through evaporation on the ground or by transpiration through the leaves of the basin's plants.

Great quantities of the river's flow are diverted to reclamation projects and to other locations hundreds of miles distant. The lush grazing meadows in the valleys of the Rockies and the lawns of Los Angeles are both nourished by the Colorado. It slakes the thirst of people from Denver to San Diego. From Lake Havasu on the Arizona border, one billion gallons of Colorado River water are taken daily 250 miles west across California to supply the Los Angeles and San Diego megalopolis. Other vast quantities are channeled to California's Imperial Valley to irrigate crops. And numerous other projects divert the river's waters along its course. In fact, in all but two of the last 20 years, the Colorado petered out into a dry riverbed at its mouth because so much of it had been siphoned off.

The specific use of the waters was first decreed in the 1922 Colorida River compact, an agreement among the seven basin States that apportioned an assumed flow of 18 to 20 million acre-feet with 15 million being divided equally into two huge segments: The lower compact States of Arizona, Nevada, and California, and the upper ones of Wyoming, Utah, Colorado, and New Mexico. (The dividing line was near Lees Ferry, Ariz., where an exiled murderer named John D. Lee began transporting passengers in 1871 across the river. The annual river flow has been measured there since 1922 with the longtime average annual flow now believed to total only 15 million acre-feet.) The compact also recognized that Mexico could be given rights to use Colorado River water at some future date. A treaty was signed with Mexico in 1944—but more about that later.

The 1922 compact paved the way for enormous engineering projects. It made possible for the first time a drainage basin with multiple use of water including power development, irrigation, recreation, and flood control. Among the projects that followed were Hoover Dam in 1936, creating Lake Mead and considered a major engineering feat of its time; the Imperial Dam in 1938 where the All-American Canal carries water 80 miles west to the Imperial Valley and its 2,000 miles of lateral canals; Parker Dam 150 miles south of Hoover Dam, completed in 1938 and creating storage water for 22 California cities; the Colorado-Big Thompson Project, completed in 1945, diverting water by tunnel beneath the Continental Divide to irrigate cropland in northern Colorado, and the Davis Dam in 1949, alleviating power shortages in Arizona.

The creation of these vast reservoirs and irrigation projects brought wealth and population to the Southwest—but not without a price. Evaporation from the huge new bodies of water along with other uses concentrated the salinity of the river water remaining behind, and the run-off and percolation from irrigated fields increased it even more. To be sure, much of the salt load also comes from natural sources, since mineral weathering and dissolution of soluble salts in the land would occur even if the river basin were totally uninhabited. According to a 1971 EPA report on the Colorado, for example, about 60 percent of the salt load in the waters at Hoover Dam comes from natural sources.

But since the region began its dramatic growth in the past few decades, there is no doubt that man's activities have greatly affected the salinity of the river. Estimates

vary on just how much. Myron B. Holburt, chief engineer of California's Colorado River Board, says the salinity of the river flowing into Mexco increased from 800 parts per million in 1960 to 1,500 parts in 1962 (although others note it has decreased since then). A study by Professor Stanley A. Schumm of Colorado State University reports that the average annual salinity concentration has almost doubled this century.

Salinity hurts crops. The Water and Power Resources Service (WPRS—formerly the Bureau of Reclamation of the U.S. Department of the Interior), estimates that total losses including agricultural and municipal damage due to salinity in the Lower Basin are now $96 million per year. It estimates the figure will hit $237 million annually by the year 2000 if no salinity control measures are carried out.

The 1944 treaty made no mention of the quality of the 1.5 million annual acre-feet of water from Colorado that Mexico was guaranteed. But in the 1960's it became apparent that the increased saltiness of Mexico's share was greatly reducing the usefulness of the water for irrigation in that country. Each year the Mexican authorities pointed this out to Washington with increasing vehemence, and in 1972 William D. Ruckelshaus, then EPA Administrator, convened an enforcement conference of the seven basin States and Federal officials to curb the salinity. Conferees recommended among other things a high priority on removing salt from Paradox Valley and Grand Valley, which were leaching into the Colorado, urged EPA to accelerate its data collection and research, and named the Bureau of Reclamation as the lead agency for basinwide salinity control. President Nixon, sensing a major international problem, asked Herbert Brownell, former U.S. Attorney General, to head a task force seeking a solution. The conclusion: Build a giant desalting plant at Yuma near the Mexican border where water could be diverted, cleaned up, and poured back into the river to dilute the salts.

Congress in 1973 authorized construction of the plant, which would be ten times bigger than any such facility in the world, and able to process 96 million gallons of water a day. However, a number of large projects that would increase irrigation and other water uses are in various stages of completion. The drainage from some of the new irrigated lands will soon be carrying still more salt into the Colorado and south of the border.

In the meantime, the estimated cost of the desalting plant has soared. The House recently approved more than $356 million for the project including some related work to alleviate impacts on fish and wildlife habitat at the site, more than double the estimate six years ago. The price tag attracted fire from several quarters. The General Accounting Office, in a critical report to Congress, said earlier that the project "needs to be reassessed" and suggested that cheaper alternatives be studied. Some Congressmen also objected. The most vociferous of them, Representative George Brown of California, estimated the ultimate construction cost will hit half a billion dollars plus operating costs that will run many more millions of dollars in ensuing decades.

"How can we get out of this mess?" he asks. "While I'm no expert, the experts I've consulted believe the key is how we develop our arid lands, and how we irrigate our crops. In some cases, this may mean not using certain lands due to the soil conditions. In other cases, it means reducing the water return flows, which carry the salts."

In a letter to Representative Brown last September, EPA Administrator Douglas Costle noted that the Agency earlier had expressed environmental reservations about the facility adding:

"Our major concern was, and continues to be, that a desalting plant should not be viewed as a panacea for salinity problems in the Colorado River. EPA supports a basinwide approach to solving these complex and controversial problems, and we will continue to work with the Interior Department in pursuit of this goal."

In response to concerns raised by EPA, the seven basin States created the Salinity Control Forum to develop Colorado River salinity standards, which now include numeric criteria and a plan of implementation. All the basin States have adopted the Forum's recommendations as part of their water quality standards. The basic objective of the standards is to treat salinity as a basin-wide problem and to maintain the 1972 salinity levels in the lower part of the river while the States develop the waters appropriated to them under the compact. Key elements of the standards include establishing numeric criteria at three stations in the lower mainstem (below Hoover and Parker Dams and at Imperial Dam); developing monitoring stations and baseline values at key locations in the Upper Basin, and carrying out a variety of salinity control projects by Federal and State authorities.

EPA has helped to fund a number of irrigation studies dealing with salinity at Grand Valley, Colo. and elsewhere. (EPA Journal, February, 1978.) Scientists say there is no one technology to cure all the problems, but a number of remedies are well known. These include lining canals and lateral ditches to prevent seepage, and the use of sprinkler, drip, or trickle irrigation which applies the water more effectively. Another method calls for more careful timing of irrigation to apply water when the soil requires it. The Soil Conservation Service is now pursuing corrective measures at Grand Valley. It is estimated that 410,000 tons of salt can be eliminated annually from the current discharge into the Colorado from that area.

In addition, water experts are focusing on certain areas of natural salt deposits that are leaching into the Colorado. The Federal water and power service, for example, is drilling nearly two dozen wells along Paradox Valley in southwestern Colorado to pump brine out of a geologic formation that now contributes 200,000 tons of salt annually to the Colorado via a tributary, the Dolores River. The project, which is targeted for completion in 1986, will pump the brine to an evaporation reservoir or dispose of the brine through deep well injection. EPA's Region 8 staff has worked with the Department of the Interior agency on the problem area.

"We're also investigating 12 other sources of salinity," says Michael Clinton, Chief of the Interior agency's Colorado River Water Quality Office. "Five of them involve saline seepage from irrigated areas like Grand Valley, five involve point sources of salinity like the Paradox Valley situation, and the others involve salt loading from normally dry drainage areas where weathering and natural runoff carry it into the river." These studies will be completed between 1983 and 1989.

The U.S. Department of Agriculture also has become more involved in salinity control in the basin. In Grand Valley, for example, the Soil Conservation Service has provided technical assistance and the Agriculture Stabilization and Conservation Service has helped to fund measures for reducing salinity from irrigated agriculture. These include ditch lining, land leveling, water measuring and control structures, and installation of sprinklers in selected areas. A similar program is beginning in the Unitah Basin. In addition, the Soil Conservation Service has salinity control studies under way in the other major irrigation areas.

Another project to help ease the salinity problem is a weather modification program by means of cloud-seeding that the Interior water and power agency is now putting together for the Upper Basin of the Colorado.

"The Bureau of Reclamation did a successful pilot study in the San Juan Mountains in southwestern Colorado five years ago," explains Clinton. "Further studies indicate a potential of producing about 1 to 1.5 million acre-feet of water annually." Such a heavy addition of inflow to the river would, of course, provide much-needed dilution of the salinity.

(The dilution would occur only if the added water from rain and snow moves downhill and reaches the Colorado. If large amounts of this water are consumed before reaching the river, the cloud-seeding obviously isn't going to do much to solve the salinity problem.)

Cloud-seeding programs have focused on increasing the winter snow-pack. The idea, however, has been a source of some controversy. Ranchers, highway departments, and some community leaders have voiced concern that additional snow would compound existing winter problems, and fish and wildlife interests fear that the extra snow would have an adverse impact on critical winter range for many game species. In any event, the program would require Congressional authorization and probably would not get underway until the mid-1980's at the earliest.

Still another way to reduce salinity in the lower Colorado would be to mitigate the impact of transmountain diversion of water that now goes by tunnels and pipelines to the East Slope from the Upper Basin. This is water that would dilute the salinity if it didn't end up in Denver, Colorado Springs, and other cities on the eastern side of the Rockies. One of the most articulate forces protesting the way transmountain diversion is taking place now is the Northwest Colorado Council of Governments, representing six counties in high mountain terrain located mostly west of the Continental Divide and extending from the Wyoming border south for 140 miles.

The six counties contain some of the most spectacular land in America, and some world-famous ski centers—including Aspen, Vail, Steamboat Springs, and Breckenridge.

About 541,000 acre-feet are now being diverted to the Eastern Slope, or around 20 percent of the total virgin water here," says Tom Elmore, water quality management coordinator for the Council. "This is very pure water, much of it from melting snow. But we're very concerned about a new water resource development projects. We project that an additional 1,142,900 acre-feet will be taken by the Eastern Slope by 1995. We estimated these new diversions will mean $29.9 million per year in salinity damages downstream between now and 1995." The Council is seeking to regulate all new diversion projects and wants the Eastern Slope diverters to compensate for the adverse impacts of their projects by installing salinity controls—not yet specified but perhaps lined irrigation ditches—in the Colorado basin.

"We have an outstanding area here. It's vacationland for the rest of the country—high quality trout streams, pristine water, world-famous ski resorts. The economy is built on energy development, agriculture, and tourism. Much of what we do depends on water. We're seeking to protect our present economic base and to prevent the foreclosure of our future economic options," Elmore declares.

The six counties, to be sure, are up against formidable political forces. The Eastern Slope has about 90 percent of Colorado's burgeoning population, which grew about 25 percent in the last decade. So the votes and

political clout are there, and it will take a skillful balancing act for the State to keep its high mountain trout streams flowing if Denver and other nearby cities continue to mushroom.

EPA itself has not escaped the continuing controversy surrounding the Colorado River. The Environmental Defense Fund, a public interest group, sued EPA for its 1976 approval of the water quality standards for salinity by the seven Colorado Basin States, alleging the implementation plans did not provide adequate salinity controls. However, last October the U.S. District Court for the District of Columbia decided the case in favor of EPA and Interior, which was also a defendant. The Environmental Defense Fund filed an appeal last December.

What of the Colorado's future? One of the biggest question marks hanging over the river is the impact of energy developments in the area. The Rocky Mountain West has 50 percent of the Nation's coal reserves, 100 percent of the now commercially recoverable oil shale deposits, and 9 percent of the oil reserves. The region's strippable coal totals 195 billion tons. Its shale oil potential totals 600 billion barrels.

But the industry required to extract these fossil fuels will need water from the Upper Colorado River Basin. According to a report for the Water Resources Council, oil shale and coal gasification developments would consume about 200,000 to 250,000 acre-feet a year to produce 1.5 million barrels of oil or its equivalent daily. Surface water supplies can be made available for these industries only if existing uses are bought out or water not now under contract is brought from the Federal water and power service reservoirs, or if new reservoirs plus pipeline and pumping facilities are constructed. The report estimates the cost of developing the surface water supply would total $1 billion. The changes this would entail, the report warns, could also reduce recreational opportunities and the habitat for a number of species of fish.

William McDonald, Director of the Colorado Water Conservation Board, points out that the study assumes that neither oil shale nor coal gasification plants will be discharging effluents into the surface waters of the Upper Basin. The study declares that the technology exists to reduce and dispose of the waste streams in other ways that would not affect the river, and actually it will be cheaper to use these methods than to treat the effluent enough to meet discharge standards.

"There is a national need for more energy—but people must pay the full costs to protect the environment and factor those costs into the product," he emphasizes.

Pro-development organizations such as the Club 20, a Western Slope group headed by former Colorado Governor John Vanderhoof, stress the need for balanced economic growth and new jobs in the State. McDonald says the State's approach is to evaluate costs and benefits in any decision about water problems.

Aside from the quality of the Colorado's waters, the tug-of-war over who gets to tap how much of the water promises to intensify. In recent years, the Navajo Indian Tribe has been stating that it has rights to a major portion of the river's flow, as much as 5 million acre-feet a year. If a suit is filed, it promises to drag on for years, possibly decades. Holburt, of the Colorado River Board of California, has pointed out that an earlier lawsuit between his State and Arizona took 13 years to wend its way up to a Supreme Court decision. And a Navajo suit could be more complex since it would involve the Federal Government, all seven States, and many other parties.

Under the existing Compacts and court decrees, some States have been taking more than their quota of the Colorado's water because other States have until now not used all their allotments. But that situation promises to change. California has been using nearly 4.9 million acre-feet per year but when the big Central Arizona Project begins deliveries in the mid-1980's, California will reduce its use to a 4.4 million basic entitlement. Holburt has testified in the past that he thinks there will be enough water from reservoir storage to take up shortages in the decades ahead.

Conflicts over uses of the Colorado's waters come into sharp focus in EPA's Region 8, for instance, when that office reviews environmental impact statements related to water project development. Key examples include the Foothills water treatment project southwest of Denver and the central Utah Project aimed at supplying water to irrigators, cities, and industries across central Utah.

After months of protracted, sometimes heated, controversy, EPA's Region 8 office agreed to the issuance of a dredge and fill permit for the dam portion of the Foothills project when sponsors agreed to measures protecting minimum stream flows below the dam and a water conservation program aimed at reducing per capita water consumption in the Denver Water Board's service area over coming years.

Protection of minimum stream flows and water conservation issues generally fuel heated debate among individuals and agencies involved in the Central Utah Project.

To improve its own handling of water project reviews and to inform project supporters and opponents alike of what they could expect from EPA, the Regional Office recently began drafting a proposed water policy.

"Much of the delay and litigation involved in water projects, we believe, we can be traced to misunderstanding and misinformation," according to Region 8 Regional Administrator Roger L. Williams. "We hope, through our water policy, to clarify EPA's role and responsibilities in addressing water resource issues.

"We will emphasize early involvement with project proponents to identify and defuse, where possible, areas of conflict and to avoid 11th hour litigation tied to hardened positions where change or compromise is nearly impossible.

"We are committed to involving the widest range of public possible in the development of this policy even recognizing the hazard of doing so where water is so vital and emotional an issue," Williams adds.

Apart from all the other troubles, the Colorado also is suffering in one scenic stretch from an excess of outboard motors, according to the National Park Service. Recently the Park Service ordered a phase-out of all motorized rafts, both commercial and private, over the next five years along the 277 miles of the Grand Canyon. River trip parties also will be banned from burning driftwood for campfires during summer months, and must haul their wastes out of the canyon. The move has the support of environmental groups. Says Gaynor Franklin of the San Francisco Sierra Club, "Let's leave the Grand Canyon to those who want a true wilderness experience."

With all its problems, can the Colorado retain its integrity as a unique water resource in America's Southwest? As the protective measures by Federal, State, and other organizations have come into play, it is obvious that many forces are working to keep the river healthy. Because of the absence of heavy industry along its banks, it has thus far escaped the PCB's that afflict the Hudson. It has experienced no Kepone disaster and none of the massive fish kills that periodically visit coastal areas. So in a way, the Colorado is lucky.

Back in 1903, Theodore Roosevelt stood at the rim of Grand Canyon and looked down at the river, experiencing the awe that visitors often feel when viewing this magnificent vista.

"Leave it as it is," he declared. "The ages have been at work upon it, and man can only mar it."

In the ensuing decades, America has turned the waterway into what one conservation official calls "the hardest working river in the United States." But many of its stretches retain the splendor, solitude, and prehistoric aura that inspired the early Spanish and American explorers. Given enough forethought and care, the Colorado can still be preserved, a river of myths and moonscapes and mystery.●

MR. CLIFFORD PERLMAN HONORED BY BOYS CLUB OF AMERICA

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

● Mr. PEPPER. Mr. Speaker, it was with great pleasure that I learned of the heartwarming story of Mr. Clifford Perlman—a millionaire businessman from Miami—who was recently honored by the Boys Club of America for his outstanding work to rescue hardcore, underprivileged boys between the ages of 9 to 14. Because of this man's warmth, concern, and selfless devotion to his fellow human beings, the after care program was formed and serves to rescue the hardest of the hardcore youth cases. Because of this great help, youths with previously untapped potential, who would otherwise be lost to our society, do not have to struggle with their problems alone. For them, Clifford Perlman is a cherished friend and the after care program, the door to hope and understanding. I was deeply touched by the personal involvement, the spirit of humanity, and the dedication to those less fortunate reflected in this endeavor and I insert the press release recounting this story of encouragement and hope in the body of the RECORD to be shared with our colleagues and fellow citizens and to give well-deserved recognition to this great American:

MIAMI, FLA., May 29.—A millionaire Miami businessman who came to the aid of "tough kids nobody else wants" was honored today by the Boy's Club of America at its annual national convention.

Tribute was paid by directors of the organization to Clifford S. Perlman, chairman of the board of Caesars World, Inc., of Los Angeles, who conceived the program to rescue hard-core underprivileged boys from 9 to 14.

National sports personalities, including Broadcaster Howard Cosell, a personal friend of Perlman's; pro basketball star Larry Bird, and Miami Dolphins Quarterback Bob Griese joined several hundred Boy's Club officials at the luncheon for Perlman.

The program, operated for the past year on a pilot project basis here for about 20 youngsters, is known as the After Care program and is being funded by Caesars World and private donations.

In fashioning his program, Perlman explained, he conferred with police and juvenile authorities and deliberately went after the hardest of the hard cases among street-

wise youngsters—the potential major criminals of tomorrow. To be eligible, a boy must already have had at least five brushes with the juvenile courts.

"These are the disabled youths," Perlman said. "They are unable to enter our society because they lack basic reading and writing skills and because no one cares about them. The juvenile court system can't handle them and they are too young to handle their own problems."

The After Care program means exactly that, according to Wayne Blanton, executive director of the Boy's Club of Miami, which coordinates the project. It rides hard on the youngsters virtually every moment that they're not in school or at home asleep. The project has its own two-story building in Miami, where much of its activities are centered.

Blanton explained that After Care workers call the boys' homes in the morning to convoy them to school. After school, they're met and brought to the program home where they are tutored in reading, writing and other skills by remedial specialists, and do special chores. At 11 p.m., they're taken back to their homes.

On weekends, there are field trips and part-time jobs. In the summer, jobs are arranged for them.

"A lot of the kids are going to fail again," Perlman observed, realistically. "But the chances of failure are less with this type of program, we feel."

Blanton is enthusiastic about the youth aid concept developed by Perlman and Caesars World.

"This is a great example of the private sector stepping into undertake a job that needs doing and which it can do best," he said. "School systems must deal with large masses of the total child population. Juvenile court systems are often too overloaded and understaffed to be able to give the individual caring attention that often is needed."

Perlman voiced to the national Boy's Club officials his philosophy that programs such as After Care offer double benefits. Primarily, of course, they help people who need help.

"But," he explained, "they also take corporations and other private sector groups one step beyond their normal donations to charity and get them personally involved in worthwhile human endeavors."●

ARCHBISHOP IAKOVOS RECEIVES FREEDOM MEDAL

(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, among the recipients of the Medal of Freedom at the White House on June 9 was Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America.

In awarding Archbishop Iakovos this well-deserved recognition of the contributions he has made and continues to make to the religious life of the Greek Orthodox community in North and South America and to the causes of freedom and human rights everywhere, President Carter honored both an outstanding religious leader and the three million men and women who are communicants of the Orthodox faith in this Hemisphere.

Mr. Speaker, in the 21 years since his enthronement, Archbishop Iakovos has distinguished himself and his church by his efforts in behalf of civil and human rights and social justice. He has always spoken out against the actions of oppressive governments whenever there have been violations of human rights.

His belief in the dignity and equality of all persons has led Archbishop Iakovos to become a world leader in the ecumenical movement. His Eminence, a former president of the World Council of Churches, is held in high regard by religious leaders of every faith throughout the world.

Like other Members of this House, Mr. Speaker, I have had the privilege of knowing His Eminence for many years and have the greatest respect and affection for this tireless and dedicated religious leader.

Mr. Speaker, I would like at this time to include the text of the citation accompanying the award of the Medal of Freedom to Archbishop Iakovos:

Greek Orthodox Archbishop Iakovos has long put into practice what he has preached. As a progressive religious leader concerned with human rights and the ecumenical movement, he has marched with Dr. Martin Luther King, Jr. and has met with the Pope. As the Primate of the Greek Orthodox Church of North and South America, concerned with his congregation, he has given guidance to millions.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MOFFETT, for Tuesday, June 10, 1980, on account of illness in his family.

Mr. MCKINNEY (at the request of Mr. RHODES), for today, June 10, through June 13, 1980, on account of medical reasons.

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

Mr. RUDD, for 30 minutes, today.

Mr. SEBELIUS, for 60 minutes, July 1, 1980.

Mr. PAUL, for 30 minutes, June 11, 1980.

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

Mr. BRADEMAS, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. VANIK, for 20 minutes, today.

Mr. PEPPER, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. BROWN of California, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,179.

(The following Members (at the request of Mr. CARNEY), and to include extraneous matter:)

Mr. GILMAN in two instances.
Mr. RITTER.
Mr. COLLINS of Texas in two instances.
Mr. SAWYER.
Mr. BADHAM.
Mr. WYDLER.
Mr. DERWINSKI in three instances.
Mr. QUILLEN.
Mrs. SMITH of Nebraska.
Mr. KEMP.
Mr. GOODLING.
Mr. GRISHAM.
Mr. CLAUSEN.
Mrs. HOLT.
Mr. BROWN of Ohio.
Mr. HOLLENBECK.
Mr. PHILIP M. CRANE in 10 instances.
Mr. PURSELL.
Mr. GOLDWATER.
Mr. GRASSLEY.
Mr. DOUGHERTY.
Mr. HANSEN.

(The following Members (at the request of Mr. HUTCHINSON), and to include extraneous matter:)

Mr. RODINO in two instances.
Mr. FROST in three instances.
Mr. MAZZOLI.
Mr. SIMON in three instances.
Mr. IRELAND in two instances.
Mr. SHELBY.
Mr. SKELTON.
Mr. HARRIS in two instances.
Mr. STUDDS.
Mr. EDGAR in two instances.
Mr. HAMILTON in two instances.
Mr. GIAIMO.
Mr. MURTHA in two instances.
Mr. FAZIO in two instances.
Mr. LELAND.
Mr. GUARINI.
Mr. UDALL.
Mrs. SCHROEDER.
Mr. HUBBARD.
Mr. GRAY.
Mr. DELLUMS.
Mr. CORMAN in two instances.
Mr. LUKEN.
Mr. FORD of Michigan.
Mr. MURPHY of New York.
Mr. MAVROULES.

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. 2102. An act pertaining to the inheritance of trust or restricted land on the Standing Rock Sioux Reservation, North Dakota and South Dakota; and

H.R. 4453. An act to amend the Saccharin Study and Labeling Act to extend to June 30, 1981, the ban on actions by the Secretary of Health, Education, and Welfare respecting saccharin.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 1980, 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:

4574. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-195, to amend the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, District of Columbia Law 2-139, with respect to the rate of compensation paid to members of boards and commissions; the appointment of attorneys; the transfer of personnel and cases from the Board of Labor Relations to the Public Employee Relations Board; the temporary continuation of authority in the Mayor to hear administrative personnel appeals; the provisions of title XXIII relating to disability compensation; and for other purposes, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4575. A letter from the Secretary of the Interior and the Secretary of Agriculture, transmitting the 1979 annual report on the Youth Conservation Corps program, pursuant to section 5 of Public Law 93-408; to the Committee on Education and Labor.

4576. A letter from the Assistant Secretary of State for Congressional Affairs, transmitting a report on political contributions made by Ambassador-designate Jerrold M. North, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

4577. A letter from the Assistant Secretary of State for Congressional Affairs, transmitting a report on political contributions made by Ambassador-designate Frances D. Cook, and by members of her family, pursuant to section 6 of the Public Law 93-126; to the Committee on Foreign Affairs.

4578. A letter from the Assistant Secretary of State for Congressional Affairs, transmitting a report on political contributions made by Ambassador-designate Herbert S. Okun, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

4579. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

4580. A letter from the Chairman of the Board and the President and Chief Executive Office, U.S. Railway Association, transmitting that Association's fourth report on the performance of the Consolidated Rail Corporation, pursuant to section 307(b) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Interstate and Foreign Commerce.

4581. A letter from the Acting Secretary of Transportation, transmitting a report on the Department's contracts negotiated under the authority of 10 U.S.C. 2304(a)(11) and (16) during the period October 1, 1979, through March 11, 1980, pursuant to 10 U.S.C. 2304(e); to the Committee on Merchant Marine and Fisheries.

4582. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 1 year the tax incentives and disincentives provided by certain provisions of section 2124 of the Tax Reform Act of 1976, as amended, intended to encourage the preservation of historic structures; to the Committee on Ways and Means.

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. ULLMAN: Committee on Ways and Means. House Concurrent Resolution 351. Resolution with respect to taxing social security benefits. (Rept. No. 96-1079). Referred to the House Calendar.

Mrs. SPELLMAN: Committee on Post Office and Civil Service. H.R. 2510. A bill to amend title 5, United States Code, to permit court review in cases involving employees separated under section 8347, title 5, United States Code; with amendments (Rept. No. 96-1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 699. Resolution providing for the consideration of H.R. 6783. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1981, and for other purposes (Rept. No. 96-1081). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 700. Resolution providing for the consideration of H.R. 5164. A bill to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes (Rept. No. 96-1082). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 701. Resolution providing for the consideration of H.R. 6979. A bill to improve coastal management in the United States, and for other purposes (Rept. No. 96-1083). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 702. Resolution providing for the consideration of H.R. 6711. A bill to extend the authorization of youth training and employment programs and improve such programs, to extend the authorization of the private sector initiative program, to authorize intensive and remedial education programs for youths, and for other purposes (Rept. No. 96-1084). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BINGHAM (for himself, Mr. WOLFF, Mr. BONKER, and Mr. BARNES):

H.R. 7531. A bill to authorize operations by the Overseas Private Investment Corporation (OPIC) in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. BRODHEAD (for himself, Mr. ALBOSTA, Mr. BONIOR of Michigan, Mr. BROOMFIELD, Mr. CONYERS, Mr. DAVIS of Michigan, Mr. DINGELL, Mr. FORD of Michigan, Mr. KILDEE, Mr. PURSELL, and Mr. TRAXLER):

H.R. 7532. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; jointly, to the Committees on Ways and Means and Rules.

By Mr. CONABLE (for himself and Mr. ERLENBORN):

H.R. 7533. A bill to amend the Internal Revenue Code of 1954 with respect to the vesting and discrimination requirements which apply to certain employer plans; to the Committee on Ways and Means.

By Mr. FARY:

H.R. 7534. A bill to make appropriations for the construction of a rapid transit project in Chicago; to the Committee on Appropriations.

By Mr. FAZIO:

H.R. 7535. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mrs. HOLT (for herself, Mr. WHITE, Mr. MONTGOMERY, Mr. HILLIS, Mr. KAZEN, Mr. WON PAT, Mr. NICHOLS, and Mr. BEARD of Tennessee):

H.R. 7536. A bill to amend title 10, United States Code, to reduce the cost-sharing required of participants in the civilian health and medical program of the uniformed services (Champus) for inpatient medical care provided on an emergency basis; to the Committee on Armed Services.

By Mr. MITCHELL of New York:

H.R. 7537. A bill to amend the Solid Waste Disposal Act to provide for financial assistance to municipalities for the closing of open dumps under the Solid Waste Disposal Act and for the construction and operation of sanitary landfills in compliance with the provisions of that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PAUL:

H.R. 7538. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for certain expenses paid or incurred in connection with the adoption of a child; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 7539. A bill to amend the Internal Revenue Code of 1954 to provide that interest on obligations issued to finance hazardous waste disposal facilities shall be exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 7540. A bill to improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the juidciary and judicial review of international trade matters, and for other purposes; to the Committee on the Judiciary.

By Mr. VANIK (for himself and Mr. ROSENTHAL):

H.R. 7541. A bill to amend the Internal Revenue Code of 1954 with respect to offsetting positions in personal property; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. DONNELLY, and Mr. PAUL):

H.J. Res. 565. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 6, 1981, as "National Management Week"; to the Committee on Post Office and Civil Service.

By Mr. PAUL:

H.J. Res. 566. Joint resolution withdrawing the United States of America from the Treaty on the Limitation of Anti-Ballistic Missile Systems, and the Interim Agreement, Protocol, and Agreed Interpretations to the Treaty, signed on May 26, 1972; to the Committee on Foreign Affairs.

By Mr. STAGGERS (for himself and Mr. BROYHILL):

H. Con. Res. 360. Concurrent resolution providing for the printing of additional copies of House Report No. 96-1035; to the Committee on House Administration.

By Mrs. BOUQUARD (for herself, Mr. DEVINE, Mr. QUILLEN, Mr. COLLINS of Texas, Mr. LEE, Mr. DUNCAN of Tennessee, Mr. WHITEHURST, Mr. HOR-

TON, Mr. LOTT, Mr. PEPPER, Mr. BEVILL, Mr. ABDNOR, Mr. HAGEDORN, Mr. HINSON, Mr. STANGELAND, Mr. OTTINGER, Mr. CLEVELAND, Mr. CHAPPELL, Mr. DINGELL, Mr. MONTGOMERY, Mr. GEPHARDT, Mr. MOLLOHAN, Mr. BENJAMIN, Mr. ST GERMAIN, Mr. WINN, Mr. LATTA, Mr. RICHMOND, Mr. SATTERFIELD, Mr. BONER of Tennessee, Mr. STACK, Mr. GUDGER, Mr. YOUNG of Missouri, Mr. MCDONALD, Mr. STAGGERS, Mr. AMBRO, Mr. DAVIS of South Carolina, Mr. BUTLER, Mr. BAILEY, Mr. ROBERT W. DANIEL, JR., Mr. RINALDO, Mr. WATKINS, Mr. FLIPPO, Mr. JENKINS, Mr. STUMP, Mr. HALL of Texas, Mr. GINN, Mr. HIGHTOWER, Mr. GRAMM, Mr. BRINKLEY, Mr. BEARD of Tennessee, Mr. KAZEN, Mr. LEATH of Texas, Mr. JONES of Oklahoma, Mr. BARNARD, Mr. GLICKMAN, Mr. NICHOLS, Mr. WHITLEY, Mr. EVANS of Georgia, Mr. ROSE, Mr. JONES of Tennessee, Mr. FORD of Tennessee, Mr. HEFNER, Mr. IRELAND, Mr. JONES of North Carolina, Mr. BLANCHARD, Ms. OAKAR, and Mr. RAHALL):

H. Res. 703. Resolution to express the sense of the House of Representatives concerning the operations at Washington National Airport; to the Committee on Public Works and Transportation.

By Mr. RUDD (for himself, Mr. RHODES, Mr. BURGENER, Mr. MOORHEAD of California, Mr. ASHBROOK, Mr. MCDONALD, Mr. DERWINSKI, Mr. SYMMS, Mr. LAGOMARSINO, Mr. DORNAN, Mr. CARNEY, Mr. GINGRICH, Mr. MILLER of Ohio, Mr. SHUMWAY, Mr. WHITEHURST, Mr. CHENEY, Mr. ICHORD, Mr. LEE, Mr. KELLY, Mr. BAUMAN, Mr. SHUSTER, Mr. DEVINE, Mr. DAN DANIEL, Mr. ROUSSELOT, Mr. SPENCE, Mr. MYERS of Indiana, Mr. ARCHER, Mr. EDWARDS of Oklahoma, Mr. LOEFFLER, Mr. LATTA, and Mr. HORTON):

H. Res. 704. Resolution expressing the sense of the House of Representatives that the President instruct the Attorney General to prosecute to the fullest extent of the law any and all persons who are in violation of the Logan Act and the prohibition on travel to Iran, provided for under the authority of the International Emergency Economic Powers Act; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

492. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the New Melones Dam and Reservoir, which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 654: Mr. WOLFF.

H.R. 735: Mr. STUMP.

H.R. 1310: Mr. SPENCE.

H.R. 1496: Mr. PEYSER.

H.R. 1785: Mr. CONYERS, Mr. FUQUA, Mr. GAYDOS, Mr. GINN, Mr. GRISHAM, Mr. ROYBAL, and Mr. WYLIE.

H.R. 3609: Mr. BRINKLEY, Mr. NICHOLS, and Mr. MINETA.

H.R. 3655: Mr. LAGOMARSINO.

H.R. 3677: M. BOWEN and Mr. GRAY.

H.R. 4897: Mrs. CHISHOLM and Mr. TAUKE.

H.R. 5610: Mr. CHAPPELL, Mr. CLINGER, Mr. MINETA, Mr. ROSENTHAL, Mr. ST GERMAIN, and Mr. SPENCE.

H.R. 6034: Mr. KEMP and Mr. RAHALL.

H.R. 6203: Mrs. SPELLMAN and Mr. TAUKE.

H.R. 6611: Mr. DOUGHERTY.

H.R. 6637: Mr. WALKER, Mr. BETHUNE, and Mr. KELLY.

H.R. 6705: Mr. BOWEN.

H.R. 6978: Mr. MOAKLEY, Mr. DONNELLY, and Mr. MARKEY.

H.R. 7019: Mr. EDWARDS of California and Mr. STACK.

H.R. 7039: Mr. CARNEY, Mr. OBERSTAR, and Mr. MAVROULES.

H.R. 7047: Mrs. HECKLER.

H.R. 7223: Mr. YATRON.

H.R. 7300: Mr. GLICKMAN, Mr. STUMP, Mr. LAGOMARSINO, Mr. DEVINE, Mr. CLAUSEN, Mr. SYMMS, Mr. ROUSSELOT, Mr. LUNGREN, Mr. HINSON, and Mr. DERWINSKI.

H.R. 7365: Mr. BEVILL, Mr. MOTTL, Mr. TRAXLER, Mr. REGULA, Mr. COELHO, Mr. BURGENER, Mr. DERWINSKI, Mr. HUGHES, Mr. MURPHY of Pennsylvania, Mr. ROSE, and Mr. PORTER.

H.J. Res. 300: Mr. WYATT and Mr. AMBRO.

H. Con. Res. 223: Mr. DERRICK.

H. Con. Res. 344: Mr. RAILSBACK, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. LEWIS, Mr. LUJAN, Mr. GUYER, Mr. EDWARDS of Oklahoma, Mr. FRENZEL, Mr. WHITTAKER, Mr. CHENEY, Mr. DANIEL B. CRANE, Mr. FORSYTHE, Mr. ROE, Mr. CLEVELAND, Mr. KELLY, Mr. GLICKMAN, Mr. MOLLOHAN, Mr. HOLLENBECK, and Mr. PASHAYAN.

H. Con. Res. 355: Mr. DEVINE, Mr. GUYER, Mr. EVANS of Delaware, Mr. DUNCAN of Tennessee, Mr. MOTTL, Mr. LEE, Mr. HEFTEL, Mr. WATKINS, Mr. HALL of Texas, Mr. ANDERSON of California, Mr. ICHORD, Mr. WALKER, Mr. NICHOLS, Mr. JONES of Tennessee, Mrs. BOUQUARD, Mr. FROST, Mr. HUTTO, Mr. HINSON, Mr. HORTON, Mr. GINN, Mr. FORSYTHE, Mr. HUBBARD, Mr. YOUNG of Florida, Mr. HUCKABY, Mr. BEVILL, and Mr. EVANS of Georgia.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2255

By Mr. CAMPBELL:

—On page 4, line 3, strike "June 6, 1978," and all that follows through the semicolon on line 6 and insert, in lieu thereof, the following: "the date of enactment of this Act;".

By Mr. VENTO:

—On page 4, line 1, strike (D) and insert in lieu thereof the following:

"(D) when the activity is to be performed, or shares of the company involved are to be owned directly or indirectly, by a bank holding company which, prior to September 11, 1979, was engaged in insurance agency activities, or which bank holding company, prior to that date, had applied to the Board for authority, and which may be granted by the Board, to engage in insurance agency activities."

H.R. 6418

By Mrs. FENWICK:

—Page 12, line 20, after the semicolon, insert "and".

Page 12, strike out lines 21 and 22.

Page 12, line 23, strike out "(4)" and insert in lieu thereof "(3)".

Page 12, line 24, strike out "subparagraph" and insert in lieu thereof "subparagraphs".

Page 13, line 7, strike out the quotation marks and the period and insert in lieu thereof "and".

Page 13, after line 7, insert the following:

"(F) food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption;".

—Page 6, line 24, strike out "food and" and all that follows through "human consumption," on line 2 of page 7.

Page 7, line 3, strike out the comma.

—Page 19, line 13, strike out "food and" and all that follows through "consumption," on lines 15 and 16.

Page 19, line 16, strike out the comma following "conditioners".

H.R. 7262

By Mr. BROWN of Ohio:

—Page 82, line 24, insert "(a)" after "SEC. 315".

Page 83, after line 4, insert the following new subsections:

(b) Paragraphs (1) and (2) of section 304(a) of such Act are amended by inserting the following before the period at the end of the last sentence of each such paragraph: "; except that such final performance standards shall not be promulgated until (A) the Secretary of Energy has conducted a detailed and thorough demonstration project utilizing such standards for at least 12 months in at least two geographical areas in different climatic regions of the country, and (B) such Secretary has transmitted to both Houses of the Congress a report containing a detailed and thorough analysis of the findings and conclusions made as a result of carrying out such project, including at least (i) a detailed and thorough analysis of the impact of such standards on small builders and the cost of constructing such buildings and the impact of such cost on the ability of low- and medium-income persons to purchase or rent such buildings, and (ii) a detailed and thorough analysis of the total energy savings to be realized from utilizing such standards".

(c) Section 526 of the National Housing Act is amended by adding the following new sentence at the end thereof: "The Secretary shall not make the energy conservation performance standards promulgated under the Energy Conservation Standards for New Buildings Act of 1976 effective with respect to newly constructed residential housing subject to mortgages insured under this Act unless a resolution of approval is adopted with respect to such standards by each House of Congress in accordance with section 305 (c) of the Energy Conservation Standards for New Buildings Act of 1976."

By Mr. DUNCAN of Tennessee:

—Page 22, after line 20, insert the following:

DEFINITION

SEC. 115. Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by inserting the following before the period at the end thereof: "; the term 'urban county' shall also mean any county within a metropolitan area which (A) is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas which are not units of general local government, (B) has at least one metropolitan city within its boundaries, (C) has a combined population in excess of 125,000 persons (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (i) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded, or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities, and (D) offers at least three of the following types of governmental services: health, welfare, library, education, recreation, law enforcement, and the judicial system in such unincorporated areas".

—Page 118, line, after line 25 create the following new title:

TITLE VII

SEC. 701. Notwithstanding any other provision of law, social security benefit increases

occurring after May 1980 shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility for or amount of assistance which any individual or family is provided under the United States Housing Act of 1937, the National Housing Act, the Housing and Urban Development Act of 1965, or the Housing Act of 1949. For purposes of this subsection, the term "social security benefit increases occurring after May 1980" means any part of a monthly benefit payable to an individual under the insurance program established under title II of the Social Security Act which results from (and would not be payable but for) a cost-of-living increase in benefits under such program becoming effective after May 1980 pursuant to section 215 (i) of such Act, or any other increase in benefits under such program, enacted after May 1980, which constitutes a general benefit increase within the meaning of section 215 (i)(3) of such Act.

(b) Subsection (a) of this section shall be effective only with respect to assistance which is provided under the Acts referred to in the first sentence of such subsection for periods after September 30, 1980.

By Mr. OTTINGER:

—Page 83, line 4, strike out "1982" and insert in lieu thereof "1981".

By Mr. PATTERSON:

—Page 93, after line 22, insert the following new section:

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

SEC. 328. The first sentence of section 203 (b) of the Depository Institutions Deregulation Act of 1980 (12 U.S.C. 3502(b)) is amended by inserting "the Secretary of Housing and Urban Development," after "the Chairman of the Federal Home Loan Bank Board,".

H.R. 7265

By Mr. DERRICK:

—Page 9, after line 19, insert the following:

Defense Waste Processing Facility, Savannah River Plant, design only, $10,000,000.

SENATE—*Tuesday, June 10, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 10 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 Father, we thank Thee for the moment of prayer when the day is new, the mind is clear, and the soul receptive to Thy presence. Move among us, O Divine Spirit, to lighten our burdens, lift our spirits, warm our hearts, and direct our actions. When hours grow tedious or tension is high, still give us Thy quickening power and Thy refining and steadying grace. When perplexity or bewilderment overtakes us and we are unsure of the course to follow, guide us through the difficulties to a victorious conclusion in accord with Thy will. So may we "serve the present age our calling to fulfill." And when the day is ended may we rest with Thy benediction upon us. 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., June 10, 1980.

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. The majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

ORDER FOR CONVENING SENATE ON JUNE 11, 12, 13, 14, AND 16, 1980, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow, Wednesday, and the next day, Thursday, and the next day, Friday, the Senate stand in recess, respectively, until the hour of 9 a.m. tomorrow, Thursday, Friday, and Saturday, and that if the Senate is in session on Saturday, when it completes its business on Saturday it stand in recess until the hour of 10 o'clock on Monday next—in any event, when the Senate meets on Monday next, it meet at 10 a.m.

Mr. NUNN. Mr. President, reserving the right to object, and I will not object——

Mr. ROBERT C. BYRD. Mr. President, I amend my request insofar as the daily meeting is concerned, to change it to 10 a.m. rather than 9 a.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I gather one of the reasons for the request for an extended series of convening hours is in reference to the possibility of the necessity for recurring votes on the draft registration bill.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I thank the majority leader.

Mr. President, I do not know whether we will get cloture today or not, but I hope we can dispose of this matter with reasonable promptness and without having to extend it into next week.

I announced on the floor that I hope Members on this side will vote to invoke cloture at an early time, and I do hope that. But I must tell the majority leader in all candor, as I told him privately yesterday, it is going to be difficult to do.

I will continue to vote for cloture. I will continue to try to bring this matter to a conclusion as speedily as possible, but I hope that on the second vote, if not on the first, we can get cloture and proceed to final disposition without having to continue the consideration and debate into next week.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

I, too, have doubt that cloture will be achieved today. There are Senators who customarily wait until the second vote, the second cloture vote, before voting for cloture, and I am sure that is going to occur again in the case of some Senators.

I hope they will, however, consider the fact that 2 days passed before the cloture motion was entered on this occasion, thus allowing 4 days of debate before the vote, before the day on which the vote occurs.

Mr. President, will the Chair put the request?

Mr. BAKER. Mr. President, I have no objection to the request.

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

MILITARY REGISTRATION

Mr. ROBERT C. BYRD. Mr. President, the debate on House Joint Resolution 521 began on Wednesday, June 4. This measure makes available by transfer $13.295 million for the Selective Service System for the current fiscal year. Today the Senate will vote on the question of invoking cloture. It is my hope that we will get the necessary 60 votes to limit debate on this measure.

Considerable difference of opinion exists on the need for premobilization registration. Arguments have been made—and reiterated—on both sides of this complex and emotional issue. The debate has been reasoned and thorough. I am confident that each of us has had ample time to become familiar with the issues.

Additional days given to unlimited debate would not, I believe, serve the interests of the Senate. Having had time to review the facts and weigh the arguments, our primary interest is to express the will of the Senate by voting this measure up or down.

On Friday, when I first filed a cloture motion to limit debate on this resolution I noted that I usually offer cloture motions on the very first day of debate. I did not do so in the case of House Joint Resolution 521, which was before the Senate 2 days prior to my offering the cloture motion. As of today the Senate has had 4 full days to debate this measure.

Even before the current debate, both the Senate and the House devoted considerable time to examining both peacetime registration and the overall matter of our manpower requirements and military preparedness.

Last year the Senate Armed Services Subcommittee on Manpower and Personnel held 3 days of intensive hearings and compiled extensive evidence supporting peacetime registration. Additional testimony on Selective Service registration was received by the committee during hearings on S. 428, the Department of Defense authorization bill for fiscal year 1980. This information was compiled in a set of hearings totaling 239 pages, and those hearings have been available since last fall.

On September 20, 1979, the Senate

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

met in a closed session to consider classified information relating to the problems of wartime mobilization without peacetime registration. The closed session provided a forum for extensive, substantive debate on the issue of our manpower readiness.

Early last year, the House Armed Services Committee, during its consideration of the Department of Defense authorization for fiscal year 1980, held hearings on the current status of our military personnel. Military registration was considered under this category, and it filled over 200 pages of the committee's published hearings.

The House heard arguments on House Joint Resolution 521 over 1 month ago; it approved the resolution on April 22, by a vote of 218 to 188.

The Senate Appropriations Subcommittee on HUD-Independent Agencies held hearings on this measure several months ago and favorably reported House Joint Resolution 521 to the full committee. The subcommittee compiled over 200 pages of testimony and facts during its consideration of the measure. The full Appropriations Committee conducted 4 days of markup sessions, during which arguments—pro and con—received considerable attention. The committee ordered the measure favorably reported with an amendment on May 13. The report has been available for nearly 3 weeks.

The House has approved this resolution, but the Senate continues to debate it. While we continue to debate it, the message from the American public is clear—most Americans favor peacetime registration.

Letters which I have received from my constituents in West Virginia are indicative of the public support for military registration.

For example, Miss Brigetta M. Crimm, a student attending West Virginia University, writes:

> I believe that the United States should be ready to handle any conflict that may arise between the U.S. and other countries. I also believe that President Carter has asked to reinstate draft registration because the U.S. military is not completely capable to defend the U.S. in case of war. For these reasons alone, I am in support of draft registration.

She closes her letter by saying:

> I hope that you will vote for draft registration. Americans need to stand behind their country.

Another letter, from John and Teresa Boggs of Charmco, W. Va., notes:

> I think it is time we get our defenses built up, starting with reinstitution of [registration].

And a letter from Barbara Elwell in Rupert, W. Va., reads:

> I feel it is very necessary that we have the manpower readily available in case of an emergency. The days lost by having to register men after an emergency has arisen could be crucial. I believe the money spent for this would be well-used.

These letters express what I believe to be is the sentiment shared by a majority of Americans—their recognition that our military preparedness needs to be strengthened and their willingness to share in the defense of the country. And most Americans agree that peacetime registration is a step in the right direction.

Given these circumstances—given the fact that debate on military registration has been going on for over 1 year; given the fact that there are hundreds and hundreds of pages of testimony, facts and figures on the status of our military personnel and our defense preparedness; given that the House Armed Services Committee, the Senate Armed Services Committee, the House Appropriations Committee, and the Senate Appropriations Committee all recommend that peacetime registration be reinstituted; given that the House has already approved House Joint Resolution 521—I think it is imperative that the Senate move to limit debate on this measure so that we can begin considering amendments, and move toward taking a final vote—up or down. I urge my colleagues to vote for cloture on this first vote.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAKER. Mr. President, was there no leader time this morning?

Mr. ROBERT C. BYRD. Mr. President, yes, there was 5 minutes each for leader time.

DEATH OF TENNESSEE CHIEF JUSTICE JOE W. HENRY

Mr. BAKER. Mr. President, it was with deep sorrow that I learned of the passing of the chief justice of the supreme court in my home State of Tennessee, the Honorable Joe W. Henry, on Monday.

Justice Henry was born on September 20, 1916, in Lynnville, Tenn. He attended Middle Tennessee State University and received his law degree from Cumberland University. He served in the Tennessee House of Representatives and was adjutant general of Tennessee from 1953 to 1959.

He was a member of the house of delegates of the American Bar Association and president of the Tennessee Trial Lawyers Association. I was proud to be a member of the Tennessee Bar Association when Justice Henry ably served as its president.

I loudly applauded Justice Henry when he became a member of the first elected supreme court in Tennessee and later when he was elevated to the position of chief justice in 1977.

I can vividly recall the day that Justice Henry, then a practicing attorney, came to Washington to testify on no-fault insurance. In his own resonant way, he termed no-fault as "the Trojan Horse in the House of Tort."

Justice Henry will be sorely missed in Tennessee. He was a skillful attorney, a dedicated public servant and a conscientious jurist. I extend my deep sympathy to his family during this time of sorrow.

Mr. President, I have no further need for my time under the standing order. I am prepared now to yield it back. I see no one on the floor requesting time.

Unless the majority leader has any need for it, I am prepared to do that.

Mr. ROBERT C. BYRD. Mr. President, I do not have any need for it. I thank the minority leader.

Mr. BAKER. Mr. President, I thank the majority leader. I yield back any time remaining under the standing order.

TRANSFER OF FUNDS FOR THE SELECTIVE SERVICE SYSTEM

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 521) making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Selective Service System.

The Senate resumed consideration of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, inasmuch as I am controlling time on this side, I yield the time to the Senator from Mississippi (Mr. STENNIS) on my side of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I understand the majority leader has, at least temporarily, given me control of the time with reference to the pending matter. The Senator from Georgia (Mr. NUNN) is here. He and I can utilize this control of the time insofar as it needs any control; it is not a matter of wanting to control it.

If the Senator from Georgia wishes to use some time now, I would be glad to yield such time as he may use.

Mr. NUNN. Mr. President, I thank the chairman. I would prefer to wait until Senator Pressler arrives. We have a dialog that he would like to engage in. I think I better save the time, because I have two or three Senators that would like to speak. Senator JACKSON indicated that he has some remarks he would like to make; Senator WARNER would like to make some remarks, as well as Senator TOWER. So I would prefer to reserve the time until Senator PRESSLER arrives, at which time I will have a dialog with him.

Mr. STENNIS. Mr. President, may I ask the Senator from Oregon (Mr. HATFIELD) if he wishes to use some time now?

Mr. HATFIELD. Mr. President, I understand the pending matter is the amendment of the Senator from Georgia. So I assume that he would like to present that amendment.

Mr. NUNN. Mr. President, I would like to just get an indication from the Senator from Oregon about his feelings on a vote on that amendment between now and 11 o'clock, because that would make a difference as to the debate. Does the Senator envision having a vote on that?

Mr. HATFIELD. Mr. President, I would like to hear the amendment argued. I cannot very well predict what the situation is. I have to understand what the amendment proposes to do, and so forth. I do not think we could make any assumptions unless we hear what the business is.

Mr. NUNN. Mr. President, if the Senator from Oregon is not disposed to indicate his willingness to have a vote on the amendment, I see no need of having most of our time taken between now and 11 o'clock on that amendment. I would prefer to address it to the overall bill.

I understand from the Senator's remarks that he, at this time, is not disposed to having a vote on the amendment.

Mr. HATFIELD. Mr. President, it is not a question of being disposed or indisposed about voting on the amendment. I think it is very peculiar that the Senator from Georgia has offered an amendment he wants, then to get some kind of an agreement before we even hear the opening remarks about the amendment or an explanation about the thing. I am not buying a pig in the poke.

Mr. NUNN. Mr. President, the Senator must understand it. He wrote a "Dear Colleague" letter against it that has been circulated and went into considerable detail on it. I would gather from that very adamant position against the amendment that the Senator from Oregon fully comprehends it. I am certain he would not write a "Dear Colleague" letter opposing the amendment if he did not understand or comprehend it.

Mr. HATFIELD. Mr. President, the Senator is quite right, I fully understand it. But this is a matter involving the entire Senate and not just the Senator from Georgia and the Senator from Oregon. I do not understand why the Senator from Georgia is so reluctant to go ahead and present his amendment.

Mr. NUNN. Mr. President, the Senator is not reluctant to——

Mr. HATFIELD. Mr. President, I do not understand why——

Mr. NUNN. Mr. President, the Senator is not reluctant to go ahead. We have a cloture vote at 11 o'clock and the question is whether we spend our time——

Mr. HATFIELD. Mr. President, who has the floor? Mr. President, do I not have the floor? Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. I believe we have order now.

Mr. HATFIELD. Mr. President, I believe the procedure is that one person speaks at a time. I would like to say to the Senator from Georgia that if he is not interested in pursuing his amendment, that is perfectly all right. But I think it ought to be clearly understood that that is his choice and not my choice. If the Senator from Georgia is not interested in pursuing that amendment, then let other matters be taken up.

I think it also ought to be pointed out, and I would like to make it clear for the record, that the amendment of the Senator from Georgia forecloses any other consideration of any other amendment before the cloture vote. It had been my clear understanding with Senator KASSEBAUM, of Kansas and Senator LEVIN, of Michigan that we would consider other amendments, as well as an amendment by the Senator from Iowa, Mr. JEPSEN.

Now that the Senator from Georgia has effectively foreclosed any other amendment to be considered before cloture, I would think he would be at least a little bit compelled to pursue his amendment and discuss it.

Mr. NUNN. Mr. President, I would say to my friend from Oregon, if I have the floor, that I am perfectly willing to enter into a unanimous-consent agreement to vote on the Jepsen amendment before the vote on the Nunn amendment. I am also prepared to enter into a unanimous consent to vote on the Kassebaum amendment before the Nunn amendment, if the Senator from Oregon is so disposed, provided it is done before 11 o'clock.

Mr. HATFIELD. Mr. President, I think this again shows the true strategy from the Senator from Georgia, which is that he has sought effectively to foreclose and shut off any meaningful consideration of any other amendment. This offer now to enter into unanimous consent, I think, ought to be taken on the face of it. It is no offer at all. It is 20 minutes after 10 and the Senator from Georgia says he is willing to enter into a unanimous-consent agreement to vote on some other amendment before 11 o'clock. He knows full well that no one is prepared at this time—the authors of such amendments are not here—nor is there adequate time to debate it.

Mr. NUNN. Mr. President, I am perfectly prepared to vote on the Nunn amendment at this time if the Senator would like to vote.

Mr. HATFIELD. Mr. President, this badminton game of throwing the shuttlecock back and forth between the two Senators is leading to no place, because I think it is very interesting that the Senator is so reluctant to take up the amendment that he was so anxious to offer last night and to discuss it.

If the Senator is not willing to discuss his amendment at this time, then let him choose the subject he is willing to discuss.

(Mr. CRANSTON assumed the chair.)

Mr. STENNIS. Mr. President, unless there is someone who wants the floor now, and there are Members who are unable to come to the floor now who do want to speak, I understand, I will yield myself 5 minutes. I will yield at any time someone should have a pressing need for the floor.

Mr. President, yesterday it was my privilege to address the Chamber about this problem and the consequences that go with an attempted solution for manpower, which I call the weakest link, by far, in the chain of our military preparedness. I did not have with me at the time the figures with reference to the investment that we have made in our Military Establishment. My point is that money alone is not all of the problem. You cannot buy the kind of talent, ability, and disposition that goes with military service in this day.

(Mr. HARRY F. BYRD, JR., assumed the chair.)

Mr. STENNIS. As an illustration of how we have been willing to spend money, we now have in physical property, counting the things that are in use now—not antedated items—we now have physical property owned by the Department of Defense as an investment, items like ships, guns, tanks, aircraft, trucks, and so forth—I call that general equipment—to the extent of $154 billion. Then supply equipment such as parts, major end items, and so forth, are listed with a present value of $67 billion, for a total of $221 billion in the way of capital investment. This does not include plant equipment and items like land and construction in progress or real property of any kind.

That is almost a quarter of a trillion dollars, Mr. President, which shows the enormity of the physical property that is involved in our daily operation of this massive military machine, and which extends, to some degree, around the world.

I bring those figures in now to show the importance of the manpower problem, the human side. We have been trying to solve that by just putting in more money, throwing in a pile of money, as I sometimes call it, in this direction and hoping that something good will come, hoping that this matter will be solved.

Those of us who are perhaps closer to it than others, who live with the problem, conclude over and over, and see it repeated time and time again, that it is character qualifications that it is a matter of talent, that it is a matter of personal coverage, that it is a matter of self-discipline and willingness to accept discipline from others. These are the vital ingredients that go to make up the manpower and womanpower situation in our military services.

It is in that type that we have the shortage; it is that type that I have tried to describe in practical terms as being those who you cannot get merely with money.

There is another point I want to make which I did not cover yesterday. I said that time has proven very clearly that the voluntary system for this massive worldwide commitment that we have, as well as the needs that are connected with our own economy, this exclusively volunteer system just does not meet the needs. I want to make it clear that that is true even though the military services themselves have done the very best they could, I believe—making some allowances, of course, here and there. I yield myself 2 more minutes, Mr. President.

Mr. NUNN. Mr. President, the Senator from South Dakota has now entered the Chamber for our dialog. Will the Senator yield to me for 5 minutes?

Mr. STENNIS. If I may yield under those conditions. I will come back to my point. I yield 5 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from South Dakota and I have had a very important conversation concerning this whole debate. I will yield to him for the purpose of a statement or a question, or both.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I would like to quickly raise a few issues

that trouble me concerning the proposed reinstitution of selective service registration before we proceed to a cloture vote. These are points which may not have been raised yet and they are important enough not only to me, but also to millions of young people who will be subject to selective service registration and I do not want to miss this opportunity to bring them up.

Mr. President, I want to stress that there was a great feeling during the Vietnam era that the Vietnam draft was unfair. There have been numerous articles written which show that war was fought primarily by lower income persons and by persons of lower educational backgrounds.

There was also a feeling at the time, and indeed I served in the Army in Vietnam, at some of the graduate schools and elsewhere, that the draft could be avoided through certain steps if one were wealthy enough or able to go on to graduate school or through some other type of exemption. Therefore, that generation of young people lost confidence in the draft and, indeed, confidence in the Government. Both those who were not called and those who were called were very cynical about the whole system.

In order to support this registration proposal, which I understand is the first step before classification and induction, I would have to be assured that there would be a special effort to make it a fair draft—one that will not just draft certain social groups or certain educational groups with lower income backgrounds.

I certainly do not seek a commitment here to all the particular criteria, but my own thinking is along these lines:

First, people should be subject to a draft for only a limited period of 1 or 2 years of vulnerability.

Second, induction should be by a pure lottery system so that all individuals would be equally subject to the draft.

Third, there would be rare exemptions from service, but alternative service could be arranged according to specific standards spelled out in the Selective Service Act.

The concept of duty and service to our Nation can be preserved and effective if we guarantee these criteria.

Mr. President, on the basis of this, and keeping in mind the general points I have mentioned, I wonder if Senator NUNN or any other supporters or opponents of this bill can give me any assurances that they also will support me in what I am recommending.

Mr. NUNN. Mr. President, if I can respond briefly to the Senator from South Dakota, I want to thank him for raising specific points about this joint resolution that I am sure he and others have raised in connection with the Selective Service System. Senator PRESSLER is one of the few people in the Congress who served in the Armed Forces in Vietnam during the war there, and I can certainly appreciate why he feels keenly and strongly about this registration. We are lucky to have him in our midst and I am sure that, as this debate goes on and as we talk, in the future, about other manpower problems including the problems of classification, he will play a very vital and important role in our deliberations. Let me assure my distinguished colleague from South Dakota that I do not support individually and I do not believe the Armed Services Committee supports returning to any draft like that used during the Vietnam era. It has never been the view of the Armed Services Committee to put the old Selective Service apparatus back in place as it existed during Vietnam

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield an additional 3 minutes.

Mr. NUNN. I agree with the Senator from South Dakota that the registration system and any return to the draft, if subsequent events should require a draft, should be as universal as possible. We need a thorough overhaul of the old classification procedures and appeal procedures to insure that the evils that existed in the Vietnam period do not recur. I hope the Senator from South Dakota will provide us with his testimony when the hearings are held on these needed changes. Again, I assure him that his views will be given very careful consideration in any deliberations we have on this matter.

The Senator from South Dakota may be aware that last year, the Armed Services Committee reported S. 109, which is really still pending in the Senate. In the committee report, we specifically recommended that the President be prohibited from instituting classification for military service, unless a real emergency occurs, until after the classification and exemption process has been completely restudied and revamped. I stand by that position individually and I believe that our committee would still have that view. I believe that a revamping can and should be effected and achieved before any draft will be allowed to go into effect.

Mr. President, if the Senator from South Dakota has any further questions, I shall be glad to try to address them. I know the Senator from South Carolina has indicated he would like to comment on this.

Mr. PRESSLER. Mr. President, I should like to hear the comments of the Senator from South Carolina.

Mr. THURMOND. Mr. President, first, I commend the able Senator from South Dakota for being the only Vietnam veteran in the Senate. I can understand his concerns. I want to assure him that, in my opinion, whatever draft may follow this registration will be a fair and an equitable draft.

I realize that, during the Vietnam war, there were various exemptions. There were a lot of complaints and a lot of people were dissatisfied with the way it was handled. I do not think that will occur again. I want him to know that I shall do everything I can to see that whatever draft follows will be fair and equitable to all people.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

Let me assure the Senator from South Dakota that we want his help and we need his help in laying down the plans and specifications, if we are called upon to pass such a bill. I have for my guide now the very points that he has made and, as a chairman of the Committee on Armed Services, I shall certainly use all the effort and influence that I shall be able to muster to see that we have a fair and honest application of the rules, as well as the rules themselves. It will be a matter of personal surveillance and responsibility for our committee. We shall have to pass on the direction of the program.

I am not in favor of any kind of Selective Service Act that does not carry these very qualities into its very terms, written in steel and stone.

The ACTING PRESIDENT pro tempore. The time of the Senator from Mississippi has expired.

Mr. STENNIS. I yield the floor, Mr. President.

Mr. HATFIELD. Mr. President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator has 25 minutes and 30 seconds.

Mr. HATFIELD. What time does the other side have?

The ACTING PRESIDENT pro tempore. Zero.

Mr. HATFIELD. Zero. So I have the remaining time.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HATFIELD. Mr. President, I should like to make a few comments on this same subject to the Senator from South Dakota. I do not know how to term the promises that have been made in order to get the Senator's support this morning, because they so obviously are meaningless promises or commitments that have been made.

First, the very subject of the discussion, the very title, "A Fair and Equitable Draft" is mutually contradictory and as contradictory on basic data and statistics. Let me remind the Senator from South Dakota that we have 4 million people in the 19- to 20-year-old age group that will be required to register under this pending business. Next year, that will drop to 18-year-olds. That will add another 2 million.

Let me also remind the Senator from South Dakota that the history of the Selective Service System was that they had to be selective. They could not accommodate the total numbers that would be available. Training stations and other such logistical support base are just nonexistent. It has never been existent. Consequently, the "selective" part of Selective Service was specifically designed in order to be selective and extrapolate out of the manpower pool numbers that they could accommodate and train and incorporate in the military service. Also, it provided the flexibility, depending on how the war as going, whether they need to accelerate or whether they need to level off for a period of time.

If the Senator from South Dakota is going to buy this kind of pig in a poke that has been offered him this morning, that, somehow, we are going to guarantee the Senator a fair and equitable draft system, I think all the Senator

from South Dakota has to do is look at the very basic statistics, because what I quoted does not even include women. That issue has not been settled.

We have in excess of 2 million in our standing Army today, 1.3 million Reserves. Does the Senator think that we are going to make a fair and equitable Selective Service, which must mean practically universal, that we are going to take 4 million, then 2 more million, without even considering women, and, within the next few months after the adoption of a so-called fair draft system, that we can actually accommodate millions—6, 8, 10 million people?

Of course, it is going to be discriminatory. That is another word for "selective." It could be called the discriminatory service system. How we do it is certainly still open for Congress to determine. Let me suggest that I assume that there will be some student deferment, as there was in the past. They will need some classifications of people—doctors, dentists, and others—who will then be deferred. As far as making a fair and equitable system, we are going to have to have a universal system if it is going to be fair and equitable. Otherwise, it is going to be discriminatory. It always has been, always will be.

In the first one, in the Civil War, if you had $300, you could go down and plunk your $300 down and you could escape that service in the Civil War. World War I, World War II, Vietnam—by the very logistics of the numbers we are dealing with, it will be discriminatory. It cannot be any other way.

Consequently, when the Senator is assured this morning, it is really one kind of one step below a campaign promise in the believability or the quality of that kind of response the Senator got this morning. I think it is a very interesting exercise here in fantasy.

I hope the Senator realizes that no system of draft or compulsory military service can be other than discriminatory. You can take the 4 million we have and if you discount one-quarter of that 4 million for physical incapacity or inability to pass a physical examination, you would have 1,500,000 immediately. Then, when you add the 18-year-olds, then you would have another group of people. If you add women, you would have another increment. So by the time you consider all these increments, you have a totally impossible pool with which to be other than discriminatory.

Mr. PRESSLER. Will the Senator yield for a question?

Mr. HATFIELD. Yes.

Mr. PRESSLER. Let me first say what a high regard I have for the Senator from Oregon and for his analysis of this issue. I greatly appreciate the tremendous effort he has put into this important debate.

Any system is going to have certain inequities. I suppose we could find something wrong with the procedures we use in the U.S. Senate, in committee assignments or the seniority system, or the system of grading in schools, or methods used in career promotion. It is difficult to think of any human endeavor in which there is true equality. Certainly it would be difficult to design a draft system which meets all hypothetical standards of equity and fairness. I recognize the difficulty of the task to which the Senator refers. It is important that we carefully evaluate these issues in making essential improvements in the Selective Service System.

My initial objective is to get away from the blatant and gross inequities we had during most of the Vietnam era. Toward the end of the Vietnam war, the System was improved substantially. I believe that it is necessary to make further substantial improvements. The number of individuals required by the military as the Senator from Oregon says, may change from one period to the next. Not all eligible persons would be needed at all times. But, for example, if people in categories were chosen by lottery, we could involve everybody, except in the most extreme circumstances. But, to restate my position, we must devise a system that would be fairer, certainly, than we had in the Vietnam era. I do not believe anybody could pretend that it would be a perfect system. No system would be perfect, but we must at least work toward that goal.

For example, if we needed so many thousand mechanics, or chemists or accountants, people in that category could be chosen perhaps by lottery. There are a number of other proposals which could also be explored to spread the burden in a fair and rational manner if we are to actually reinstitute the draft.

Mr. HATFIELD. What about doctors?

Mr. PRESSLER. That is a very special group.

Mr. HATFIELD. Yes.

Mr. PRESSLER. They would have to be dealt with in their classification. But, certainly, within that classification they would need to be chosen by lottery, as opposed to being chosen by some other helter-skelter system, as we had earlier in the Vietnam era.

Mr. HATFIELD. The Senator is aware that we had a lottery system, as well, within the period of the Vietnam war.

Mr. PRESSLER. Toward the end we did, yes. The system I was personally under in the draft was not the lottery system. That old system affected the majority of the people drafted during this period.

The point I make is that I do not pretend, or claim, or even expect that there will be perfection in the system. But I feel strongly that if we are to have registration, we should be moving in a direction that will insure a system that is much fairer than was imposed in the Vietnam era.

Mr. HATFIELD. I thank the Senator for his concern. But I think whether we roll the dice, or whether we have a system without lottery, that we still have a discriminatory system. So to call it a fair and equitable system is a contradiction.

Mr. PROXMIRE. Will the Senator yield?

Mr. HATFIELD. I am happy to yield to the Senator.

Mr. PROXMIRE. I think the Senator from Oregon is absolutely 100-percent right. There is no way to make it fair.

In the first place, it is unfair to 19- and 20-year-old people. No Senator is being drafted. Nobody is being drafted in their late twenties, thirties, forties, fifties. Only those 19 or 20 years old are being drafted, and, of course, as they become 18 they will be subject to the draft.

In the second place, as the Senator from Oregon said so well, women are not being drafted, only men, although the President did propose it be both sexes—and we will have an opportunity to vote on a Kassebaum amendment, which I strongly support, which would be much more equitable.

But what we are given now is something that is discriminating against males.

In the third place, the Senator from Oregon points out that only the physically fit would be drafted, only the mentally qualified would be drafted.

The main point, as the Senator from Oregon so well points out, is that only a tiny fraction of the 4 million people, or if we cut it down with those not qualified, only a tiny percentage of the 2 million people eligible each year would be drafted.

Because they need, at most, 100,000 or 150,000, probably not that, in the next 18 months, I predict they will not need anybody because of the unemployment situation we have in this country and the long record we have of having plenty of people volunteer for the military forces when we have unemployment.

But the point is, and this is the point I would like to leave with the Senator from Oregon and the Senator from South Dakota, that we have always wanted a fair draft. In the Vietnam period we were not anxious to have an unfair draft or a discriminatory one, but it was unfair, partly because there were deferments. But that was a small part of it.

The main reason was because those who want to stay out of the draft can hire a good lawyer. There are all kinds of ways we can escape from being drafted if we have the money and the will to do it. We know that in this country. It happened again and again. It will happen this time if we have a draft.

A draft may be necessary under some circumstances, and I certainly would support it enthusiastically if it were. The fact is that a draft is not necessary now. We need adequate pay, the kind Senator ARMSTRONG proposed, a bill that would provide incentive to put people in the military because they would want to be there.

We could, of course, resolve our problems budget-wise by cutting all Federal salaries in half and drafting everybody into the Federal service. Everybody in the post office, everybody in social security, and so forth, would be a draftee. We know how grossly unfair that would be.

In the same way, this country can certainly afford to pay adequately to have people in the military because they want to be there, proud of a career that can make anybody proud. We have a marvelous Army, Navy, Air Force, a great tra-

dition, and it can be greater if we pay people adequately and do not force them to come out of it.

Mr. LEAHY. Will the Senator yield?

Mr. HATFIELD. I am happy to yield 5 minutes to the Senator.

Mr. LEAHY. Mr. President, I ask unanimous consent that David Julyan of my staff be granted privilege of the floor throughout the rest of this debate and the vote on cloture.

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

Mr. LEAHY. Mr. President, the key issue in the debate on registration and a possible draft is fulfillment of our manpower goals with enough qualified people to defend our country.

If this Nation—for reasons of national security—needs a draft or predraft registration to realize this goal, I will support these actions.

But I do not believe that taking these steps today will most effectively and efficiently meet this goal.

We must remember that, as stated by the Senator from Oregon and others, coupled with our Reserve and National Guard units, the All-Volunteer Force is the only trained reliable force available to the United States today. In fact, under any system of registration and draft, there would be no significant change in the makeup of our Armed Forces for well over a year. What I believe we must do is apply the additional resources and national commitment to making the Volunteer Force work better for us today.

I wish the President had set specific goals for the All-Volunteer Force and a specified period of time—18 months—to carry out those goals. This should have been done with the understanding that if they were not reached within that period of time, we would go to an actual registration system.

Unfortunately, the President did not take this step—and I am troubled that he did not call on young Americans to serve their country before recommending registration.

Our modern military, with its sophisticated weapons, requires highly trained soldiers. Our experience has shown that if people are drafted, most leave the service by the time they are becoming proficient at their given positions. A draft cannot solve the present problems of our military.

We can maintain a strong military force only when we recognize the need for training and experience. We must address the problems of retention and recruitment. A fair, realistic, increased pay scale is one such step.

I join with the Senator from Colorado (Mr. ARMSTRONG) in that regard. I support efforts to increase the salary of our military personnel. I support efforts to improve training, education, and inducements for the best of our military to reenlist. Retention—not recruitment—is the immediate solution. The problems that do exist can be solved, but the country, the Congress, and the Defense Department must fully support the all-volunteer concept.

There is no question in my mind from the mail I have received—I have received a great deal, both pro and con on this registration—from those in favor of the registration plan, I find over and over again in letters I received from across the country, that those who are in favor of it are in favor of it as a means of doing away with the All-Volunteer Force, as a first step.

I am opposed to registration and a peacetime draft because they are the first steps in eliminating the All-Volunteer Force. This concept of volunteerism can work, and if we abandon it before we know its full potential we will have committed our country to conscription indefinitely.

In other words, if we let this go through, we make absolutely sure that those who support an All-Volunteer Force will be undercut for the rest of the time and we will never be able to make it work.

It is important to note that both those who support and those who oppose the administration's proposal believe that the Selective Service System must be brought out of its standby status so that it will meet the Defense Department's requirements in case of a national emergency. The President's proposal, while raising all the problems associated with a draft, will not help address the problems of the All-Volunteer Force.

Registration, whether pre- or post-mobilization, will have no appreciable effect on the personnel needs of the current volunteer Armed Forces. The central problem faced by the Armed Forces today is the retention of skilled and experienced soldiers.

Until steps are taken to make military service a more attractive career, the reenlistment of pilots, physicians, and other technically skilled individuals will continue to be problematic. The Army Chief of Staff concludes that we cannot solve this manpower problem by registration or a peacetime draft.

Opposition to draft registration cuts across the political spectrum. Presidential candidates Ronald Reagan, Senator EDWARD KENNEDY and Congressman JOHN ANDERSON, as well as former President Gerald R. Ford have all expressed disapproval of the registration plan.

It is clear that the decision represents a symbolic reaction to international events rather than a sincere attempt to improve our military posture. Even as a symbolic gesture, I believe it is cosmetic at best. Though it will not send a meaningful message to the Soviets, it may mislead the American people into thinking that something meaningful has been done.

There are serious questions regarding the equity and the constitutionality of a registration system limited to males. If, for reasons of national security, this Nation must move to registration or a draft, I believe there should be no exemption except for physical infirmities. This should be equally applied to all men and women.

I have voted against funding to implement registration in the Appropriations Committee, and I will vote against the proposal when it comes to a vote here in the full Senate. I have always tried to vote on the merits of any given issue, however, and therefore, have made it my policy to vote for cloture in the 5 years that I have served in the Senate.

Really, Mr. President, my most difficult vote in this whole matter, and I have supported the efforts of the Senator from Oregon, I support the amendment of the distinguished Senator from Kansas (Mrs. KASSEBAUM), my most difficult vote, and I think my only difficult choice today, is going to be on the cloture issue.

But I have no difficulty in opposing the registration plan.

It is the obligation of our Government in this free society to take the path least intrusive on individual freedom in defending the Nation. The Senate should reject the empty symbolism—that is all it is—of draft registration so that we may turn our attention to reasonable measures to improve our defense, and maintain the All-Volunteer Force in a free society. To reject the proposal is our clear duty, for it is not in keeping with our institutions, our experience, and does nothing to enhance our defense posture.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, as a member of the Senate Armed Services Committee and as a member of Senator NUNN's Subcommittee on Personnel, I have been very active in this matter. I have considered the matter carefully and I support the concept of registration.

I have talked with a number of my colleagues, among them my distinguished colleague from South Dakota (Mr. PRESSLER), and explained to him that I have been in a position to see this thing from both sides, now as a legislator and formerly, for more than 5 years, in the Department of Defense as Under Secretary of the Navy and Secretary of the Navy, during the Vietnam war. I saw firsthand the inequities of the draft system at that time.

I have given my colleague from South Dakota my personal assurance that in the work in the Armed Services Committee, I would do everything possible to see that we never bring back upon the youth of this Nation a system with such inequities as we experienced during the period of the Vietnam war. It was unfair. Nevertheless, I believe it is of paramount importance at this time that the Congress of the United States go forward and support the President's request at this time for registration—registration only, not a draft. The subject of a draft is not before this body at this time.

I thank the distinguished Senator from Oregon.

Mrs. KASSEBAUM. Mr. President, will the Senator from Oregon yield me 2 minutes?

Mr. HATFIELD. I am happy to yield 2 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator.

Mr. President. I have an amendment at the desk. It seeks to assure that, if we are to have registration, women will be included. Senators LEVIN, SIMPSON, and LEAHY have cosponsored the proposal.

It is not our intention to delay the Senate. I would like to call up the

amendment at the first parliamentary opportunity. After a reasonable time for debate, in which any Senator who wishes to express himself on the issue has had an opportunity to do so, I would seek a vote. I think 3 to 6 hours is a fair estimate of the time this matter will consume.

My intention in speaking at this time is to put Senators on notice that I have this amendment and will bring it up. It is my understanding that chances for getting a vote on the merits of the amendment are reduced if it is offered post cloture. I think the issue is sufficiently important to warrant a vote on the merits; therefore, I would like to complete action on the amendment before cloture is invoked.

In deference to the wishes of other Senators, I have withheld debate on the amendment prior to this first cloture vote. Whether cloture is invoked or not, I will, if I am permitted, bring my amendment to the floor as soon as the pending business is resolved.

Mr. HATFIELD. Mr. President, what is the time situation?

The ACTING PRESIDENT pro tempore. Six minutes and forty-nine seconds.

Mr. HATFIELD. I yield 1 minute to the Senator from South Dakota for a question.

Mr. PRESSLER. Mr. President, I commend the Senator from Oregon for his excellent leadership of one side of this issue.

My observation is that during the Vietnam war and during the voluntary service period following it, we have found that those from the lowest income and lowest educational groups have made up a substantial share of our Armed Forces. This is a very great problem.

I am not advocating the draft today; but if we do move in the direction of greater manpower mobilization, are we to be permanently locked into having a military that seems to be made up primarily of persons from a lower income and lower educational background?

For example, 6 years after World War II, nearly half the Members of Congress were people who had served in the military forces in World War II. At present, a very small number who serve in Congress, or in leadership positions in the country, served in the military during the Vietnam era.

Are there other steps we can take so that a broader cross-section of our society will become involved?

Mr. HATFIELD. I should like to respond to the Senator with documentation rather than with merely an opinion.

As the Senator knows, the Rand Corp. was commissioned to make a study of the entire recruitment program—voluntary forces, draft, and so forth. In that report, this is their finding:

> Medium- to low-income areas are similarly contributing approximately the same percentages as they did under the draft.

The point is that we are dealing here not with basically a military recruitment program or problem exclusively. We are dealing with a basic socioeconomic problem that involves our entire population, whether we are in a military procurement program or otherwise. When one looks at the gaps widen between the haves and the have-nots, not only in the world but in this country as well, it is very obvious that the military procurement program is not going to solve the problem but is going to reflect it.

Also, in many instances, it might provide even an opportunity for some of those who are excluded from upward mobility in the economic system we have or in the economic culture we now have. So I do not think one can look to the draft or to the voluntary system to correct some of those problems. Those are beyond the question of the draft or the volunteer system.

Also, the increase in blacks within the military often has been raised as a question or a problem. Some of that increase has been due directly to the increased number of black officers in the military. Whereas they have been denied, perhaps, entrance into the mainstream of other socioeconomic life in this country, the military has provided them with some of those opportunities. Again, that is not the problem of the military as much as it is with our basic socioeconomic institution.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. HATFIELD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Three minutes and fifty-two seconds.

Mr. HATFIELD. How much time does the Senator want?

Mr. MELCHER. One minute.

Mr. HATFIELD. I yield to the Senator.

Mr. MELCHER. I thank the Senator for yielding.

Mr. President, I wish to follow up what the Senator from Oregon just said in response to the Senator from South Dakota.

I reiterate what the 1981 Department of Defense annual report stated:

> Peacetime conscription is by no means an obvious solution to our current personnel problems. These problems have more to do with the retention of skilled and experienced personnel who already have six to twelve years of service, than with recruits. We need accordingly, to expand current efforts to improve our recruiting and retention performance.

That is the Department of Defense. That is what the Army says. That is what the Navy says. That is what the Air Force says. That is what the Marine Corps says. We should believe them. We should act on the real problems, these retention problems, and adequate Reserves. We should act on what is needed, and that is better pay, better career opportunities, educational opportunities, training opportunities, a better GI bill—benefits in that regard. Then we would be doing something helpful for the military.

I am saddened that this is a step we are taking, leading back to a peacetime draft, which really will not correct the problem within our military and assuredly is the wrong step to be taken at this time.

I thank the Senator from Oregon for yielding. I do not want to use any more of his time.

Mr. HATFIELD. Mr. President, I should like to close, before the vote on cloture.

The desire to close off debate on this matter is very interesting. The administration indicated at the first of the year that they would have this matter pass through Congress within a few days, which has not happened, and they indicated that they would win the first cloture vote and cut off the debate. I do not know what their victory will be, or if it will be a victory on that question, until the vote is taken.

I just wish to point up one thing: Even this morning, in the closing minutes before the first cloture vote, we have had the question raised of how we are going to develop an equitable, fair draft system. So we are asked to close off debate on an issue that is of such great magnitude that we do not even have a plan for it; yet, we are saying that we are taking the first step toward the draft.

The advocates have said that this is the first step toward the draft. Yet, we are asked now to buy the assurance, the word, of these people, who initially probably will be drafting a program of compulsory service, that it will be a fair and equitable program. By its very nature, it cannot be. It will be inequitable, it will be discriminatory, as all drafts have been.

Let us not base our judgment on assurances here today. Let us go to history. The history of this Nation's draft experience gives us the evidence that is indisputable.

We also have not even considered today, or at any other time, what the enforceability of this program will be. The Justice Department has no plan in hand. At least, they told that to our committee. How are we going to enforce noncompliance? It will involve 2 percent of 4 million—80,000 is what the Justice Department estimates. What is the plan for that enforcement?

What is the problem of privacy? We have not even determined or discussed the rights of privacy that will be circumvented by any enforcement.

What about women? We have not even addressed Senator KASSEBAUM's issue about women registrants and women draftees.

● Mr. DOLE. Mr. President, first, I commend Senator HATFIELD from Oregon and Senator NUNN from Georgia and others for their leadership in managing a most informative and useful debate on the issue of peacetime draft registration.

CLOTURE VOTE

Senators who have participated in this debate have brought forth some very cogent arguments for and against this proposal—a process which is imperative if Senators are to make an informed decision on such an important piece of legislation. That is precisely why I intend to vote against cloture today, as I believe further substantive debate can only serve to provide the answers to the many questions that surround this very controversial issue.

Mr. President, once again, I want to state that this proposal does not in any way address the problems we face today

in maintaining or upgrading and maintaining a strong defense. There is no question that we are experiencing serious problems in attracting and keeping quality personnel.

Gen. Edward C. Meyer, Chief of Staff of the Army, testified before the Senate Armed Services Committee and said:

> Registration does not do anything as far as near-term readiness of our Armed Forces is concerned. So, if you talk about short-term contingency in which we insert forces and are able to contain it with active forces, the Selective Service System would not bring people in, train them, and have them in the Army in time to have an effect.

Mr. President, other unanswered questions help explain General Meyer's conclusion: Do we have the proper training base to properly handle the influx of draftees? Does draft registration, without classification and physical examinations, help speed up the delivery of personnel? Can we retain an accurate, up-to-date list of registrant addresses?

In sum, Mr. President, I want to say that I am not concretely opposed to registration for the draft. But, I am definitely opposed to taking a step which has been documented to be no more than an empty gesture. I am opposed to taking this step when there seems to be an alternative in that we could accomplish the same thing as premobilization registration through an increased computer capability for the Selective Service System.

I would think the Senate would be much more interested in addressing the more serious and structural problems we face with respect to our personnel.

Mr. President, there is no question that we need to improve our capability to mobilize. However, registering young men and women will not address this problem.

Frankly, I would like to see us pay our military personnel enough to retain them and to also serve as an incentive to those considering a career in the military.

Mr. President, once again I join Senator HATFIELD and others in rejecting the call for premobilization registration at this time and urge continued debate on this important issue.●

PREMOBILIZATION DRAFT REGISTRATION

○ Mr. BAYH. Mr. President, today the Senate will vote on a motion to cut off debate on House Joint Resolution 521, a bill providing President Carter with the funds necessary to undertake a revitalization of the Selective Service System and provide for the registration of 19- and 20-year-old men for the military draft. I think that it is important to emphasize that approval of the draft registration program does not automatically mean a return to a peacetime draft as was the case for the first time in our Nation's history in 1940. For that to happen, the President would still have to come to the Congress for separate authority to conscript and, in all likelihood, at a time of imminent danger to the United States. So, it is clear that Congress, the representatives of those who may be called on to serve, would have to ratify such a decision.

Therefore, I cannot agree with those who sincerely advance the argument in opposition to registration that this is the first step leading to an inevitable return to conscription. Indeed, one of the most compelling arguments made in favor of draft registration is that it will demonstrate a national determination necessary to discourage situations from occurring which would lead a President to call for a return to the draft.

Let me also emphasize that House Joint Resolution 521 is a funding transfer measure which gives the President no new authority but rather gives the President the means to implement the premobilization program. While other issues involving upgrading * * * able to unilaterally induct unlimited numbers of people in the event of a return to the draft.

THE CASE FOR PREMOBILIZATION REGISTRATION

Mr. President, I make these two observations in order to emphasize that if the bill we are considering passes, the responsibility of the Congress on this issue will not be lessened, it will intensify. It will be incumbent upon all in Congress to look even more closely and carefully at events in the world, at the definition of the vital interests of the United States, and at the real requirement that we not just provide greater defense spending to assure the security of our people, but that we obtain from that spending a genuinely improved defense effort.

In order to accomplish these tasks, it is far wiser, I believe, for the United States to demonstrate a measured determination to be prepared to defend our vital interests which do exist and extend beyond our shores. This does not mean the kind of preoccupation with global involvement which led us to the tragedy of Vietnam for which we are still paying a high price. It does mean not learning the wrong lessons from that wrenching experience. The capability to meet stated emergency goals in the event of a mobilization to deter or meet a challenge to America's declared vital interests or security commitments will in large measure determine whether and the extent to which hostilities will occur. If the United States is perceived as unwilling or unable to do what is in our interests, I am afraid we will not be able to expect those interests to be respected by potential adversaries.

So, how will the President's premobilization registration program accomplish this? The answer is that in and of itself it is not the total answer to following through on the Persian Gulf doctrine or any other stated policy intention. However, the rejection of the proposal will drive us to a situation where we must await an emergency to be declared before we act to shore up the shortfalls which now exists in the armed forces. That, I would submit, is not the best formula for demonstrating resolve.

CURRENT DOD STATED REQUIREMENTS VS. CAPABILITIES

To understand why the registration system will help redress some of the shortcomings in the present system, it is important to keep in mind that the All-Volunteer Force (AVF) is a peacetime force which was to be supported by a strong reserve force component and a viable Selective Service System. As a Senator who has taken a special and careful interest in sponsoring and supporting legislation intended to strengthen the reserve force component of our total forces, I can express deep concern about shortfalls there as well as the failure to meet mobilization targets overall in the "Nifty Nugget" exercise which has been referred to in the course of the debate on the registration proposal. In this connection, it is particularly important to understand that if your reserve force components are not meeting emergency manning goals, compounding the problems of shortfalls in support of overall strength, it is likely that the commitment of Reserve Force units would have to be delayed absent a certain knowledge that replacement units could be formed by a certain date. Without a system of registration, the reliability of that knowledge crucial to make necessary military decisions is of a very low order. A premobilization draft registration system in place will give us a much better idea as to when additional forces can be available.

At the end of fiscal year 1980 the actual strengths of the Guard and Reserve forces fell short of emergency goals ranging from 6.3 percent with the Air Force Reserve to 31.2 percent for the Army Reserve. This meant a 200,000 shortfall throughout the actual Reserve Forces versus stated emergency requirements.

The current DOD mobilization requirements state that no more than 30 days should elapse between the decision to mobilize and the time the first inductee arrives for training. (The President's plan, once in place, could deliver the first inductee to training in 13 days.) Within 2 months, 100,000 inductees should have arrived at training centers. At the present time, the Selective Service System's capability to be prepared to begin registration, let alone be capable of actually inducting people, is severely questioned. While a draft SSS report of January of this year stated that inductees might arrive within 20 days of mobilization, this conclusion has been discounted by other manpower experts who assert that a post-registration plan could leave us facing a 60 to 90 day delay in the arrival of inductees to the training center. This would mean a period of confusion, disarray and uncertainty over national purpose. Such a formula which suggests everything will go according to plan in unforeseen circumstances does not provide deterrence; it invites disaster. And surely, should hostilities commence, both the AVF and Reserve Forces would be left in a situation where national decisionmakers could be faced with the awful choice between a defeat of U.S. conventional forces or crossing the nuclear threshold.

While premobilization registration is not by itself the answer to the many other problems which we must address in terms of the AVF and Reserve Forces, it is surely preferable to the undeniable shortfalls which we now face in the event of a national callup. I really do not see how we support the men and women now in uniform if, as indicated

by the "Nifty Nugget" exercise we are willing to accept the fact that without advance registration within 90 days after mobilization infantry positions will be short by almost one-half of planned strength; artillery positions will be short by almost one-quarter of planned strength, and armor positions will be down by almost three-fourths of planned strength.

REGISTRATION: PART OF A RESPONSE

Mr. President, this is not the world as I would wish to see it but it is the world of U.S. military readiness and capabilities as it really is when matched against emergency requirements. Perhaps we could change the assumptions of those requirements, but, regrettably, that would not change the dangerous and unpredictable nature of the world in which we live. Now, I am aware that there are many other issues which will have to be discussed and debated as the President's registration plan is implemented: Issues dealing with noncompliance, permitting those with deeply held religious beliefs against war in any form to obtain conscientious objector status which I did support in the Appropriation Committee; also, the President's request to include women in the registration program; what the system of classification might be in the event of a return to the draft as well as upgrading the levels of compensation for the AVF and providing increased incentives and benefits for the Reserve Forces. After agreement is reached to end debate. I am sure most of these issues will be fully considered.

DELAY OVER THE DECISION NO LONGER JUSTIFIED

Mr. President, we have had an opportunity over the past 5 months since the President proposed premobilization registration to look at this proposal in its many aspects. So, I believe we have now deliberated long enough. Some of us who will support registration today by voting to end debate may disagree with others also supporting this measure who think it does not go far enough; that we need the draft and we need it now. I do not subscribe to that belief at this time. Some of those Senators who are opposing the registration proposal do so out of a profound sense of conscience and are disturbed that passage of this legislation will lead us down another "Vietnam alley." As much as I share these concerns, I do not agree with that assessment.

We can ill afford to repeat the reticence of Mark Twain's cat that would never sit on cold stoves because he had been scorched by a hot one. The fact is that there are events occurring in the world which can directly jeopardize the political, economic, and security interests of the United States unless we do what is necessary to send a series of clear signals that our economic and military strength will be brought to bear to defend our vital interests.

The peacetime registration program will, I believe, help keep the peace if it is followed up by doing what is necessary to correct problems in the AVF and Reserve Forces as well as pursue the right kinds of defense procurement and management policies to improve the readiness of our forces-in-being. The peacetime registration program will help keep the peace if our Nation also demonstrates the willingness to wield our economic weight to tighten the screws against the Soviet Union and Iran. So I believe it is prudent that we proceed and approve this program with the knowledge that the task of repairing deficiencies in certain aspects of our Nation's defenses will not end with the vote today; in a very real sense it will have just begun. Whether that process will actually involve a return to the draft will depend upon the degree of success which we achieve in these other areas I have mentioned. Hopefully, this will not be necessary. I will vote for the registration measure because I believe that registration preparedness today will lessen the likelihood of the draft tomorrow.●

Mr. LEVIN. Mr. President, I again find myself in an uncomfortable position in regard to a cloture vote. I have consistently indicated that I believe that once the Senate has been given a reasonable period of time to debate an issue, then the Senate ought to be able to vote on the issue. My commitment to that concept remains unchanged.

In this case a very specific and technical problem compels me to reject cloture even though I believe the Senate has had an ample opportunity to debate the general issue of registration.

The problem that concerns me is simply this: A number of Senators, myself included, have indicated for some time that they wish to offer amendments to this legislation.

In almost all cases, these amendments are directly related to the purpose of this legislation. But despite their relevance, it is clear that they are not germane in the very technical sense that the Senate rules define that term. In essence, then, a vote for cloture will have the effect of allowing points of order to be raised against these relevant and significant amendments. We would then be denied an opportunity to vote on the merits of a number of important issues like registration of women. In this case, then, a vote for cloture would have the effect of preventing the Senate from considering, on their merits, a number of amendments which while not technically germane, are substantively relevant to the purpose and nature of the legislation before us.

I am more than willing to support cloture—and I intend to support it—once we have either considered these amendments or once we are assured that the Senate will be able to vote on their merits. In that connection, I would indicate publicly—as I have indicated privately—that I am more than willing to enter into time agreements which would facilitate our prompt consideration of these issues.

In conclusion, I still support the concept of cloture—I still reject the notion of filibusters as legitimate tools except where the fundamental rights or liberties are involved—but I find special circumstances operating here which make me unable to vote for cloture at this time.

● Mr. NELSON. Mr. President, the Senate today will decide whether to shut off debate on House Joint Resolution 521, legislation to reinstitute premobilization draft registration for 18- to 20-year-old males and to revitalize the Selective Service System. I shall vote no.

Mandatory premobilization registration ended in April 1975. President Carter has proposed its reinstitution in light of the Soviet invasion of Afghanistan last December.

In July of 1979, Secretary of Defense Harold Brown, speaking for the administration, advised the Congress that he opposed registration. In a letter to Representative CHARLES BENNETT, Democrat, of Florida, the ranking Democrat on the House Armed Services Committee, Secretary Brown wrote:

> I oppose peacetime registration at this point. Given adequate planning and funding, I believe the Selective Service System could be able to meet the Department of Defense requirement for delivery of new inductees without peacetime registration.

Now, suddenly, the President has stated that registration is necessary after all. The burden rests with the President to make a convincing argument to the Congress that circumstances have changed so as to require registration. In my view, he has not done so.

I agree with the President that the United States suffers serious military manpower problems. We simply do not have adequate numbers of trained, combat-ready servicemen and women.

But I disagree with the President's proposed response. In my view, the strengthening of our existing active duty and Reserve Forces, and not the institution of draft registration, is the key to resolving U.S. military manpower problems in the 1980's.

From a military needs standpoint, the experts seem to agree that peacetime registration is not necessary to the national security.

According to the Congressional Budget Office, the institution of premobilization registration would not make an appreciable difference in the speed with which the Selective Service could process inductees.

And in a January 16 report to the President, the Selective Service itself claimed that postmobilization registration was the "most cost-effective" and "least intrusive" registration option, and was its option of choice. With internal administrative improvements alone, the Service said, it could exceed Defense Department wartime induction requirements.

Our past wartime experiences, of course, are instructive. The U.S. registered 10 million men on a single day when it entered World War I, and 16 million men on a single day in preparation for World War II. Clearly, then, the country has been very successful with 1-day postmobilization registration in the face of a military emergency. There is simply no reason to believe that we would be any less successful in the future in the event of a genuine military threat to our vital national security interests.

Certainly there is no reason to risk

the divisiveness which the resumption of draft registration could cause if our military security does not require it.

Registration, then, does not provide the means to buttress America's Armed Forces. The answer lies rather in strengthening the Active and Reserve Forces we already have, particularly the Reserve Forces.

I doubt whether many of us realize the degree to which we are dependent upon our Reserve Forces for defending this country in time of war.

The Reserve Forces, comprised of the Army National Guard and Air National Guard, and the Services' Reserve Units, contain fully one-half of the country's combat power and two-thirds of its support capability.

Nor, I suspect, do many Americans realize the degree to which both the Guard and the Reserves are dangerously short of qualified, trained manpower, up-to-the-minute weapons and equipment, and modern, efficient training facilities.

In order to assure a swift and orderly transition from peace to war, the Guard and the Reserves must perform as disciplined teams. If war breaks out in Western Europe, theoretically within 90 days more than half the Army's combat troops, infantry, and armor would be made up of National Guard and Reserve units. Similarly, more than half our tactical airlift planes, airlift crews, tactical reconnaissance, fighter and air-defense planes would come from Air Guard and Reserve units.

But there are increasing signs that the National Guard and the Reserves—so vital to our defense—would be unable to carry out their mission if war were to break out in Europe tomorrow.

Since 1974, studies by the General Accounting Office, the Defense Manpower Commission, and the Brookings Institution have all warned of continuing problems with the Reserve Forces. Even the Pentagon itself concedes that the National Guard and Reserves are nowhere near their assigned combat readiness.

And, most recently, the Adjutant Generals of the United States, at their 68th annual meeting in Portland, Oreg., sounded the alarm about what they called "the perils now facing this country caused by its present and continuing failure to adequately fund and support the Reserve components of our Nation's Armed Forces."

According to the Adjutant Generals, the National Guard lacks the weapons, equipment, and training facilities it needs, support from the Pentagon leadership, and the recruiting and reenlistment bonuses and incentives that are available to the active Armed Forces.

"Changing these conditions is not only desirable—it is essential," these Guard commanders say. In my view, then, three steps are essential to strengthen the Guard and the Reserve, and enable them to perform their missions.

First, the Guard and the Reserves must be given the tools to attract and retain highly qualified, highly skilled, highly motivated men and women. The Reserve Forces now lack fully 200,000 of the men and women they would be required to provide in time of war. The key to solving the manpower problems in the Reserves and the National Guard is to make Reserve and Guard duty more financially attractive. We must take steps to encourage more people to join the Guard and the Reserves and, for those already serving, to reenlist. These steps should include improved recruiting efforts, competitive levels of pay, and reenlistment bonuses.

Second, America's Armed Forces, both Active and Reserve, must be provided with effective equipment and training in order to meet the challenge from the Soviet bloc.

Third, the Guard and the Reserves must be provided with the full-time staffing they so desperately need to achieve the higher standards of readiness now demanded of them.

The Guard and the Reserves will never be able to perform their wartime missions unless they overcome two key manpower problems: The shortage of qualified people and the high turnover rates. These two problems, in turn, cannot be solved without first improving the kind of training our guardsmen and reservists receive.

Strengthening the National Guard and the Reserves would send a clear signal to the Soviets that we are moving to improve the combat readiness of our Armed Forces. Registration does not do this. Writing in the Washington Post recently, Martin Anderson correctly pointed out that even with the names and addresses of young men and women neatly typed on computer printouts, it would take 3 to 4 months to contact them, induct them, and hastily train them—if the training facilities were ready. The end result would be hundreds of thousands of teenage soldiers, some serving reluctantly, most with no experience and little training, flooding into the ranks of the Armed Forces many months too late.

Registration is not the answer to strengthening America's Armed Forces. The answer lies in beefing up the Active and Reserve Forces we already have—particularly the Reserve Forces. Therein lies the key to America's security in the turbulent decade ahead.

I strongly urge the Defense Department to review its fiscal year 1981 budget authorization with an eye toward redirecting significant amounts of money to projects designed to strengthen the combat readiness of the Reserves and the National Guard.●

Mr. HATFIELD. Mr. President, I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. KENNEDY) on the draft registration be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNEDY

I am strongly opposed to the pending measure to reinstate military registration, and I lend my full support to the efforts of Senator Hatfield and others to defeat the proposal now before us.

The Administration has argued that draft registration is necessary "to increase our preparedness" and to demonstrate "our resolve as a nation."

But, as I have emphasized on numerous occasions, peacetime registration, under current requirements, is essentially meaningless in terms of the two most important mobilization manpower problems we would face during the crucial early stages of a war: (1) the need to deploy large numbers of combat troops abroad; and (2) the need to avoid shortages of skilled personnel.

With regard to the need for a quick deployment of troops abroad, draft registration would not even be a cosmetic solution. We might save a total of seven or eight days by registering young persons in a pre-mobilization period. But classification, training, and transportation requirements would prevent newly-called inductees from getting to the front until some five to six months after being conscripted. And it is precisely during these months that casualties would be at their highest level and that the outcome of any conflict is likely to be decided. Thus, registration in itself is irrelevant to our most pressing mobilization needs.

Similarly, registration would do nothing to halt the sharp decline in reenlistments of middle-grade personnel. The loss of skilled career personnel has severely degraded our overall combat readiness. Retention rates are now so low that our military forces are becoming incapable of performing many of their designated missions.

All branches of the armed services are experiencing shortfalls in reenlistment. The Air Force has a shortage of more than 2,000 pilots; the Army has a shortage of more than 46,000 non-commissioned officers; the Navy has a shortage of nearly 20,000 mid-grade skilled personnel, including 2,600 officers. Last year, the Navy suffered reenlistment shortfalls in 59 of its 85 major skill areas; as a result, our present fleet manning is at only 85 percent of combat readiness.

A resumption of registration or the draft will have no bearing on these retention problems: we cannot draft sergeants and colonels, trained technicians and squadron commanders. The only way to counter the decline in reenlistments is by providing military personnel with a living wage and decent compensation. While I welcome the recent announcement of a new program—based on the Nunn-Warner amendment—to increase pay and benefits, I believe the Administration's pay proposals for next year are still far from adequate. A May 1980 study by the Congressional Budget Office warned that unless improvements are made in pay and compensation, the shortfalls in recruitment and reenlistment will grow even worse.

Former Under Secretary of the Navy James Woolsey recently estimated that selective pay and benefit improvements could increase the career proportion of our enlisted force from 42 to 50 percent. That step alone could reduce our enlistment requirements by 70,000 persons a year, or more than twice the recruitment shortfall that occurred last year.

It is also imperative that we take genuine and effective steps to upgrade our mobilization capabilities.

For example, we should revitalize the Selective Service System and upgrade it from its current "deep standby" status to a functioning level. It is particularly important to develop an effective post-mobilization registration plan that will meet our military needs.

We should also enhance our mobility forces, particularly our airlift and sealift capability. We must increase the strength of our reserve forces, which now face serious problems. Manpower shortfalls remain critical, particularly in the Army reserves: equipment is often inadequate; training is generally lacking; and military preparedness is inhibited by the lack of a proper mangement structure. Since one-half of our

combat power and two-thirds of our support capability are maintained in our reserves, it is essential that they be properly manned, equipped, and trained.

In deciding to support draft registration, the President apparently ignored the advice of his own Director of Selective Service. In a report prepared last January, a week before the President made his proposal in the State of the Union address, the Selective Service made clear that registration conducted in a post-mobilization phase is the most efficient and cost-effective procedure of mobilizing our forces:

The post-mobilization option should substantially exceed Defense requirements, employs the fewest number of full-time personnel, and costs the least . . . [T]he reduced delivery time provided by the other [pre-mobilization] options is redundant and unnecessary.

It is clear that draft registration will not enhance our military preparedness. The decision to resume registration was a weak and even dangerous response to the Soviet invasion of Afghanistan. The Soviets are well aware of the difference between a clear, effective more to strengthen U.S. combat capability and a symbolic gesture, and they will respond accordingly.

By its action, the Administration also risks diverting the attention of the American people from the real steps that must be taken to increase our military strength. Enactment of draft registration may well create a false sense of security that our military manpower problems are being solved. They are not.

Our primary attention must be directed to the need to improve the overall readiness of our forces. On any given day, one-third to one-half of our ships and tanks and planes are not prepared for battle. Neither registration nor a draft will solve this problem. We can solve it only by giving much greater attention than we have in the past to such basic necessities as fuel supplies, spare parts, combat training, and ammunition stocks.

There are a number of other considerations that undermine any purported benefits of registration.

The registration lists will quickly become outdated and useless. Individuals directly affected by the legislation—those in the 18- to 20-year-old age bracket—are a highly mobile group. According to the Census Bureau, 30 percent of all males move in the 12-month period between their 20th and 21st birthdays. The Selective Service System has estimated that half of the addresses recorded during the initial registration will become obsolete within two years. In the end, we will be left with reams of computer printouts in need of constant updating.

The proposal to reinstate draft registration for men and not for women also raises serious problems of sex discrimination. Even if the transfer of funds is approved and registration is enacted, a court challenge may halt the entire process. The General Counsel to the Selective Service has advised that "to meet current Constitutional law requirements of equal protection, any system of registration for and induction into the armed forces must include both men and women." I share the view that it is unwise and unconstitutional to exclude women from future selective service requirements, and I urge the Senate to reject the proposed measure on this ground as well.

Finally, draft registration may have a divisive effect on the American public. Young Americans will oppose a system they perceive to be unnecessary and unfair. In addition, registration will be conducted under the seriously flawed Military Selective Service Act, which does not even provide basic due process protections.

In short, the reinstitution of draft registration will not solve our military problems, but it will divert attention from more pressing military needs. There is no present emergency that warrants a drastic change in existing selective service procedures. In the event of such an emergency, it would be essential to reinstate the draft itself, and not merely registration for the draft. The proposal for draft registration alone is ill-conceived. In a dangerous world, America needs more than symbolic gestures to restore its military strength. The Senate should reject the pending transfer of funds for registration and begin the more difficult task of truly strengthening our military capability.

The ACTING PRESIDENT pro tempore. The Chair dislikes to interrupt the Senator from Oregon, but 1 hour having passed since the Senate convened, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on House Joint Resolution 521, a joint resolution making additional funds available by transfer for the fiscal year ending September 30, 1980 for the Selective Service System.

Robert C. Byrd, Lawton Chiles, George J. Mitchell, John Glenn, J. James Exon, John C. Stennis, Robert Morgan, Sam Nunn, Jennings Randolph, Ernest F. Hollings, Howard Baker, Strom Thurmond, John W. Warner, John Tower, Robert T. Stafford, John H. Chafee, Claiborne Pell, Henry M. Jackson.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the clerk repeat the name after each vote.

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

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on House Joint Resolution 521, a joint resolution making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Selective Service System, shall be brought to a close. The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BOREN). The clerk will suspend.

The Senate will be in order. Senators clear the well and take their seats. Senators will clear the well.

The clerk may continue.

The legislative clerk resumed the call of the roll.

Mr. HATFIELD. Mr. President, may we have order, please, and have the well cleared?

The PRESIDING OFFICER. Senators will clear the well. The clerk will suspend until the Senate is in order. Senators will take their seats. Senators will clear the well.

Mr. HATFIELD. Mr. President, we are not in order. The well is not cleared.

The PRESIDING OFFICER. The Senator is correct. The well is not cleared.

Senators will clear the well and return to their seats.

The clerk may continue.

The legislative clerk resumed and concluded the call of the roll.

The PRESIDING OFFICER. Are there other Senators present who desire to vote? Are there any Senators wishing to vote?

Mr. PACKWOOD voted in the affirmative.

Mr. WEICKER voted in the affirmative.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—62

Baker	Ford	Nunn
Baucus	Garn	Packwood
Bayh	Glenn	Pell
Bentsen	Goldwater	Percy
Biden	Hart	Pressler
Boren	Hayakawa	Pryor
Boschwitz	Heflin	Randolph
Bumpers	Hollings	Ribicoff
Burdick	Huddleston	Sasser
Byrd,	Humphrey	Schweiker
Harry F., Jr.	Inouye	Stafford
Byrd, Robert C.	Jackson	Stennis
Cannon	Javits	Stevenson
Chafee	Johnston	Stewart
Chiles	Laxalt	Stone
Cochran	Leahy	Talmadge
DeConcini	Lugar	Thurmond
Domenici	Magnuson	Tower
Durenberger	Mitchell	Warner
Durkin	Morgan	Weicker
Exon	Moynihan	Zorinsky

NAYS—32

Armstrong	Heinz	Proxmire
Bellmon	Helms	Riegle
Bradley	Jepsen	Roth
Cohen	Kassebaum	Sarbanes
Cranston	Levin	Schmitt
Culver	Matsunaga	Simpson
Danforth	McClure	Stevens
Dole	McGovern	Tsongas
Eagleton	Melcher	Wallop
Hatch	Metzenbaum	Young
Hatfield	Nelson	

NOT VOTING—6

Church	Kennedy	Mathias
Gravel	Long	Williams

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative. the motion is agreed to.

The PRESIDING OFFICER. Time on this measure is now limited to 100 hours.

Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Chair states that, cloture having been invoked, the committee amendment is not germane—the Senate will be in order

Mr. MOYNIHAN. Mr. President, may we have order?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

The Chair announces that, cloture

having been invoked, the committee amendment, on the face of it, is not germane.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Therefore, it is not in order and the pending amendment to it, therefore, also falls.

Mr. HATFIELD. Mr. President, I appeal the ruling of the Chair.

Mr. NUNN. Mr. President, will the Presiding Officer ask for order? This is a very important ruling. I think the Senator from Oregon and I would agree everyone ought to listen to the ruling. I would ask the Chair to repeat the ruling, please.

The PRESIDING OFFICER. The Chair has ruled that the committee amendment is not germane and that both it and the pending amendment, therefore, fall.

Mr. HATFIELD. Mr. President, I appeal the ruling of the Chair. I ask for the yeas and nays.

Mr. NUNN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NUNN. Mr. President, is it the ruling of the Chair that the committee amendment is not germane and, cloture having been invoked, that amendment is not germane and also the Nunn amendment to that amendment is not germane and that both would fall?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The appeal is not debatable.

Mr. ROBERT C. BYRD. I understand. I move to table the appeal.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Are there Senators present desiring to vote?

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—37

Baucus	Byrd, Robert C.	Ford
Bentsen	Cannon	Glenn
Biden	Chiles	Hart
Boren	Cochran	Heflin
Bumpers	DeConcini	Hollings
Burdick	Exon	Huddleston
Inouye	Randolph	Stone
Jackson	Ribicoff	Talmadge
Johnston	Sasser	Tower
Mitchell	Simpson	Warner
Morgan	Stennis	Young
Nunn	Stevenson	
Pryor	Stewart	

NAYS—57

Armstrong	Hatch	Nelson
Baker	Hatfield	Packwood
Bayh	Hayakawa	Pell
Bellmon	Heinz	Percy
Boschwitz	Helms	Pressler
Bradley	Humphrey	Proxmire
Byrd, Harry F., Jr.	Javits	Riegle
	Jepsen	Roth
Chafee	Kassebaum	Sarbanes
Cohen	Laxalt	Schmitt
Cranston	Leahy	Schweiker
Culver	Levin	Stafford
Danforth	Lugar	Stevens
Dole	Magnuson	Thurmond
Domenici	Matsunaga	Tsongas
Durenberger	McClure	Wallop
Durkin	McGovern	Weicker
Eagleton	Melcher	Zorinsky
Garn	Metzenbaum	
Goldwater	Moynihan	

NOT VOTING—6

Church	Kennedy	Mathias
Gravel	Long	Williams

So the motion to lay on the table the appeal of the ruling of the Chair was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, appeals are not debatable under cloture, but I believe that if Senators could have just a few minutes to debate the appeal, they would have a better understanding of what they are voting on and, I hope, will then uphold the Chair. I ask unanimous consent that there be 30 minutes, equally divided, on the appeal. I ask unanimous consent that the time be divided between Mr. HATFIELD and Mr. NUNN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, let me briefly outline the issue before us. The Appropriations Committee, in full committee markup, by rather a good margin, determined that there should be included on the registration card a box or some way in which a person who is called upon to register would be able to check his view as to whether he expected to claim a conscientious objector classification later down the road. This in no way established the right of a conscientious objector at the time of registration, but merely gives an indication of what we may be faced with in terms of compliance.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order so that the Senator may be heard. Members will dispense with conversations.

The Senator may proceed.

Mr. HATFIELD. Mr. President, this is not a theoretical situation, because we have published in the press, as of March 27, 1960, a report by Donald Guritz, a former Selective Service Regional Counsel for the Midwestern States. Mr. Guritz indicated, in that report to the Selective Service System, that he was deeply concerned about the possibility of a high number of registrants being of the conscientious objector viewpoint. He suggested that there might be ways to anticipate that and thus avoid a great amount of noncompliance or having to deal with up to possibly 50 percent of those registrants, who would check out a possible conscientious objector request. This amendment that was passed by the committee in no way establishes that right of conscientious objection.

That person still will have to go through the administrative procedure outlined by the statute to establish his position as a conscientious objector.

I do not believe I have to argue the point we have had a historic position on this since the very founding of the Republic, that we provided for that right from the very beginning of the Republic's history.

We are not establishing any new right here. What we are trying to do is to ascertain what kind of problem we have for the simple reason that the Justice Department has not in any way presented the committee with any data on how they expect to enforce this law, or this requirement of registration, if we pass it.

They have estimated that up to 20 percent of the 4 million may be in the group of noncompliance. That leaves 80 percent in compliance. Others have indicated it may be as high as 10 percent in noncompliance. That is 400,000.

They have no plans at all at this time on how many investigators, and so forth, will be required to enforce a registration act.

Therefore, it seems to me, as it did to the committee, even those who supported registration in the committee voted for this provision for the simple reason it is necessary to get as much data, as much a sense of what we have as a problem, before us in terms of compliance as possible.

There is an amendment to this amendment offered by the Senator from Georgia which would say, "Well, let this happen at the time of classification."

That has nothing to do with compliance at a time of registration because registration does not incorporate classification. Classification has to come under a later act by the Congress and the action of the President. But this procedure does give us, if we want a census-taking activity, an opportunity to find out how many 19- and 20-year-olds there are and where they are. It seems to me we ought to at least know the additional factor of how many of them expect to at least indicate by this box on their form to become, or file for, the classification of conscientious objector.

Again, let me emphasize that no one becomes a conscientious objector by merely checking off the box. It does, though, I believe, give us that additional information and understanding of what kind of job we have.

This is the one thing I have been arguing, primarily to an empty Chamber, from the very beginning, that we have not, really, any kind of blueprint or pro-

gram presented by the administration of how they expect to enforce this.

We are asked to buy a pig in a poke, in a sense, because they have at no time been able to give the committee any plan of what kind of enforcement program they expect to impose if we pass a registration requirement, and no concern about whether it is subscribed to, obeyed, or acquiesced to, by the people involved.

I think that is irresponsible. I think the administration has acted irresponsibly on this part of their proposal.

It has been indicated that they have already gone ahead, printed forms, and, therefore, it will cost money to change the forms.

This is another example of the presumption on the part of an executive agency.

Mr. President, I do not challenge the legal authority that the President already has. There is no question that the President has the authority today to commit himself to a registration program. But I think it is very interesting that simultaneous to his asking the Congress for $13-plus million in order to implement that plan, the agency proceeds to go ahead and print the forms without the congressional action.

If that is a problem, that is their problem, in a sense, for having been so presumptuous as to go ahead and print forms before they actually had their request cleared by the Congress.

I do not challenge the legal authority of the President. That has been very well established in our record of debate up to this point.

I say that several witnesses appeared before our Appropriations Committee and indicated that failure to provide members of some religious groups, the historic peace people, and others defined by the Supreme Court, with an opportunity to state such intentions at the time of registration would lead to a substantial amount of nonregistration.

That was well established in our record, that the fear was that without this provision there would be many who would say that the only way they could state their position of dissent, or the position to apply for conscientious objector, is to not register, is to refuse to register and take the consequences.

I do not think we ought to put our 19- and 20-year-olds in such a position. We are going to have enough noncompliance, in my opinion, based on the evidence of studies, and so forth.

It seems to me we must be very careful and make this as workable as possible.

I am opposed to the whole registration procedure. But if we must have one, and I face those realities, then it ought to be able to function, to be functional and operative.

I think this would assist in making such a registration procedure more operative than otherwise it would be.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Does the unanimous-consent agreement entered into by the request of the majority leader include the question as to whether or not the time to which I am now addressing this issue is taken out of my 1 hour under cloture, or was this unanimous-consent agreement in addition to?

The PRESIDING OFFICER. It is the opinion of the Chair that the time would come out of the 1 hour.

Mr. ROBERT C. BYRD. Mr. President, I do not want to treat my friend in that fashion, and the Chair is right, but I ask unanimous consent that the time in this instance not come out of the time of the Senator from Oregon under cloture and that the time not come out of the time of the Senator from Georgia under cloture, but that come out of the overall 100 hours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator from West Virginia, the majority leader, for that additional time.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, will the Chair advise the time that remains on each side?

The PRESIDING OFFICER. The Senator from Oregon has 12 minutes remaining. The Senator from Georgia has 15 minutes remaining.

Mr. NUNN. Mr. President, the unfortunate posture we are in now——

The PRESIDING OFFICER. The Chair will correct what it just told the Senator from Georgia.

The Senator from Oregon has used 8 minutes. The Senator from Georgia has all 15 minutes remaining.

Mr. NUNN. Mr. President, I will comment on where we are now on this matter.

The Chair's ruling on germaneness is no surprise. I think all people on both sides of this debate have understood this would have been the Chair's ruling if cloture was invoked.

But we had a dialog on that yesterday afternoon. The CONGRESSIONAL RECORD will reflect that the Chair, in fact, stated this would be the ruling. So there is no surprise here about the question of germaneness.

Also, I say that this matter was never brought for a vote in 3½ days of debate. I know that the people who favor the committee amendment recognized that both the administration and the proponents of registration would oppose that amendment, but there was never any request for a vote.

I indicated my willingness to vote in the last 3½ days on any issue.

I filed an amendment yesterday afternoon on this which I think would clarify the amendment, which would make the amendment meaningful, and would also make it clear we are protecting the rights of a conscientious objector.

I stipulated yesterday afternoon that I would like to vote on that amendment this morning. But I think we recognize, and this is certainly a legitimate tactic, I do not in any way criticize this tactic, but the Senator from Oregon has been in a position of not wanting any votes on amendments because that might have had people more willing to invoke cloture.

Of course, now we have cloture, and the Senator from Oregon is appealing the ruling of the Chair on germaneness. I do not think that position should be sustained by the Senate. No one has been surprised by this ruling. Everyone knew what the ruling was going to be.

The Senator from Kansas and the Senator from Michigan have an amendment, and they were fully aware that if cloture were invoked, their amendment would be ruled nongermane. The Senator from Iowa (Mr. JEPSEN), who is in the Chamber, has an amendment on classification; and he understood last week, and still understands, that the Chair will rule that amendment nongermane.

So if we are going to make an exception here, the interesting question is, Where do we draw a line, and what does cloture mean?

Very briefly, I should like to address the merits of the amendment, because Senators should understand what they are voting on.

The Senator from Oregon has indicated that, in the past, a conscientious objector could file some kind of statement during the registration procedure. It is my understanding that that never has been the case, that it always has been a matter of filing a conscientious objector status on classification.

I am absolutely in favor of anyone who is a legitimate conscientious objector being able to make that fact known before any draft occurs, and a draft cannot occur until there is classification.

All we are dealing with here is registration. In the past, a question has been asked of registrants who already registered about any characteristics that would lead to deferment or exemption. Registrants could indicate on the questionnaire that they intended to file for conscientious objector status or for a hardship deferment or for an exemption because of physical reasons.

If the registrant indicated on the questionnaire that he intended to file for conscientious objector status, form 150 was then sent. If he intended to file for an exemption because of physical reasons, he was asked to send a doctor's statement, and so forth. Form 150, which provided for conscientious objector status, never was part of the registration process. It was part of the classification process.

If this amendment is ruled germane, it is the understanding of the Senator from Georgia that the amendment the Senator from Georgia has filed also will be ruled germane, and that means we will be voting on the amendment first.

I urge my colleagues, first, not to vote for overturning the ruling of the Chair. I believe it is a bad precedent, and I leave it to the Senator from West Virginia, who is much better acquainted with these matters than I am, to discuss this in full.

It is important for Senators to recognize that this amendment is misleading to conscientious objectors. A declaration of a conscientious objector status at the

time of registration has absolutely no legal consequences for the registrant. Nobody is going to examine that to determine if he or she really is a conscientious objector. If we go to classification, the whole process will have to be repeated.

So what we have is an amendment that will cloud the registration process and will mislead conscientious objectors, because many of them are going to think, "If I fill out this form, the Government is going to know I am a conscientious objector; therefore, I will not be called in a draft." Nothing could be further from the truth. That is not the case.

The registration does not guarantee anyone that they will be exempt, no matter what they write on the form.

So we have here an amendment that I believe would be misleading to those it is intended to serve.

I completely concur with the Senator from Oregon that before we have any classification, conscientious objectors should be able to make that fact known and we should have an exemption. I am going to be working with the Senator from Iowa in the future on trying to study the consequences of some of the laws we have on the books now and the regulations relating to classification. This is not the appropriate time to deal with the conscientious objector subject.

People should recognize one other thing. What about the blind person who is registered? What about the lame person who is registered? What about the deaf person who is registered? Are they going to be deprived of stating that they are blind and that, therefore, they should have an exemption? Are people who are deaf going to be deprived of that? Are people in wheelchairs going to be deprived of making that known? Are we creating a conscientious objector status that has priority over the deaf, the blind, the lame?

I do not think that is the intention of the Senator from Oregon. I do not think that is the intention of anyone here. That is exactly what the amendment of the Senator from Oregon would do. It would do that because it would say to anyone who files for conscientious objector status that presumably somebody in the Government is going to look at it. They presume that somebody is going to examine it. That is not going to happen, because we do not have the conscientious objector status filed at the appropriate time.

So I urge my colleagues to uphold the ruling of the Chair, so that we can proceed in an orderly fashion, under the Senate rules.

Also, if the ruling of the Chair is not upheld, I strongly urge my colleagues to support, on the merits, the Nunn-Jepsen-Tower amendment to the Hatfield amendment. By doing that, we would make this misleading kind of amendment become an amendment which states the true facts—that is, that a conscientious objector will be able to make that fact known on classification.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, will the Senator from Georgia yield for a 30-second question and answer?

Mr. NUNN. I yield.

Mr. CHAFEE. The question I propound is this: How have we done it in the past? In prior years, when we had the draft, when we had registration, when a person went to register, would there be questions such as this, or did that solely come up in classification?

Mr. NUNN. That came up in classification. Part of the form involved conscientious objector status, along with physical and mental hardships. Then the person was able to ask for form 150, which was the conscientious objector form. It all took place in the context of classification, not registration.

Mr. CHAFEE. So am I correct in saying that the suggestion of the Senator from Oregon is a departure from past practices?

Perhaps I should direct that to the Senator from Oregon. Is that correct? I am not choosing sides. I just do not know the answer.

Mr. HATFIELD. I will be happy to yield for the question.

Mr. NUNN. Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. HATFIELD. My proposal precisely puts this into the same tradition and precedent; because, as the Senator from Georgia has just indicated, in the past, at the time of registration, a registrant was handed a form.

Mr. CHAFEE. But that was for classification?

Mr. HATFIELD. For classification. But, simultaneously, at the time of registration, he was able to indicate his exception or plan to file for conscientious objector status, and was provided the form. In this case, that is not true. He is given a registration form. If, down the road, we decide to have a draft, at that point down the road it is assumed that we would incorporate that within the draft law.

However, in this amendment that the committee considered, this is one of the reasons why the committee adopted it, with the votes of those who support registration, to maintain that right precisely at the time he registers, as we always have done.

Mr. CHAFEE. I thank the Senator.

Mr. HATFIELD. Mr. President, I should like the floor in my own right at this point.

I do not think anybody would consider the arguments that the lame, the deaf, and the blind are being discriminated against. That argument is specious on its face, and it is more specious as we look into it, for the simple reason that we have much evidence that there are many with handicaps who would like to serve in the armed services.

I indicated early on that I had a classmate, at the time we all marched out of the fraternity—after President Roosevelt's declaration of war—to sign up, whose failure to be accepted in any branch of the service was such a traumatic experience that he took his life. Consequently, I do not think that is the question at hand.

The Senator from Hawaii and others have indicated, with respect to nondiscrimination toward the handicapped, that we have provided for access to public buildings by the handicapped, provided for special education for the handicapped. Many other things we have done establish the right of the handicapped to sign up and find some appropriate place to serve, if that be the desire, under a true program. So that is a specious argument.

The question relates to the person who is not physically handicapped and who intends to file as a conscientious objector. That is the issue.

As the Senator from Rhode Island, in his question, has brought into focus, we have had in the tradition of the draft the right established at the time of registration, by form 150. It was handed to the person. We are denying that person that right today.

If we vote to sustain the Chair, we are, in a sense, sending the signal, after the committee has considered this carefully and incorporated it, that we are going to delete it, because we are going to deny the historic right to establish at least some sign or indication at the time of registration, which has been traditional in our country, of a conscientious objector.

I am not carrying the cause.

I must say to the Senator that some of my classmates ended up being conscientious objectors in World War II and we had nothing but disdain for them. We thought they had such conscientious objection that some took jobs in the shipyards. They were willing to make the instruments of war and get paid much more than we were being paid in the military. That created in our mind at least at that time some question as to whether there was a great depth of commitment.

That is neither here nor there, whether one supports the proposition of the conscientious objector as far as his views are concerned. The question is that we have had established in our historical constitutional system that right. Historical peace churches would violate their religious convictions. The Supreme Court broadened that to those not in historical peace churches to be considered by the draft board on the local level, and the same criteria base that they granted those came out of the historical peace churches.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. HATFIELD. I yield.

Mr. GOLDWATER. Does the Senator feel that the language in the proposed joint resolution is adequate and complete enough to cover conscientious objectors? I ask that question because I cannot remember the number of times that I was asked to go down after World War II and testify as to whether or not a boy was a conscientious objector. That is a very tough thing to do unless one happens to have known the boy and his family for years.

Does the Senator think the language is adequate?

Mr. HATFIELD. In the actual statute that would be established?

Mr. GOLDWATER. Yes.

Mr. HATFIELD. I do not know what this Senate will do if we are called upon to enact a Selective Service Act which would have criteria or establish some base upon which conscientious objector status could be granted to those who apply. I have no way to foresee that.

I hope that we could make it so definitive that it would be as objective and less subjective as possible because the Senator is quite correct.

Let us go back to the Supreme Court case. The Supreme Court looked at this and if one had been a Mennonite or a Quaker in the past, that more or less was prima facie evidence that he had a right for a classification of conscientious objector. Then they found people had the same depth of feeling if not more so and they might not be a Mennonite or a Quaker; yet they were forced in. The Supreme Court tried to broaden that by setting up a criterion, and I think that is always subject to review and becomes more definitive.

I agree with the Senator. I was asked the same thing to testify on occasion. How can one crawl in the mind and the heart of someone else and make a judgment? It is very difficult.

Mr. GOLDWATER. Another point that might be raised is that one does not have to base it on religious objections.

Mr. HATFIELD. That is right.

Mr. GOLDWATER. One could have moral objection.

Mr. HATFIELD. Exactly.

Mr. GOLDWATER. I think there were more moral objectors to war than religious. I am getting to the point that was raised by our friend from Rhode Island about the handicapped. I think that is a very valid thing we have to take care of.

Mr. HATFIELD. That is right.

Mr. GOLDWATER. I remember one man who served under me and it took me 3 years to get him. He had tuberculosis. He was 4-F. But he was the best man I ever had work for me.

There is a place for the handicapped if they wish to work.

Mr. HATFIELD. Certainly.

Mr. GOLDWATER. I will discuss it with the Senator as we go along to make sure that we have language that makes all of these things a little more simple than it was the last time around.

Mr. HATFIELD. Yes. I agree fully with the Senator and wish to work with him.

But the point we must bear in mind, I say to the Senator from Arizona——

The PRESIDING OFFICER (Mr. NELSON). The time of the Senator from Oregon has expired.

Mr. HATFIELD. I will tell the Senator privately.

Mr. GOLDWATER. I am sorry.

The PRESIDING OFFICER. The Senator from Georgia has 6 minutes remaining.

Mr. NUNN. Mr. President. I shall just take 1 minute, and then I believe the Senator from West Virginia and the Senator from Mississippi wish to speak.

Mr. President, the Senator from Arizona (Mr. GOLDWATER) has put his finger right on the problem with this well-meaning, sincere amendment proposed by the Senator from Oregon. If this amendment is agreed to, not only are we setting up a conscientious objector privilege which exceeds that of the blind, the lame, the deaf, and the disabled, but we are doing it in a way that no evidence would be presented whatsoever and there would be no examining body, no one to examine them, and there would be no opportunity for a conscientious objector to state whether he is opposed to any service in the military which would be noncombat service, which has been done by many sincere, dedicated conscientious objectors. They served in military occupations that did not go into combat. There would be no opportunity for them to say they would be willing to serve in a civilian capacity to support the overall national effort, even though they are opposed to combat.

This is the wrong place and the wrong time to express the conscientious objector status. I think it is going to be very misleading and very disillusioning to the sincere, dedicated conscientious objectors who really are legitimate because they are going to wake and find they went in and filled out a form on registration and it had absolutely no meaning. No one in Government looked at it. No one questioned it. And when they get into the classification stage, then they will have to go through everything again. So it has no meaning and it will substantially delay this overall process.

Mr. President, I yield such time as the Senator from Mississippi desires.

How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 4½ minutes remaining.

Mr. NUNN. I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Georgia.

Mr. President, notify me at the end of 2 minutes, please.

I say to Members of the Senate that I make this point for clarity and for certainty. We now have a positive law in what we call the old law that was not repealed. The Selective Service law is still on the books as to this point. There is no power to make inductions. But it is there. It is preserved and can be used now if necessary.

No. 2, I think there will be no chance to avoid a full consideration of this subject matter again should there be a new law proposed with complete provisions.

That would be not only considered but it would also be recognized and favorably passed. Not only those who are conscientious objectors but everyone who is an honest conscientious objector would be given this special dispensation.

I never have heard a member of our committee present or past since I have been around who had any idea to the contrary. I believe that is fully accepted by the people at large over the Nation.

So there is not any chance being taken, and nothing is being neglected.

With all deference, this would bring confusion and compound confusion if we should inject this in the law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I thank the Senator.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Georgia yield for a parliamentary inquiry?

Mr. NUNN. Not on my time, Mr. President; on the time of the Senator from Oregon, yes.

I yield the remainder of my time to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, the Senate will be voting not on the substance of the amendment but on a matter of procedure. I hope that Senators will keep their eye on that ball.

The Senate a little earlier today invoked cloture on debate, and under Senate rule XXII, once cloture is invoked, no amendment not germane shall be in order.

If we are going to invoke cloture, we should live by the cloture rule, and one of the reasons for invoking cloture is to rule out nongermane amendments.

The Chair has ruled that the committee amendment is not—n-o-t—not germane. Now the committee amendment refers to registration, and it refers indirectly to conscientious objectors, neither of which terms is germane to the original language of the joint resolution.

This is an appropriations joint resolution, not an authorization bill for the selective service or the draft or classification. The place for this amendment is on an authorization bill where it could be germane, but the Senate has invoked cloture. This amendment is not germane. It does not pertain to the joint resolution itself. It does not pertain to an authorization but to an appropriation.

I hope that the Senate will keep in mind that the vote is on a procedural question, to wit, Shall the decision of the Chair be sustained?

That question has been appealed by the distinguished Senator from Oregon. A vote "aye" would sustain the Chair. Is that not the question?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. And the Chair should be sustained.

Are we going to play by the rules or are we going to make our own rules? The Chair has ruled the amendment not germane. Under cloture any amendment not germane is not in order, and I hope the Chair will be sustained by a vote of "aye" on the part of the majority of the Senate.

The PRESIDING OFFICER. All time has expired. The question is——

Mr. HATFIELD. Mr. President, are the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr.

LONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote who have not voted?

The yeas and nays resulted—yeas 43, nays 49, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—43

Baker	Hart	Pryor
Bentsen	Hayakawa	Randolph
Boren	Heflin	Ribicoff
Bumpers	Helms	Sasser
Burdick	Hollings	Schmitt
Byrd, Robert C.	Huddleston	Simpson
Cannon	Humphrey	Stennis
Chafee	Inouye	Stewart
Chiles	Jackson	Stone
Cochran	Johnston	Talmadge
Domenici	McClure	Tower
Exon	Mitchell	Warner
Ford	Morgan	Zorinsky
Glenn	Nunn	
Goldwater	Pressler	

NAYS—49

Armstrong	Eagleton	Nelson
Baucus	Garn	Packwood
Bayh	Hatch	Pell
Bellmon	Hatfield	Percy
Biden	Heinz	Proxmire
Boschwitz	Javits	Riegle
Bradley	Jepsen	Roth
Byrd, Harry F., Jr.	Kassebaum	Sarbanes
	Lavalt	Schweiker
Cohen	Leahy	Stafford
Cranston	Levin	Stevens
Culver	Lugar	Thurmond
Danforth	Matsunaga	Tsongas
DeConcini	McGovern	Wallop
Dole	Melcher	Weicker
Durenberger	Metzenbaum	Young
Durkin	Moynihan	

NOT VOTING—8

Church	Long	Stevenson
Gravel	Magnuson	Williams
Kennedy	Mathias	

The PRESIDING OFFICER. The ruling of the Chair does not stand as the judgment of the Senate.

AMENDMENT NO. 1886

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Nunn amendment to the committee amendment.

Mr. ROBERT C. BYRD. Vote. Put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to share with the Senate a history of the conscientious objector. I think we recognize that this is not something that we have merely concocted at this particular time to try to delay or to try to encumber the registration procedure. But I would like to assure my colleagues that it is simply an effort to try to minimize noncompliance. I hope the Senators have all viewed the report from the Selective Service System itself which has indicated the possibility that up to 50 percent—

The PRESIDING OFFICER. May we have order in the Chamber? Will Senators who wish to converse please retire to the cloakrooms?

Mr. HATFIELD. Mr. President, this simply provides the same procedure that we have had in the past where a person who, at the time of registration, is able to secure a specific form indicating his intention to file for a classification of conscientious objector. This does not grant him that at all. But before, when he went to register and sign his name, he was handed a form simultaneously. If we do not adopt this as a committee amendment, then all it does is to delay that possibility, to give rise to a generation of felons who would be prosecuted for noncompliance, based again upon the Selective Service estimates themselves.

Mr. NUNN's amendment I hope will be voted down because all the Nunn amendment does is simply to delay that right until the time this Senate acts upon a new selective service law and then, hopefully—and who knows down the road—there will be a provision in that law to provide for a person to become classified as a conscientious objector.

It seems to me that it would be very important for us to minimize noncompliance at this time, based upon the estimates that have already been made, because we do not have the personpower in the Justice Department to prosecute every noncompliance that we may have.

We have no opportunity for these people to express themselves except through the committee amendment. Again I emphasize, all the Nunn amendment does is to delay this, to deny the people the right for that opportunity to establish their intentions at the time of registration as we have had in other selective service times.

Remember, we have not had in the past a registration act and then delayed by who knows how many years until the time would arise for the adoption of a Selective Service Act for them to be able to establish that position.

Mr. President, I yield the floor and am ready to vote on the Nunn amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I just want to briefly repeat the argument that most of my colleagues who were on the floor a little while ago have already heard. I think it is very important. It is essential that the committee amendment be amended. The reason for that is that the committee amendment would be misleading every sincere conscientious objector. We have never, in all the time we have had registration, had declaration of conscientious objector status at the time of registration. It has always come at the time of classification.

I favor conscientious objectors being able to register their status at the appropriate time. But the committee amendment, unless it is amended by the Nunn amendment, provides that this declaration would be at the time of classification. It is going to have a very serious, in my opinion, and disillusioning effect on legitimate conscientious objectors who realize they have a form to fill out that nobody is going to pay any attention to whatever, that has no legal status whatsoever, that does not exempt them from any service whatsoever.

I think it is important for them to recognize that. I think it is important for the Members of the Senate to recognize that if they leave the committee amendment unamended, that is, if they vote down the Nunn amendment which will be the next vote—we will be voting, I assume, on the Nunn amendment or a motion to table, whichever the case may be—if that amendment fails, then what we have done is we have placed anyone who wants to sign a conscientious objector statement on registration in a position that has precedent over people who are blind, over people who are deaf, over people who register in a wheelchair, because they do not have any form to fill out. They do not have any way of saying, "I am physically disabled" or "I have had some emotional or mental problem."

All of those are legitimate issues but those issues should be decided at the appropriate time, in the appropriate forum. That is when we have classification.

I would like to quote briefly from Secretary of Defense Harold Brown on this issue in a letter dated June 5 to Senator STENNIS. He states:

> I urge the Senate to approve the same bill that passed the House. The amendment to the House bill added by the Senate Appropriations Committee would allow those who conscientiously object to war in any form to express that belief at the time of registration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I was one of those Senators who voted twice against the ruling of the Chair that the amendment approved by the committee was not germane. It appears to me that it is germane and I disagreed with the ruling of the Chair in that regard.

The pending amendment is an amendment by the Senator from Georgia dealing with conscientious objectors. The Senator from Georgia would amend the joint resolution now before the Senate by providing that conscientious objectors shall have the right to claim conscientious objector status when the classification process begins.

That differs from the committee language which would permit an individual to note his objection to war at the time he registers.

Mr. President, I am one of those who believe very strongly that if we have a Selective Service System, that those with conscientious convictions, those with strong convictions in opposition to participating in any war, those who hold those views, that the law should permit them their full rights and the law should

deal sympathetically with those who hold such strong views.

The Senator from Georgia's amendment to the joint resolution would grant just such opportunity to any individual who seeks to claim conscientious objector status.

The time to do it, and I think the Senator from Georgia is correct, is when the classification process takes place, not during registration.

In the first place, it would single out just one group which would have the right to present reasons why he would not want to participate in the Selective Service System.

I think the Senator from Georgia's amendment is superior to the committee amendment. I think it fully and adequately protects the rights and the views of any individual who seeks to claim conscientious objector status.

For that reason, I shall support the amendment offered by the Senator from Georgia.

I think it is not only a reasonable one, but I think it is the only workable proposal as compared to the committee amendment supplemented by the Senator from Oregon.

But I say again, I voted against the ruling of the Chair on two occasions because I thought the Chair was wrong and that the committee proposal should be considered by the Senate. It is now being considered by the Senate. The Senator from Georgia is offering an amendment to it which greatly improves the committee proposal.

I shall support the proposal of the Senator from Georgia.

Mr. NUNN. I thank the Senator from Virginia for his statement and his understanding of this issue.

Mr. President, I had begun to quote from a letter of June 5 to Senator STENNIS from Secretary of Defense Harold Brown. I will quote that letter on the relevant portion in toto. It states:

> I urge the Senate to approve the same bill that passed the House. The amendment to the House bill added by the Senate Appropriations Committee would allow those who conscientiously object to war in any form to express that belief at the time of registration. Such an expression, at that time, would serve no useful purpose. A later exemption on this basis could not be established by this essentially meaningless action. But an officially invited indication of intent would mislead some to think it guaranteed an exemption. This sort of information is appropriate to the process of classification, not registration. Finally, the amendment added by the Senate Appropriations Committee could serve to entice many young men (the Committee estimates as many as 40%) to make a mockery of the act of registration by appearing to take back with one signature the responsibility they will have recognized with another.
>
> If accepted by the Senate, this, or any other amendment, would require further action by the House and would, therefore, delay registration even more—at least until early autumn. Such a delay would be highly undesirable, and would be viewed abroad as evidence of a lack of American resolve to meet the grave international challenges we face.

Mr. President, I assure we are going to be voting on the Nunn amendment to the committee amendment at some point within the next hour or so. Rather than taking more of my time that I have limited under the cloture motion that has been approved by the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I rise in support of the Nunn amendment.

On the issues that have been brought forth here, I have some concern, of course, with the conscientious objector proposition. I could not go, though, as far as suggested by my friend from Oregon because I believe that the suggestion by the Senator from Oregon would simply cause great harm to the registration process that many of us feel is critically necessary at this particular juncture.

At the same time, I believe it is fundamental and, therefore, a historic part of our conscription process that legitimate—and I emphasize the word "legitimate"—conscientious objectors have a chance to state their case for proper appeal.

Therefore, I believe that the amendment that has been suggested by Senator NUNN is one that I can support in good conscience.

I agree completely with the brief explanation that I heard Senator HATFIELD give on the floor of the Senate within the last hour. That very simply is that while the Senate, if it adopts the amendment offered by the Senator from Georgia, is saying that we recognize that there are some who have legitimate conscientious objector interests and they should be taken into consideration. It does, indeed, as the Senator from Oregon has pointed out, put this over until some future time if—and I emphasize the word "if"—it is the decision of the Congress of the United States that we must return to some type of a full draft system.

Therefore, it seems to me that the amendment offered by the Senator from Georgia is probably the best of all worlds that we could have to address this particular issue.

It is true, Mr. President, that if we adopt the amendment offered by the Senator from Georgia, we will have to go back to conference with the House of Representatives on this particular issue.

According to the letter just read into the RECORD by the Senator from Georgia, which was sent by the Secretary of Defense, that would cause some delay. However, I suggest that this is not an issue that would cause great consternation between the Senate-House conference committees, and I believe it could be resolved rather simply.

I wish the Senator from Georgia could find himself in a position to support the Nunn amendment, because I believe that the Nunn amendment goes a considerable way to addressing the issue about which the Senator from Oregon is concerned.

I hope all my colleagues in the Senate, before we vote on the Nunn amendment in the very near future, will recognize and realize that the Nunn amendment, in my opinion, is a reasonable compromise, because it proceeds with the matter of registration and still allows and identifies that there is a sense of the Senate that we need to take into consideration legitimate conscientious objectors, only when and if we find it necessary to return to a military draft.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Who seeks recognition?

Mr. ROBERT C. BYRD. Mr. President, I shall take just a minute, hoping that Senators will be prepared for a rollcall vote. If no Senator seeks the floor, the Chair will be putting the question and the vote will occur on the amendment by Mr. NUNN to the amendment by Mr. HATFIELD.

Mr. BAKER. Mr. President, I have sent word to the distinguished Senator from Oregon (Mr. HATFIELD) that we are ready to proceed. I believe that the Chair will indulge me, with the agreement of the majority leader, and if we can find Senator HATFIELD in a few minutes, we shall be ready to proceed in very short order. While we are trying to do that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The amendment of the Senator from Georgia to the committee amendment.

Mr. HATFIELD. I thank the Chair.

Mr. President, at an appropriate moment, if everyone who wishes to speak has spoken, I shall make a motion to lay on the table the amendment of the Senator from Georgia to the committee amendment.

Mr. NUNN. Mr. President, I understand the position of the Senator from Oregon and understand that he will move to table. I do not need a lot more time on this amendment. I think it has been discussed pro and con a good bit this day.

I do repeat, though, that unless my amendment is attached as a part of the committee amendment, the committee amendment itself is very misleading. Conscientious objectors are going to feel that they will be given some exemption or some status that is different from those other people who register without signing some form if the committee

amendment fails. That will be false. They will not be given any status. There is no recognition that they will be given, there is no exemption. They will simply be voicing their own conscientious views. There is an appropriate time and place for that. The appropriate time and place for that is under classification, which has historically been the place that we have had the expression of conscientious objections.

I think it ought to be repeated that, under the registration procedure, there will be no evidence offered by the conscientious objectors, there will be no examining body to determine if they are sincere in their beliefs.

There will be no category of conscientious objector. We will not know whether that particular individual is willing to serve in the military in a noncombat position, or whether that individual is willing to serve in a civilian position, and all those are directly relevant.

I also say, Mr. President, that there will be no provision for those who are physically or mentally unable to serve. The people who are blind, deaf, lame, will have to file their address and name if this amendment becomes the law, and the conscientious objector will have a special exemption.

I do believe conscientious objectors should have an exemption, but I believe it ought to be on classification and not on registration.

This would greatly complicate the procedure and slow down the whole registration. It would make it much more difficult and delay it.

I urge my colleagues to vote against the motion to table the Nunn amendment to the committee amendment when the Senator from Oregon makes that motion.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, there is nothing misleading about this amendment whatsoever.

I think to state that is to denigrate the intelligence of the American public.

It has been very clearly stated by the Senator, and the record in the Committee on Appropriations, as well as here on the floor, that this committee amendment does nothing to establish classification. It merely preserves the historic right of people to make a declaration of intent at the time of registration.

That is what we have done in every kind of selective service system we have had. At the time of registration, the individual had the right to declare his intent by a form 150 that was either handed him at the time or mailed to him very soon thereafter.

The Nunn amendment destroys that traditional historic right of the people to declare their intent at the time, and the Nunn amendment also invites massive noncompliance.

If we are interested in developing a generation of felons here, and we are going to have enough problem with compliance without denying this historic right, then we should vote against tabling the amendment.

But if we want to preserve the historic right that we have established through selective service programs in the past, we should vote to table this amendment, because the Committee on Appropriations has preserved the historic right. The Nunn amendment destroys the historic right and invites noncompliance.

This specious argument that somehow we should provide for the helpless, the lame, the blind, the handicapped, is nothing but throwing sand in the air, hoping it will light in our eyes so that we do not see the real issue.

That is a matter that will be determined at a time of classification, as well as the classification of conscientious objector. But the conscience, the matter of conscience, the matter of intent to declare that conscience, is different than being handicapped.

Besides, I, for one, will move, if we get to that place, which I hope we do not in peacetime, to the place of establishing a draft, to provide the right of handicapped people to serve their Nation in military uniform.

There are many positions they could occupy. Having spent over 3 years in a world war in the U.S. Navy, I know of many positions that could have been effectively handled and performed by people we could classify as handicapped, denying them the right to defend their country in time of national emergency.

I think this Senate and the Congress generally, have done much to improve the lot of the handicapped; access to public buildings, educational benefits and rights. I cannot conceive that this Congress would continue to deny those who may be physically handicapped from occupying important positions in our military if that be their desire.

Consequently, that is entirely a specious argument.

I think if one person, one individual, goes to jail because of the Nunn amendment, it would be a great tragedy.

I know that many more, perhaps tens of thousands, will be prosecuted, if we prosecute under this regulation, or this policy, if we decide to fulfill it under the President's request, will be imprisoned, or at least prosecuted and leading to possible prison. That is why I want to minimize that kind of situation for our young people.

The Nunn amendment certainly exacerbates what will be a difficult policy to administer in the first place, and by voting that amendment down and supporting the committee amendment we will reduce measurably that particular issue in the administration of the policy, which I assume by the vote this morning ultimately will prevail.

But I also want to make the record very clear to the majority leader and others that it is my intent to utilize even the full 100 hours we have under the cloture motion. So that no one is misled and no one is caught by surprise, I say that I have about 75 amendments at the desk. I shall strive in every legitimate parliamentary procedure that is open to me to continue to delay this as long as possible.

Mr. ROBERT C. BYRD addressed the Chair.

Mr. HATFIELD. I yield to the majority leader and then I want to make my motion.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator. He has made clear what his intentions are. I respect him for that. I suppose we just have to govern ourselves accordingly. But I admire him for his courage and his determination, and I respect him and admire him for laying his cards right out on the table.

I was going to ask him later what his intentions were, but I do not need to ask him now. He has stated what his intentions are. I thank him.

Mr. HATFIELD. Mr. President, the majority leader has been very fair and very helpful. I thank him again.

That is why I felt I should lay my cards out on the table and catch nobody by surprise. We can plan accordingly. But I wanted to mention this for the record at this time.

Mr. President, I move to table the Nunn amendment to the committee amendment and I ask for the yeas and nays.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Nunn amendment to the committee amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from IDAHO (Mr. CHURCH), the Senator from ALASKA (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—44

Armstrong	Hatch	Packwood
Baker	Hatfield	Pell
Baucus	Heinz	Percy
Bayh	Javits	Proxmire
Biden	Kassebaum	Riegle
Bradley	Laxalt	Roth
Bumpers	Leahy	Sarbanes
Cohen	Levin	Schmitt
Cranston	Matsunaga	Schweiker
Culver	McClure	Stafford
Danforth	McGovern	Stevens
DeConcini	Melcher	Stevenson
Durenberger	Metzenbaum	Tsongas
Durkin	Moynihan	Weicker
Eagleton	Nelson	

NAYS—49

Bellmon	Glenn	Pressler
Bentsen	Goldwater	Pryor
Boren	Hart	Randolph
Boschwitz	Hayakawa	Ribicoff
Burdick	Heflin	Sasser
Byrd,	Helms	Simpson
Harry F., Jr.	Hollings	Stennis
Byrd, Robert C.	Huddleston	Stewart
Cannon	Humphrey	Stone
Chafee	Inouye	Talmadge
Chiles	Jackson	Thurmond
Cochran	Jepsen	Tower
Dole	Johnston	Wallop
Domenici	Lugar	Warner
Exon	Mitchell	Young
Ford	Morgan	Zorinsky
Garn	Nunn	

NOT VOTING—7

Church	Long	Williams
Gravel	Magnuson	
Kennedy	Mathias	

So the motion to lay on the table Mr. NUNN's amendment (No. 1886) was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Georgia.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Are any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—51

Baker	Glenn	Pressler
Bellmon	Goldwater	Pryor
Bentsen	Hart	Randolph
Boren	Hatch	Ribicoff
Boschwitz	Hayakawa	Sasser
Burdick	Heflin	Simpson
Byrd,	Helms	Stafford
Harry F., Jr.	Hollings	Stennis
Byrd, Robert C.	Huddleston	Stewart
Cannon	Humphrey	Stone
Chafee	Inouye	Talmadge
Chiles	Jackson	Thurmond
Cochran	Jepsen	Tower
Dole	Johnston	Wallop
Domenici	Lugar	Warner
Exon	Mitchell	Zorinsky
Ford	Morgan	
Garn	Nunn	

NAYS—42

Armstrong	Danforth	Laxalt
Baucus	DeConcini	Leahy
Bayh	Durenberger	Levin
Biden	Durkin	Matsunaga
Bradley	Eagleton	McClure
Bumpers	Hatfield	McGovern
Cohen	Heinz	Melcher
Cranston	Javits	Metzenbaum
Culver	Kassebaum	Moynihan
Nelson	Riegle	Stevens
Packwood	Roth	Stevenson
Pell	Sarbanes	Tsongas
Percy	Schmitt	Weicker
Proxmire	Schweiker	Young

NOT VOTING—7

Church	Long	Williams
Gravel	Magnuson	
Kennedy	Mathias	

So Mr. NUNN's amendment (No. 1886) was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, as the ranking member of the Senate Appropriations Committee, I wish to designate the senior Senator from Oregon (Mr. HATFIELD) for the handling of this bill for consideration by the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, may we have the attention of the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I ask that the time I consume be charged against me and not against Mr. THURMOND.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, technically Mr. PROXMIRE is the manager of this bill. Under the cloture rule, Senators may yield to the manager of the bill and to the ranking manager and to the majority and minority leaders up to a total of 2 hours, making it a total of 3 hours. Is that correct?

The PRESIDING OFFICER. The Senator is stating it correctly.

Mr. ROBERT C. BYRD. Mr. President, Senators may yield to Mr. PROXMIRE up to a total of 2 hours. He has 1 hour under the rule. They may do the same for the minority leader, the majority leader, and for the ranking manager of the bill. I believe the ranking manager has just been designated as the Senator from Oregon, Mr. HATFIELD.

Now, may I ask the Senator from Wisconsin (Mr. PROXMIRE) if it is agreeable to him, with the understanding that this is not to establish a precedent—technically, he is the manager of the bill—if it is agreeable to him that, if Senators wish to yield the time up to a maximum of 2 hours to the manager of the bill on this side, that that manager, for the purposes of handling this bill under the cloture situation, would be either Mr. STENNIS or Mr. NUNN.

Mr. PROXMIRE. Mr. President, I think that is only fair and I would intend to certainly do that. That was my absolute intention.

But I do feel, as chairman of the subcommittee in charge of the resolution, I want to maintain my authority over the bill. But, as I told Senator STENNIS and Senator NUNN, I would be delighted to have them handle the 2 hours or whatever I have, because that is only fair.

Mr. ROBERT C. BYRD. Mr. President, is it my understanding that, based on my conversation with Mr. STENNIS, that Mr. NUNN should be designated as the manager of the bill on this side of the aisle for the purpose of controlling that 2 hours if any Senator is wishing to yield?

Mr. STENNIS. That is correct.

Mr. President, may I thank the Senator from Wisconsin for his fine attitude about this matter all the way through since he held the hearings.

Mr. ROBERT C. BYRD. Very well, Mr. NUNN will be the manager of the bill on this side.

Mr. HATFIELD. Mr. President, will the Senator yield for a question on this point? In the hours that are yielded to the respective managers, what form must that action take on the part of the Senator willing to yield such hour?

Mr. ROBERT C. BYRD. Mr. President, a Senator who wishes to yield such time needs only to stand up on the floor and say, "I yield to Mr. HATFIELD" or Mr. NUNN, or whomever.

Mr. HATFIELD. As a matter of official record?

Mr. ROBERT C. BYRD. Yes. But, beyond that, it would require unanimous consent for any Senators to yield any of their time to any other Senators.

Mr. President, for the purpose only of attempting to indicate to my colleagues what the situation is so that they may govern themselves accordingly, let me say this: Many of the Senators were not on the floor when Mr. HATFIELD indicated—and I would prefer that he indicated it in his own words so that I do not misrepresent him—as to what his intentions are now that cloture has been invoked.

Would the Senator do that, please?

Mr. HATFIELD. Mr. President, I am happy to; I assume on the majority leader's hour.

Mr. President, I indicated to the majority leader and to those present in the Chamber at the time that I had no desire to play games or to provide any surprises and that I had every intention of utilizing every parliamentary procedure open to me to fully use the 100 hours that are allocated under the cloture rule.

In other words, I have every expectation of pushing this issue to final vote as far down the road as I can, and I only have 100 hours to do it. Now, I do not control all of those 100 hours, but I shall use such things as rollcalls, quorum calls, and every other such parliamentary procedure that is open under the rules in order to use up, fully exhaust, the 100-hour period.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

Senators will understand that what I say is not with any animus toward the Senator from Oregon. I admire him; I respect him. He is my friend and he will be my friend after this matter is disposed of. He has said, without any equivocation, that it is his intention, insofar as he is able to do so, to fully utilize the entire 100 hours allowed under the cloture rule.

I think that is fair. He has laid his cards on the table and he has done so voluntarily earlier today. So he has made no bones about it. I respect him for that.

Let me say to the Members of the Sen-

ate that, after today, only 55 working days remain prior to October 1, not counting Saturdays. During those 55 working days—and any Saturdays that are included—the Senate has an enormous workload. It has the first concurrent budget resolution, which is still in conference. Once that is disposed of, the Senate will have the supplemental appropriations bill, which involves black lung payments, trade assistance, and so on.

It has 13 regular appropriation bills yet to enact. There remain 50 or more expiring authorization bills. There is the Alaska lands bill. There are other measures. The second concurrent budget resolution, for example, will be coming along. The extension of the debt limit will have to be faced up to again, and maybe again and again. I cannot say.

May I have the attention of Senators, Mr. President? What I am saying affects every Senator here and his schedule. I do not want any misunderstanding to be abroad. This is just a preview of what the Senate has remaining before it.

One hundred hours would be 8 12-hour days plus 4 hours, or it would be 12½ 8-hour days. The Senate just cannot afford to spend that kind of time on this joint resolution. We have already been on this measure for 4 days. The committees have spent time on it. The House spent time on it. If the amendment by Mr. HATFIELD, as amended by the amendment by Mr. NUNN, is agreed to, this measure has to go to conference if the House does not accept the Senate amendments. That would mean we would probably have another filibuster on the conference report.

So I say to my friends, we are up against a rather sobering problem and we might as well think about it now.

We have all of this workload and we only have 55 days, unless we crank in Saturdays, until October 1.

We can, of course, go beyond October 1. We can come back after the elections. We can come in on Saturdays. We can come in early and we can stay late. But we are going to have to do some of these things, if not all of these things, under the very best of circumstances to complete what work has to be done before this Senate adjourns sine die.

May I say to my friends that I hope they will be very understanding and as cooperative as they can be as we deal with this postcloture filibuster. That is what it is. I say that with all respect to the Senator from Oregon. He has the right to utilize the rules, but we can also utilize the rules.

I want to try to eclipse that 100 hours as much as possible, but that will require the cooperation of Senators. I would hope that Senators would not use their 1 hour if they can avoid it. If they want to use 10 minutes, fine, or whatever they want to use. If they want to use the hour, fine. But keep in mind that this Senate can go 100 hours on this measure and no other measure can be taken up except by unanimous consent until the business now before us is disposed of. That means that if the conference report on the first concurrent resolution is brought in that door, it cannot be taken up except by unanimous consent until this matter is first disposed of.

The distinguished Senator from Oregon has said he is going to utilize the rules. He has that right. He feels strongly about this matter. He speaks with conviction. He has stated what his intentions are. I can only say that I admire him but that I, too, will attempt to use the rules as best I can to bring this to a close as early as possible. But it is going to require the cooperation of Senators on both sides of the aisle.

Senators should know what they are doing. Know that we may be here all night more than one night. We cannot afford to spend 12½ 8-hour days on this joint resolution now. We have already spent 4 days on it. We cannot afford to do that, with only 55 days remaining. Who want to be in here on Saturdays? I do not want to be in on Saturdays, but every day we spend on this joint resolution, is 1 off of the 55, and every day we spend on this matter may be a Saturday session in the long run.

So I say to my friends, schedule your days accordingly. Do not get too far away from the Senate because there may be many quorum calls and rollcalls tonight.

Mr. BUMPERS. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. I will be happy to yield.

Mr. BUMPERS. The Senator talked about the amount of time we could yield to the floor managers, a total of 2 hours which gives them 3 hours, counting the 1 hour of their own time.

Mr. ROBERT C. BYRD. That is correct.

Mr. BUMPERS. Can we yield to other Senators debating amendments?

Mr. ROBERT C. BYRD. Only by unanimous consent.

Mr. BAKER. Mr. President, I am opposed to the Hatfield amendment and I shall vote against it when that time arrives. I am in favor of the joint resolution and I will vote for it. I have lost count of how many cloture motions are now on hand and available to file from day to day which are no longer necessary since cloture was invoked with my vote on the first try.

I think we need draft registration and I will support it.

Mr. President, I owe a responsibility as well to the Senator from Oregon.

I have one slight departure from the majority leader's statement. I, too, do not wish the Senate to spend 100 hours on this measure, but I owe the obligation to protect the rights of the distinguished Senator from Oregon to make his cases as fully and abundantly as he may wish.

So I will join in trying to encourage brevity, in trying to see that we proceed as promptly as possible. I will not join in trying to terminate the rights of the Senator from Oregon in the debate.

One other thing: Notwithstanding that I will oppose the Senator from Oregon, I want our majority leader to know that under the rules, as I understand them, he and I are entitled to receive on yielding 2 additional hours. So that there is no misunderstanding, I will solicit Senators to yield to me those 2 hours so I can make them available for further debate on this side. I cannot yield the 2 hours to the Senator from Oregon since he has a right to extra time as minority manager of the bill. But that will be my contribution to full and fair debate.

I will conclude now by saying I urge Members of the Senate to adopt this joint resolution. I think we need registration. I hope this measure will be abbreviated as much as possible, but I will protect to the full extent of my abilities the right of the Senator from Oregon to make his case as fully as he can.

(Mr. BAUCUS assumed the chair.)

Mr. ROBERT C. BYRD. Will the Senator from South Carolina yield to me on my own time?

Mr. THURMOND. I yield.

Mr. ROBERT C. BYRD. Mr. President, I yield to nobody in this body, on the other side of the aisle or on my own, in protecting the rights of other Senators. I, too, will protect the rights of the Senator from Oregon. I have in the past protected the rights of the minority leader—once against my own Vice President. So I will protect his rights, but within the rules I will do everything I can in protecting the Senate's right to bring this to a close. But that is up to the Senators. Senators may keep it going.

I call this to the attention of Senators, and then I will sit down, that any Senator who wishes to yield time back may do so under the cloture rule and the time yielded back comes off the 100 hours.

Mr. STONE. Will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STONE. How and when does a Senator yield back his 1 hour? Is that now appropriate?

Mr. ROBERT C. BYRD. A Senator may deal with that at any time.

Mr. STONE. This Senator from Florida yields back his 1 hour, Mr. President.

Mr. HATFIELD. Will the Senator from South Carolina yield on my time?

Mr. THURMOND. I yield, Mr. President.

Mr. HATFIELD. Mr. President, I appreciate the efforts of trying to resolve the Senate business and on an expeditious basis, and I appreciate the majority leader giving us that list of vital and important legislation.

Mr. President, I know of no issue that the Senate will undertake in this particular Congress that will be of more importance to our Nation than the one that we have before us now. It literally involves the potential lives of our young people and there is no issue that, to me, takes precedence over that. I say that I expect to push the Senate to the full use of the 100 hours, because there are many unresolved questions, questions that have not even been debated on this floor.

When the majority leader says that the House took up the issue, he implies that it gave full consideration to the question. The House of Representatives did this in 1 day—1 day.

Let me say that because cloture was

laid down today, this precludes our being able to consider such an amendment as is to be offered by the Senator from Kansas (Mrs. KASSEBAUM) involving the possibility of registering women. That matter has not even been brought before this body in terms of a possible vote. It involves such matters as the right of privacy. It involves such matters as enforceability.

These are very serious parts of this whole program that have not yet been debated or voted on on this floor. To run the pressure of time upon us at this moment and to put the onus on those of us who are trying to defend the civil rights, the human rights of the people of this Nation, the 19- and 20-year-olds, I think is not necessarily quite an accurate picture.

I have no alternative. I have been put in this position by the leadership that has, in effect, said, "We are going to cut off debate after three and a half days." Let me remind the leadership that we set aside this issue frequently to take up other Senate business because we were cooperative on it and wanted to maintain the dual activity of the Senate.

Mr. President, I only want to say this: I think the American people have the right to have this matter fully debated, fully aired. I do not plan to make a telephone-book filibuster. I have not done so up to this point. I think if anyone takes the time to read the Record, they will know there has been substantive debate. It has been on the issue, it has been on the subject. Therefore, that is what I plan to maintain, that kind of discussion. We are not engaged in a filibuster on the telephone-book reading procedure that we have seen in the past.

Mr. President, I am sure there are many Senators who have not yet been heard who want to use their hour fully to express their viewpoint. So it is not going to be a waste of time. It is going to be a focus upon the issue that is most important to the American people.

Mr. DURKIN. Mr. President, I yield back my hour.

Mr. BAKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, is it possible to yield back the hour under the rules as they now stand?

The PRESIDING OFFICER. Will the Senator please restate his question?

Mr. BAKER. Mr. President, I did not hear the Chair.

The PRESIDING OFFICER. Will the Senator please restate his question?

Mr. BAKER. Is it possible to yield back the hour provided for in the rules with the effect of reducing the 100 hours permitted under the rules?

The PRESIDING OFFICER. The Chair is of the opinion that a Senator may yield back his 1 hour. However, that does not reduce the total 100 hours available.

Mr. BAKER. Mr. President, may I inquire what happens to that hour? Who has control of that?

The PRESIDING OFFICER. It is the understanding of the Chair that no Senator would control that hour.

Mr. BAKER. I am sorry?

The PRESIDING OFFICER. It is the understanding of the Chair that no Senator will control that time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I think the minority leader has raised a pertinent question, Mr. President. Let me read the rule: "After no more than 100 hours of consideration"—it does not say it has to be 100 hours. It says, "After no more than 100 hours of consideration of the measure, motion, or other matter on which cloture has been invoked."

Of course, if all Senators yield back their hour, who can do anything? What do we do, just sit here for 100 hours and look at the Chair?

When Senators yield back their hour, that should come off the 100 hours.

Mr. LEAHY. A parliamentary inquiry, Mr. President.

Mr. BAKER. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. A further parliamentary inquiry: Is it not true, Mr. President, that if a Senator yields back his hour, the 100 hours remains and might be consumed in a number of ways—in quorum calls for instance, or a number of other devices that would not require the control of an individual Senator?

The PRESIDING OFFICER. The Senator is absolutely correct.

Mr. BAKER. And the 100 hours provided for in this rule XXII is not the sum total of 100 hours, but rather, the 100 one-hours provided for under the rules.

Mr. ROBERT C. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, if what the Chair says is true, then the rule would not read as it reads. It reads "After no more than 100 hours of consideration." It can be 99 hours, it can be 90 hours, it can be 50 hours. I am sorry to have to differ with the Chair, and I do so respectfully.

What is the purpose of cloture? The purpose of cloture is to bring the matter at issue before the Senate to a close as expeditiously as is possible. If 99 Senators yield back their hour, what, under God's heaven, are we going to do for the remaining 99 hours? It just is not reasonable. It is not logical in the context of the meaning of the cloture rule and the purpose of it.

Mr. LEAHY. Mr. President, will the Senator yield to me on my time for a parliamentary inquiry?

Mr. BAKER. Do I have the floor, Mr. President?

Mr. THURMOND. Mr. President, I believe I have the floor and I have yielded and yielded. I wonder when I am going to get to speak for just a few minutes.

Mr. BAKER. If I may have the floor, Mr. President, I have one further thing to say.

Mr. THURMOND. Who wants the floor? The minority leader? I yield to him.

Mr. BAKER. All I wanted to say, Mr. President, is that I recall in 1979, there was a Republican proposal for a rules change that would have done precisely, I believe, what the majority leader has suggested; that is, permit Senators to yield back their time and reduce the 100 hours. That was proposed here, on the floor, was resisted by the majority, and defeated.

Mr. President, it is my contention, and I am gratified that the Chair agrees and has so ruled, that the yielding back of an hour has no effect on the 100 hours. Indeed, there are any number of things that can be done in that 100 hours. The 1 hour is for debate. The 100 hours can be for the calling up and reporting of amendments, for quorum calls, for any variety of other things that do not recall the 1 hour provided for, under rule XXII, for debate.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Mr. President, the parliamentary inquiry is, what is the effect of time being yielded back? Does it have no effect whatsoever on the rule?

The PRESIDING OFFICER. It is simply a statement of the Senator to the effect that he has no intention of using his 1 hour.

Mr. LEAHY. A further parliamentary inquiry. If 99 Senators yielded back all their time and one remaining Senator yielded back 45 minutes, then, within a matter of 10 or 15 seconds of that time, called up an amendment at the desk and asked for the yeas and nays and vote, is it correct that he might be able to string that out for 100 hours, that 15 minutes? Ninety-nine and a half hours having been yielded back so somebody might be able actually to string out 100 hours?

The PRESIDING OFFICER. The Senator is correct. It is possible.

Mr. LEAHY. I thank the Chair.

Mr. THURMOND. Mr. President, I rise in support of this joint resolution. This is a matter upon which I can speak at considerable length, but I am going to cut my remarks to about 12 minutes.

Mr. President, to any nation, its security is a function of its military capability. In order to maintain a reasonable level of security a nation must have the ability to mobilize human, natural and material resources within a short period of time. Today in the Senate we are locked in a debate as to whether or not this Nation will undertake a very limited step to mobilize its human resources in the event of a national emergency.

This limited step is embodied in House Joint Resolution 521 which transfers from the Air Force to the Selective Service System $13.2 million to allow that System to initiate registration of young men as recommended by the President.

This resolution has passed the House—now it is the role of the Senate to exercise its judgment. I strongly support this legislation, and urge my colleagues to support it also.

SIMPLE POSTAL REGISTRATION

As stated in the Appropriations Committee report:

The President's draft registration plan

calls for the U.S. Postal Service to undertake the task of face-to-face registration. In June of this year, young men, ages 19 and 20 would be asked to go to their local post offices to register, where they would fill out a simple form with their name, address, date of birth and social security number.

Subsequently, the registrant would receive a short letter from the Selective Service System, indicating that he had been registered, and asking that the system be kept informed of a change in address. In January of next year, all 18-year-olds would be asked to register in the same manner, thus reinstituting continuous registration for those who reach the age of 18 in the future.

Mr. President, it is obvious that this plan constitutes only a minimum registration of our manpower pool. I would favor a more comprehensive plan to include classification, but the issue before the Senate now is this austere plan, proposed by the President.

Why should this appropriation be approved? Initially, I would like to give my thoughts as to why it is necessary. Then, I would like to quote from our civilian and military leaders as to their opinions on this important issue. Finally, I will summarize my views.

WHY WE NEED REGISTRATION

First, testimony before the Senate Armed Services Committee is overwhelming that without a registration system in place our Nation could not meet its manpower needs in any significant national emergency.

It is obvious from military exercises that we simply could not fulfill mobilization plans in a timely and orderly way without registration. Army Chief of Staff Edward Meyer stated during Senate hearings:

Mobilization accomplished during a war is wasteful, clumsy and potentially disastrous.

He continued:

A system of selective service is mandatory.

DANGEROUS PERIOD

Second, the world has become more dangerous in the past year and I firmly believe that if we show the resolve to meet this and future crises, it is far less likely we will have to engage in hostilities anywhere.

We are entering a period where our Nation will no longer enjoy a strategic equivalence with the Soviet Union. This will be a dangerous period which will last for at least 5 years, possibly more depending upon how rapidly we move to correct our weapon shortages. It would be foolish to enter this period without some capability to mobilize manpower quickly in the event of a perceived or real military crisis.

SERVICE OBLIGATION

Third, I think it is past time that we tell our young people they have an obligation to be prepared to serve their country if necessary.

Many of our young people are willing to give a small period of their time to help strengthen our forces to deter any aggressor. However, they are being told that someone else will do it if these volunteers are paid sufficiently. The honor and duty of military service is being degraded when it should be paramount over any financial considerations.

VOLUNTEER FORCE INADEQUATE

Fourth, the volunteer concept is not meeting our peacetime needs. It is unaffordable, it cannot be depended upon in emergencies and is unfairly exempting the middle and upper classes of our society from military service.

Our military needs to represent our people, and I believe registration will start moving us back toward that concept. A people unwilling to defend themselves will soon have nothing to defend.

Mr. President, I would like to now draw attention to the wide support for restoring registration.

VIEWS OF LEADERS

The Senate should give great weight to the views of our elected and appointed leaders who have the primary responsibility to maintain adequate forces and respond to our security needs in an emergency. I would like to quote from some of these officials:

President Jimmy Carter:

Registration for the draft is needed to increase our preparedness and is a further demonstration of our resolve as a nation.

Secretary Harold Brown:

The registration of men should not be delayed to include the registration of women.

Gen. David C. Jones, Chairman of the Joint Chiefs of Staff:

This manpower situation is further compounded by the lack of a responsive Selective Service System to meet mobilization manpower needs of the Services.

Since registration is one of the most crucial aspects of manpower mobilization the establishment of a mechanism which provides for peacetime registration is needed now.

Gen. Edward Meyer, Army Chief of Staff:

Volunteering will not produce sufficient military manpower for a large-scale protracted war. A system of selective service is mandatory. Mobilization accomplished during a war is wasteful, clumsy and potentially disastrous.

Today, the Selective Service System, in deep-standby status, would require 85 days to deliver the first inductees from a cold start. Approximately 100 additional days are required to process, train and transport these inductees to their assignments in theater. This permits twelve weeks of pre-deployment training as required by law. The President's plan would assure the Selective Service System a capability to deliver the first inductees twelve days after mobilization. Delivery of the first trained inductees to theater would be improved from M+85 to M+12, for a saving of 73 days.

Mr. President, if the majority leader is going to hold a conference, I wonder if he could not hold it in the cloakroom, or somewhere?

Mr. ROBERT C. BYRD. Mr. President, I apologize to the Senator. He is entitled to be heard, and under the rules there should be order in the Senate. I apologize to him.

Mr. THURMOND. I think it is well for the majority leader to set an example. I thought he wanted to do that.

Dr. John White, Deputy Director of the Office of Management and Budget:

Peacetime registration helps us to increase our preparedness, assures our ability to respond and further demonstrate our resolve.

Army Secretary Clifford Alexander:

It seems to me that a limited registration would be in order so that the availability of people would be in front of us.

Gen. Bernard Rogers, NATO Commander, former Army Chief of Staff:

As a minimum, we should go to registration just as soon as we can.

Adm. Thomas B. Hayward, Chief of Naval Operations:

I am convinced that registration is a logical and sensible thing to do.

Gen. Lew Allen, Jr., Chief of Staff, U.S. Air Force:

I support registration and limited classification.

Gen. R. H. Barrow, Commandant, U.S. Marine Corps:

Registration is one step that I do concur with wholeheartedly.

Mr. President, the Senate should also be aware that the Joint Chiefs as a group have long favored registration and last year took the extraordinary step of so advising Secretary Brown of their position as a group.

In addition, Mr. President, the American public was asked the question in April of 1979 as to whether or not they supported registration of males and the response was 76 percent in favor. Doubtless the percentage would be even higher today in view of the crisis in the Middle East, which took place after this particular poll.

Mr. President, I think this great unanimity in our civilian and military leaders, and the public as a whole, on this subject should be very persuasive on the Senate. We are merely being asked to fund registration, not begin the draft at this time.

DRAFT MAY BE NEEDED

It may be come necessary to return to the draft and I am of the opinion that such a step would be in our national interests. But if the draft does return, it should be as fair as possible, because I believe that the inequity of the draft during the Vietnam war was a major factor in the problems and results of that period.

In conclusion, I would like to summarize my points as to why we need registration now: First, we lack the capability to mobilize promptly if it should be in our national interest to do so. Second, the world situation is more dangerous today and will be more dangerous in the immediate years ahead. Third, I believe our youth have an obligation to be ready to serve if needed and that they will respond to that need. Fourth, the all-volunteer concept is too costly and has not developed a representative military force.

Mr. President, the registration in this resolution is a very modest step to deter aggression and strengthen our military potential. If we fail to take this modest step, I predict we will in effect encourage those who are steadily capturing the free nations of the world and moving

rapidly to strangle America through denial to us of essential natural resources. We must show our resolve, and I urge we begin immediately.

Mr. President, I reserve the remainder of my time.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 1805

Mrs. KASSEBAUM. Mr. President, I am appreciative of the majority leader's desire to move ahead with the business of the Senate. It certainly is not my intention to delay it any further than necessary.

In a moment, I will call up my amendment No. 1805, which is an amendment to the committee amendment. It is very important and crucial to have a debate on this amendment.

It has been suggested that I consume my hour and that of my cosponsors before calling up the amendment, but that resembles a colloquy instead of a debate. Thus, I will call up my amendment; and when the Chair rules it nongermane, I will appeal that ruling.

I am disappointed that I have to handle it this way, Mr. President, because we had hoped to work out some other arrangement. However, that not having been successful, I hope the Senate will indulge a debate on this important matter.

Mr. President, I call up my amendment No. 1805.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) proposes an amendment numbered 1805:

On page 2, line 14, strike the period and insert a comma and the following language: "or shall be made available for implementing a system of registration which does not include women.".

● Mr. DOLE. Mr. President, I want to commend the distinguished sponsors of this amendment, Senators KASSEBAUM and LEVIN, dealing with women being registered for the military draft. Because of the controversial and sensitive nature of this issue my distinguished colleagues have served the Senate well in providing an opportunity for thorough debate.

REGISTRATION: AN EMPTY GESTURE

Mr. President, in recent days I have expressed my opposition to registration and the draft in general and now I must extend this opposition to include this amendment.

Mr. President the role of women in the Armed Forces is due to two major factors. First, since the end of the draft and the beginning of the All-Volunteer Force in December 1973, the military services have had difficulty in recruiting and retaining enough qualified males, thereby turning attention to recruiting women. Second, the movement for equal rights for women has led to demands for equal opportunity in all fields, including national defense. Thus, women have been recruited in increasing numbers and assigned to a wider variety of occupations as one method of meeting shortfalls in enlistments by qualified men.

Parallel with the increase in the numbers of women in the military services has been a gradual removal of restrictions against them. During World War II, women served in the various services under temporary arrangements and in consistent policies.

Mr. President, the fact is that women have, for several years now, played a vital role in our military without having had to draft one of them. Mr. President, I want to make it very clear that I am not opposed to females serving in the defense of their country. If women want to serve their country that option is open to them now as it has been for several years. The matter of the fact is, that I am opposed to the mandatory conscription of any one.

THE ALL-VOLUNTEER FORCE

There are those, Mr. President, who are quick to point to the fact that the All-Volunteer Force is not working, thus justifying the registration of our young men and women for potential military service.

Mr. President, I have often said before that if Congress would have paid attention to the needs of the All-Volunteer Force in its infant stage we would not have the manpower problems we have today. While these problems have reached a level of extreme seriousness I still believe that we have several options available to us today other than the first step toward the military draft; namely, the registration for military service.

Mr. President, once again, I want to commend Senators KASSEBAUM and LEVIN for their service to the Senate in providing this opportunity to debate this very important issue. Even though I do not intend to vote for this measure, I greatly appreciate the commitment and dedication in which they have pursued this measure.●

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Kansas, as an amendment to the committee amendment.

Mr. NUNN. To the committee amendment. This is in the form of an amendment to the committee amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, at some point, I will raise the question of germaneness on this amendment, but I should like the matter to be discussed. I have no objection to it being discussed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NUNN. Mr. President, I object at this point. I will not object for long. I want the majority leader to be here, if the Senator from Kansas will give us about 5 minutes.

Mrs. KASSEBAUM. I will be happy to do so.

Mr. NUNN. At this point, I object.

Mr. HATFIELD. Mr. President, a parliamentary inquiry. From whose time is this being taken?

The PRESIDING OFFICER. The quorum call is in progress. Accordingly, a parliamentary inquiry is not in order.

The legislative clerk continued the call of the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mrs. KASSEBAUM. What then is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Kansas which is an amendment to the committee amendment.

Mrs. KASSEBAUM. I thank the Chair.

Is the Chair prepared to make a ruling on that amendment?

The PRESIDING OFFICER. The Chair is prepared to make a ruling unless the Senator wishes to withdraw the amendment.

Mrs. KASSEBAUM. Mr. President, I do not wish to withdraw the amendment.

The PRESIDING OFFICER. Under the precedents of the Senate, cloture having been invoked, the Chair is required to rule out of order amendments which on their face are not germane. The amendment offered by the Senator from Kansas is not germane. Accordingly, the amendment is out of order.

Mrs. KASSEBAUM. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, is that motion debatable at this time?

The PRESIDING OFFICER. The appeal is not debatable.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator may have 1 minute to debate the appeal and that there may be 1 minute on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, let me just say that I asked the authors of this amendment last week if they would bring this amendment up before cloture was voted on. I was perfectly willing to debate this issue. It certainly is an issue that is important.

Our committee and subcommittee have considered it at length. I was perfectly prepared to debate the issue and vote on it.

Now that cloture has been invoked, we are in a different posture. The authors of the amendment are aware of the fact that we served notice that this eventuality could take place and if it did, I would be opposed to any nongermane amendment after cloture.

So it is unfortunate. I do think we have a right to debate this amendment and will have an opportunity to debate it on the authorization bill that will be forthcoming within the next 30 days.

Mr. President, I reserve the remainder of my time.

Mrs. KASSEBAUM. Mr. President, as I said earlier, it is not my intent to try to delay. We had tried to work out an agreement which we were not able to do, and I wish very much to have a debate on this amendment, as others have said that they would so desire as well.

So I will yield back any of my remaining time so we may move ahead with this vote.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Dakota (Mr. WILLIAMS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 55, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—37

Bentsen	Ford	Nelson
Biden	Garn	Nunn
Boren	Glenn	Randolph
Bumpers	Hart	Ribicoff
Burdick	Heflin	Sasser
Byrd, Harry F., Jr.	Huddleston	Stennis
Byrd, Robert C.	Inouye	Stevenson
Chiles	Jackson	Stewart
Cochran	Johnston	Stone
DeConcini	Matsunaga	Talmadge
Durkin	Melcher	Warner
Exon	Mitchell	Zorinsky
	Morgan	

NAYS—55

Armstrong	Hatfield	Pressler
Baker	Hayakawa	Proxmire
Baucus	Heinz	Pryor
Bayh	Helms	Riegle
Bellmon	Humphrey	Roth
Boschwitz	Javits	Sarbanes
Bradley	Jepsen	Schmitt
Cannon	Kassebaum	Schweiker
Chafee	Laxalt	Simpson
Cohen	Leahy	Stafford
Cranston	Levin	Stevens
Culver	Lugar	Thurmond
Danforth	McClure	Tower
Dole	McGovern	Tsongas
Domenici	Metzenbaum	Wallop
Durenberger	Moynihan	Weicker
Eagleton	Packwood	Young
Goldwater	Pell	
Hatch	Percy	

NOT VOTING—8

Church	Kennedy	Mathias
Gravel	Long	Williams
Hollings	Magnuson	

The PRESIDING OFFICER. The decision of the Chair is not sustained as the judgment of the Senate.

The question is on agreeing to the amendment offered by the Senator from Kansas (Mrs. KASSEBAUM) to the committee amendment.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to yield some time to the Senator from Maine, just a few minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, what was the request? I did not understand it.

Mr. President, I do not believe, under the rules——

The PRESIDING OFFICER. The Senator from Kansas has the floor at the moment.

Mr. NUNN. Mr. President, you asked if there was an objection. I object.

The PRESIDING OFFICER. The Senator from Georgia objects.

Several Senators addressed the Chair.

Mrs. KASSEBAUM. Mr. President, I yield to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, this Senator from Kansas yields 30 minutes to the Senator from Tennessee (Mr. BAKER) who could yield 30 minutes to the Senator from Kansas (Mrs. KASSEBAUM).

Mr. NUNN. Mr. President, the question is whether it comes out of the time of the Senator holding the floor. If that is the question, if it is unanimous consent to have the time counted against switching time, I would have to object. If it is simply for the purpose of putting something in the RECORD, I think the unanimous-consent request has to state that.

The PRESIDING OFFICER. The Senator from Kansas has the floor. The objection has been heard to her request.

Mrs. KASSEBAUM. Mr. President, I yield to the minority leader.

Mr. BAKER. Mr. President, I think we are making a mountain out of a molehill. All the Senator wants to do is put something in the RECORD. He has an hour of his own.

Mr. NUNN. Mr. President, will the Senator from Kansas yield to me for a moment?

Mrs. KASSEBAUM. Mr. President, I am happy to yield.

Mr. NUNN. Mr. President, the question is whether we are going to begin switching time around. As long as the Senator from Kansas is not requesting anything by the time and simply yielding for that purpose, I withdraw my objection.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, all debate has to be germane, also. I do not have any objection to the Senator taking 30 seconds and putting something in the RECORD. But I do want to state that I am going to reserve my rights to object if Senators start transacting morning business or speaking on nongermane matters.

Mrs. KASSEBAUM. Mr. President, the Senator from Maine cannot remain in the Chamber. He would like to introduce his statement for the RECORD, which is pertaining to my amendment. So I just yielded some time to him before I continue with my debate.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, if I could perhaps clarify this, the majority leader requested me to help chair a meeting in the Indian Affairs Committee. I was simply going to rise to express my support for the amendment offered by Senator KASSEBAUM and Senator LEVIN.

If it is determined at some point that registration is needed, whether in a pre- or post-mobilization plan, there is no rational basis for excluding women. Women have proven a valuable asset to the military, and they are performing a wide variety of military jobs with distinction.

Over 90 percent of all military occupations—basically, all those not related to combat—are now open to women. Defense Department studies have found that unit performance is not impaired by the presence of females. A 1972 naval experimental assignment, on the U.S.S. *Sanctuary*, found that women performed every shipboard function with "equal ease, expertise, and dedication" as their male counterparts.

A Defense Department study, "The Use of Women in the Military," concentrated on enlisted women. The analysis included promotion, accession prospects, retention, distribution of occupational groups, attrition, physical differences, cost comparisons, deployability, and combat restriction. The results showed that there was little difference between the performances of men and women. The study also indicated that more women were willing to enlist than were being taken and that women could be used to a much more productive extent.

Those findings are in line with the conclusions of a Brookings Institution study, prepared by Martin Binkin and Air Force Lt. Col. Shirley Bach. They concluded that the number of enlisted women in the Armed Forces could be increased by up to 33 percent.

At present, 150,000 service members, or about 9 percent of our Armed Forces, are female. The services intend to increase this number to about 250,000 women in 1985. Sufficient numbers of women are now volunteering to meet the services' requirements, just as the numbers of male volunteers since the advent of the Volunteer Force have run about at the level of requirements.

In time of mobilization and conscription, however, it may be necessary to significantly expand the size of our forces in a very short period of time. The requirements for combat soldiers will be high, but so will the requirements for the large numbers of military personnel who fill noncombat roles. What will happen if there are not enough women volunteers to meet the target of 250,000 by 1985? Will we take male draftees who could fill combat positions and place them in noncombat positions intended for women?

Debate about assignment of women to combat roles unnecessarily clouds the central issue—how the Nation can best meet its personnel requirements in time of mobilization.

The issue of women being directly assigned to combat positions has not been

challenged. Neither the Defense Department nor the other administration witnesses were in favor of assigning women to "combat" positions. Neither suggested that women and men would have to be drafted in equal numbers. All assumed a separate draft that would select women only for those positions which have been identified by the military as capable of being filled by women.

As Selective Service, Defense Department, and Office of Management and Budget witnesses said at a March 19 hearing of the Armed Services Committee's Manpower Subcommittee:

> The President's request for authority to register young women recognizes the reality that women are already providing all types of skills in every profession, including the military. The fact that women can perform effective service in the military is strongly supported by their record in past wars and in the peacetime Armed Forces. While often unrecognized, women have played an important role in the defense of the Nation in previous wars.

As the witnesses pointed out, women served as Army nurses and telephone operators in World War I. In World War II, Navy and Coast Guard women served as nurses, mechanics, truck drivers, parachute riggers, airtraffic controllers, and typists. Women landed on the beaches of Normandy and served in the South Pacific, North Africa, and during the invasion of Italy. In Vietnam, more than 7,000 women served in support roles which qualified for combat pay.

Our military services have opened many new jobs to women in the past few years. Today, 46 percent of all enlisted women are in nontraditional jobs. As administration witnesses told this subcommittee:

> The work women in the Armed Forces do today is essential to the readiness and capability of the forces. Our experience shows women performing well in a wide variety of jobs; being promoted as soon as men on the average; having higher test score averages and rates of high school completion. The President's decision to ask for authority to register women is therefore based on considerations of performance and equity.

The administration witnesses suggested that the question should be why women should not be registered, rather than why they should be. I agree with the contention that the burden of proof falls on those who would exclude women from this obligation.

If there is a mobilization, we will need a large infusion of both combat and noncombat personnel. It simply does not make sense to eliminate over half the eligible population of this Nation from consideration to fill those noncombat roles.

I share fully the position stated by the administration at the March 19 hearing:

> Finally, we would emphasize that although the equity argument is important, it does not lead to the conclusion that men and women should be inducted in equal numbers. Equity is achieved when both men and women are asked to serve in proportion to the ability of the Armed Forces to use them effectively. The administration's firm policy is that women will not be assigned to units in which close combat would be part of their duties. At the time of mobilization, the criterion of military efficiency will determine how many women will be used. The rate of induction for women as well as men will be determined by military need.

That hearing brought out the fact that the administration had not given sufficient consideration to those changes in the law which are necessary so that the services can draft according to their needs. I would hope that effort is underway right now. If we should face an emergency, we must be able to meet it with the full and most effective use of all our resources—which includes the talents of both our men and women.

Contrary to the conclusion of the Armed Services Committee, I believe that the constitutionality of excluding women remains to be resolved. No one who has addressed the issue of constitutionality has adequately resolved the following question: If the Department of Defense states it can accept 250,000 women by 1985, if mobilization occurs at that time, and if we have an insufficient number of women volunteers for those positions, what is the rational basis for drafting men for those noncombat positions?

So, I feel that registration of women, if there is to be a registration at some point, is essential. Not to include them would be to deny their capabilities and the excellent level of service they have given to their Nation.

The incompleteness and superficiality found in the administration's treatment of the registration of women is endemic to the entire draft registration proposal. The Department of Defense apparently has not made the determinations on the mobilization requirements in specific areas. Replacement estimates are gross figures based on various scenarios. What needs to be developed are specific plans for the mobilization scenarios, with approved personnel policies for assignments, tour lengths and other elements. Specific combat/noncombat personnel requirements should be established, and thought should be given to the implications of having a significant number of active duty personnel in the force with statutory combat restrictions.

Further, there needs to be a ruling on the procedures to be used in the event of a draft: After classification, should there be two lists of eligibles prepared, one for combat-qualified personnel and the other for those physically/mentally qualified for other than combat positions? If this were done, women and those men not qualified for combat positions would still have the opportunity to be called on in a time of national emergency. Many in the noncombat group have skills and abilities that could be valuable to the security of the Nation in a national emergency.

The issue of use of women after mobilization and development of complementary draft-eligible listings should properly be addressed before mobilization, but after the implementation of the basic mobilization systems. Not all men can serve in combat. This is not necessarily a reason why they should not be included on the draft-eligible listings for other than combat requirements, with separate draft calls for each category depending on the requirements on the Nation.

The issue has been looked at in terms of the peacetime environment in which the Defense Department, indeed the Nation, is currently operating. We have to look to the future, to the type of catastrophic national emergency under which Congress would authorize the President to induct young people to meet our manpower requirements in mobilization. How can we be certain that we can afford to ignore the capabilities of half our population in such an emergency? How can we be certain that the next war will be like the last one, or the one before that?

To exclude the involuntary service of women out-of-hand would be imprudent. At the very least, the Defense Department should be required to provide detailed plans and programs for the induction and use of women, along with noncombat-qualified males, in a national mobilization effort. Only then will Congress be able to determine if this valuable resource should be ignored in maintaining the security of the Nation.

Mrs. KASSEBAUM. Mr. President, I am appreciative of——

The PRESIDING OFFICER. Will the Senator from Kansas suspend momentarily? There will be order in the Senate.

The Senator may proceed.

Mrs. KASSEBAUM. Mr. President, I am appreciative of the support that I have had on this amendment in order to have a debate on this issue, because I do feel that it is an important one and I think a number of Senators do also.

Registering women as well as men is a matter of simple commonsense and equity. The number of women in the armed services has increased dramatically in recent years, and they now comprise over 8 percent of our military manpower. This number is expected to grow to 12 percent by 1985. By all accounts, women in the service are performing well and are making significant contributions to our defense capability. In the event of mobilization, women as well as men will be needed—just as they have been needed in past conflicts.

In mentioning the need for women in the service, I want to make it clear from the outset that I am not talking about placing women in combat positions. President Carter, Defense Secretary Brown, the Joint Chiefs of Staff, and the NATO Commander, General Rogers—all of whom have endorsed the inclusion of women under registration—are not talking about women in combat. In the past, women have served in key noncombat positions; and they have done so because they were qualified to do the job.

To place the combat issue is perspective, we should keep two things foremost in mind. One, the nature of the military today is such that—even with current restrictions against women in combat—there are few occupational specialities within the services from which women are excluded.* Second, efforts to link the

*Number of occupational specialities closed to women by service: Army: 22 of 345. Air Force: 4 of 230. Navy: 16 of 99. Marines: 4 of 38.

questions of registering women and placing them in combat involve an insupportable leap in logic. The recent graduation of the first women to enter the service academies calls to mind that an attempt was made during debate over admitting women to link the academy and combat issues. Congress correctly rejected the idea that these concepts are linked.

It is significant, I feel, that a Selective Service report issued this January included assumptions regarding the number of women who would be needed within the first 6 months of mobilization. This is an illustration of the extent to which women have become accepted as an important feature of our defense establishment. It certainly represents an important step forward in planning efforts as compared with those in the past. Numerous examples exist of past failures to acknowledge that women as well as men would be needed to meet defense requirements. In hearings before the House Armed Services Committee, Maj. Gen. Jeanne M. Holm offered a striking example of this type of planning failure in World War II in noting that:

> The Army could not make up its mind how many women they wanted or could use. First, they decided to take 25,000 but then discovered they could use 1.5 million but reluctantly realized that they could not get that many without a draft, so they settled for 150,000 within a year only to find that that was also unrealistic.

Given the growing role of women in the military, I do not feel we can continue to deny the contributions of women by excluding them from registration.

Perhaps even more important, is the fact that women should not be excluded from participating in a process which represents commitment to our Nation and its principles. Whether or not registration effectively enhances our military mobilization capability, this concept of commitment is crucial. Registration instills a sense of responsibility and awakens young people to the necessity for active involvement in the political process. This is true for both men and women. Failure to include women will lead only to divisiveness at a time when the development of a national unity is essential.

I feel strongly that the Senate must address this issue now. House Joint Resolution 521 provides us with the best opportunity for full floor consideration of the registration issue by this Congress. I recognize that we will need to act later to amend the authorizing legislation in order to assure that women will not be left out of the registration process, and I feel we can and should act quickly in doing so. In the meantime, we risk doing more harm than good by disregarding this crucial issue of equity at this time.

Again, I want to emphasize that equity is the key issue which my amendment addresses. The question before us is not "Should there be a peacetime draft?" The question is not even, "Should anyone—male or female—be registered?" The issue of registration is the one we will address when we have an up and down vote on the joint resolution itself, and that vote will reflect the feelings of this body as to the registration question.

What we are considering now is simply: "If we are to have a system of registration, should we or should we not apply it equitably to men and women?" I strongly believe that the establishment of a registration process which ignores this basic question of equity and which disregards the need to include young women as full participants in our society is ill-advised, divisive, and possibly counterproductive.

Mr. WARNER. Mr. President, I rise in opposition to the amendment of my distinguished colleague from Kansas. As a member of the Senate Armed Services Committee's Subcommittee on Manpower and Personnel and also as a lawyer, I have taken considerable interest in this issue. I have taken a special interest because I firmly support this Nation moving toward a goal of striking down inequities between men and women in all phases of life, save one: the military. And why do I take that position?

Mr. President, if we go back in history, this Nation has never intentionally sent women into combat situations. I do not foresee across the Nation any mood or any reason for a change in that time-tested, historical precedent.

Were my distinguished colleague successful in establishing by law equity as she so strongly suggests, equity as a principle, and thereby require both men and women to be subjected equally to any registration, my judgment as a lawyer and as a Senator is that that would be the first step toward the Federal court system providing for equity throughout the military career of a woman.

I think my colleague would agree that presently in the military, in accordance with the long-tested practice of the United States, there is discrimination by which, from the Commander in Chief on down to subordinate commanders, military commanders are permitted to make personnel assignments based on gender. Women are prohibited from performing certain functions in the military and are prohibited from certain assignments—most notably combat assignments.

Now, if the Federal court were to determine that Congress, speaking for the people, is reversing this time-tested principle and establishing as the first step in the military career, namely, draft registration equality, then the courts would be hard put at some later phase in the military career to reimpose inequality such that a commander's discretion to exclude women from combat would continue.

That is the reason that I rise in opposition to my colleague's amendment.

Again, in short, it is my deep concern that the Federal court system will determine that the Congress has expressed, in accordance with the Senator's very persuasive argument, that at long last equity should be established in a military career between men and women.

It starts with registration and, therefore, it cannot be reimposed at any point throughout a military career, and that will provide a basis for the Federal courts to strike down a long line of decisions whereby a Commander in Chief and subordinate commanders have precluded women from serving in combat positions.

Mr. President, I yield to the distinguished Senator from Kansas who wishes to reply to my question.

Mr. JAVITS addressed the Chair.

Mrs. KASSEBAUM. If the Senator from New York will allow me just a minute, I would like to respond briefly to the Senator.

The PRESIDING OFFICER. Would the Senator suspend momentarily?

The Senator from Virginia may yield for a question only.

Mr. WARNER. That is right. I am yielding to the Senator from Kansas for the purpose of a question.

Mrs. KASSEBAUM. Will the Senator yield for a question.

Mr. WARNER. Yes.

Mrs. KASSEBAUM. Because I think this raises a point that is really not germane to this argument.

We are not talking about combat. As a matter of fact, it has been determined the courts defer to Congress when and if we would have an issue before us of draft registration and then that would be, as has been determined in the past, excluded from women's participation.

I feel that, really, this is not the heart of this issue because I think commonsense and good judgment will prevail, if and when we would have that issue, in the fact that we would draft to a need and that could not even become an issue that the courts would decide.

Mr. WARNER. Yes. But that kind of a situation would be sure to bring a court suit where some young man would bring suit saying that he is being forced into combat unfairly while women are exempted to some degree. He will argue that he was registered and drafted on a coequal basis, and therefore he thinks it is inequitable to be forced into combat when women are not sent to combat because of discrimination, quite frankly.

So I say to the Senator, if the Congress speaks to this issue and makes a law which treats men and women equally for purposes of registration, there is the danger that the Federal courts will construe that as being the first step in a military career and thereby striking down the right of the Commander in Chief, as it now is exercised under court decision, to practice discrimination and exclude women.

Mrs. KASSEBAUM. I would like to point out to the Senator from Virginia that, indeed, it was the subcommittee of the Armed Services Committee that said the courts would defer to a decision of Congress at that time when we were debating a draft registration issue.

Mr. WARNER. But Congress cannot decide for purposes of registering for the benefit of draft, for the benefit of boot camp, to have equality and then all of a sudden arbitrarily stop equality, or equity as the Senator has said, at some point, and then only men go forward.

Mrs. KASSEBAUM. As I say, I do not believe this is the issue now because it is something that would be determined where there would be a need.

That, I think, would hold precedence if and when we would be discussing conscription.

Mr. WARNER. I yield to the Senator for the purposes of a question.

Mr. JAVITS. I need the floor on my own time, unless I can get unanimous consent to be yielded to and use my own time.

The PRESIDING OFFICER. I say to the Senator from New York that the Senator from Michigan was on his feet at an earlier stage before the Senator from New York. The Senator from Virginia at this moment still has the floor.

Mr. WARNER. Mr. President, I will momentarily yield the floor. First, however, I would like to read to my colleagues the report of the Subcommittee on Manpower and Personnel of the Senate Armed Services Committee on the rejection of legislation requiring the registration of women.

The report is as follows:

REPORT OF THE SUBCOMMITTEE ON MANPOWER AND PERSONNEL ON THE REJECTION OF LEGISLATION REQUIRING THE REGISTRATION OF YOUNG WOMEN UNDER THE MILITARY SELECTIVE SERVICE ACT

The Subcommittee rejected a proposal to require the registration of young women under the Military Selective Service Act.

Mindful of the Congress' constitutional duty under Article I, section 8, "to raise and support Armies," to "provide and maintain a Navy," and "to make Rules for the Government and Regulation of the land and naval Forces," the committee has carefully analyzed deficiencies in our mobilization capabilities. The Committee has expressed its serious concern over manpower problems that are so severe that the Military Services are not now capable of meeting our national security requirements in terms of manpower in the event of mobilization. Peacetime registration will solve some, but not all, of these problems.

In 1979 the Committee reported a bill (S. 109) mandating peacetime registration of males. President Carter, in his State of the Union Address in January 1980, recognized the need for registration to improve our defense posture. The issue of whether women should be registered became a dominant part of this discussion, confusing the real military issues. The Subcommittee on Manpower and Personnel held several additional hearings in 1980 on the registration plan presented by the President, on the question of including women in the plan, and on the military issues involved in registration and conscription. The Committee remains convinced that registration is vitally necessary and that women should not be included in any registration and induction system. This judgment is based upon the Committee's assessment of the military needs of the nation, and its comprehensive study of the registration issue. It is also based on the Committee's assessment of the societal impact of the registration and possible induction of women.

In the Committee's view, the starting point for any discussion of the appropriateness of registering women for the draft is the question of the proper role of women in combat. The principle that women should not intentionally and routinely engage in combat is fundamental, and enjoys wide support among our people. It is universally supported by military leaders who have testified before the Committee, and forms the linchpin for any analysis of this problem. History gives examples of women who fought alone and with men during past periods of strife. Women have defended themselves against attack and have been inadvertently drawn into combat activities in defense of their country. Although such examples exist, throughout history women have not regularly participated in combat and no society has ever relied on conscription of women primarily for combat roles. Current law and policy exclude women from being assigned to combat in our military forces, and the Committee reaffirms this policy. The policy precluding the use of women in combat is, in the Committee's view, the most important reason for not including women in a registration system.

Registering women for assignment to combat or assigning women to combat positions in peacetime then would leave the actual performance of sexually mixed units as an experiment to be conducted in war with unknown risk—a risk that the Committee finds militarily unwarranted and dangerous. Moreover, the Committee feels that any attempt to assign women to combat positions could affect the national resolve at the time of mobilization, a time of great strain on all aspects of the Nation's resources.

Women now volunteer for military service and are assigned to most military specialties. These volunteers now make an important contribution to our Armed Forces. The number of women in the military has increased significantly in the past few years and is expected to continue to increase. Only 6 percent of the enlisted skills in the Army are closed to women as a result of the exclusion of women from combat. But these include infantry specialists, armor specialists, combat engineers and positions in field artillery and air defense.

It is in these skills, and more specifically in the very large number of positions needed to be filled in infantry and armor skills, where mobilization manpower is so severely short. It is also these skills that are most difficult to recruit for during peacetime. The Personnel Chiefs of the Army and Marine Corps, for example, testified that it is in these combat skills where the All-Volunteer Force has failed to supply sufficient recruits, and where current strengths of combat units is often woefully inadequate. In peacetime, although only 6 percent of Army enlisted skills are closed to women, fully 42 percent of all billets filled by enlisted personnel in the Army are in specialties, skills or units not available to women. These incude noncombat positions in close support units that could come under enemy fire.

All the Military Services testified at length about their mobilization plans, and the place of women in those plans. Both the civilian and military leadership agreed that there was no military need to draft women. Because of the combat restrictions, the need would be primarily for men, and women volunteers would fill the requirements for women. The argument for registration and induction of women, therefore, is not based on military necessity, but on considerations of equity. The Army and the Marine Corps testified that because of present shortages in combat arms and the nature of the emergency situation envisaged, the primary need is for combat replacements from the induction system. Selective Service plans provide for drafting only men during the first 60 days, and only a small number of women would be included in the total drafted for the first 180 days.

In addition, there are other military reasons that preclude very large numbers of women serving. Military flexibility requires that a commander be able to move units or ships quickly. Units or ships not located at the front or not previously scheduled for the front nevertheless must be able to move into action if necessary. In peace and war, significant rotation of personnel is necessary. We should not divide the military into two groups—one in permanent combat and one in permanent support. Large numbers of noncombat positions must be available to which combat troops can return for duty before being redeployed.

It is also clear that an induction system that provided half men and half women to the training commands in the event of mobilization would be administratively unworkable and militarily disastrous. It has been suggested that all women be registered, but only a handful actually be inducted in an emergency. The Committee finds this a confused and ultimately unsatisfactory solution.

First, the President's proposal does not include any change in section 5(a)(1) of the Military Selective Service Act, which requires that the draft be conducted impartially among those eligible. Administration witnesses admitted that the current language of the law probably precludes induction of men and women on any but a random basis, which should produce roughly equal numbers of men and women. Second, it is conceivable that the courts, faced with a Congressional decision to register men and women equally because of equity considerations, will find insufficient justification for them inducting only a token number of women into the Services in an emergency. Indeed, it is hard to see how the equity which is the aim of advocates of an equal registration system is achieved by a system under which a vastly larger number of men than women would actually be called to duty. If the Congress were to mandate equal registration of men and women, therefore, we might well be faced with a situation in which the combat replacements needed in the first 60 days—say 100,000 men—would have to be accompanied by 100,000 women. Faced with this hypothetical, the military witnesses stated that such a situation would be intolerable. It would create monumental strains on the training system, would clog the personnel administration and support systems needlessly, and would impede our defense preparations at a time of great national need.

Other administrative problems such as housing and different treatment with regard to dependency, hardship and physical standards would also exist.

Finally, the Committee finds that there are important societal reasons for not changing our present male-only system of registration and induction. The question of who should be required to fight for the Nation and how best to accomplish that end is a social issue of the highest order, with sweeping implications for our society.

In addition to the military reasons, which the Committee finds compelling, witnesses representing a variety of groups testified before the Subcommittee that drafting women would place unprecedented strains on family life, whether in peacetime or in time of emergency. If such a draft occurred at a time of emergency, unpredictable reactions to the fact of female conscription would result. A decision which would result in a young mother being drafted and a young father remaining home with the family in a time of national emergency cannot be taken lightly, nor its broader implications ignored. The Committee is strongly of the view that such a result, which would occur if women were registered and inducted under the Administration plan, is unwise and unacceptable to a large majority of our people.

In concluding that a registration and induction system involving only male citizens is the best course to ensure the country's preparedness and its ultimate ability to protect itself, the Committee was mindful of arguments made by some critics of registration that the Constitution requires both men and women to be treated equally. The argument rests on an interpretation of the principle of equal protection that would mandate an equal sharing among men and women of the burden of registration and conscription. The Committee has carefully considered constitutional arguments raised in detailed statements from opponents of a male-only registration and induction system.

In the Committee's view, the arguments for treating men and women equally—so compelling in many areas of our national life—simply cannot overcome the judgment of our military leaders and of the Congress itself that a male-only system best serves our national security. The Supreme Court's most recent teachings in the field of equal protection cannot be read in isolation from its opinions giving great deference to the judgment of Congress and military commanders in dealing the management of military forces and the requirements of military discipline. The Court has made it unmistakably clear that even our most fundamental constitutional rights must in some circumstances be modified in the light of military needs, and that Congress's judgment as to what is necessary to preserve our national security is entitled to great deference.

The Committee took note of an opinion by the Justice Department analyzing the legal issues and concluding that male-only registration is constitutionally defensible. In addition, the Committee's own General Counsel, the Congressional Research Service and several independent legal scholars furnished the Committee with opinions supporting the constitutionality of male-only registration. These documents, along with the opposing views, are reprinted in the Committee's hearings on this matter.

Therefore, while taking seriously the constitutional arguments raised by opponents of a male-only system, the Committee concludes that there is no constitutional impediment to the exclusion of women from registration and induction, and based on the following specific findings rejects the proposal to register women. Further, for the reasons outlined above, the Committee concludes that peacetime registration of men is necessary.

SPECIFIC FINDINGS

(1) Article I, section 8 of the Constitution commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and makes rules for government and regulation of the land and naval forces, and pursuant to these powers it lies within the discretion of the Congress to determine the occasions for expansion of our armed forces, and the means best suited to such expansion should it prove necessary.

(2) An ability to mobilize rapidly is essential to the preservation of our national security.

(3) A functioning registration system is a vital part of any mobilization plan.

(4) Women make an important contribution to our national defense, and are volunteering in increasing numbers for our armed services.

(5) Women should not be intentionally or routinely placed in combat positions in our military services.

(6) There is no established military need to include women in a selective service system.

(7) Present manpower deficiencies under the All-Volunteer Force are concentrated in the combat arms—infantry, armor, combat engineers, field artillery and air defense.

(8) If mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements.

(9) The need to rotate personnel and the possibility that close support units could come under enemy fire also limits the use of women in non-combat jobs.

(10) If the law required women to be drafted in equal numbers with men, mobilization would be severely impaired because of strains on training facilities and administrative systems.

(11) Under the Administration's proposal there is no proposal for exemption of mothers of young children. The Administration has given insufficient attention to necessary changes in Selective Service rules, such as those governing the induction of young mothers, and to the strains on family life that would result from the registration and possible induction of women.

(12) A registration and induction system which excludes women is constitutional.

Mr. President, I ask unanimous consent to have printed in the RECORD the Yale University letter of May 2, 1980, addressed to Senator NUNN. That letter addresses the issue women and conscription and is signed by three distinguished professors of law at the Yale Law School.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., May 2, 1980.

Hon. SAM NUNN,
Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR SENATOR NUNN: We are glad to respond to your request for our opinion on the constitutionality of conscription limited to men. This letter will not consider whether the United States should restore the draft at this time, or whether it is wise policy to draft men without drafting women. It will be confined to the question whether recent judicial rulings on equality between the sexes under the Constitution—or, indeed, the possible ratification of the Equal Rights Amendment—would prevent Congress from drafting men for the armed forces without also drafting women.

We conclude that it is and will continue to be possible for Congress to conscript men, or women, or both men and women, in the exercise of its constitutional discretion to raise and support the armed forces it deems necessary and proper to defend the interests of the nation. If Congress should decide that the conscription of men is an appropriate way to create the kind of armed forces the United States requires to deal with threats to its security, as Congress perceives those threats, no court could challenge its decision. Under the Constitution as it stands, and under the Equal Rights Amendment, if it should be ratified, Congressional decisions of this order are "political questions" entrusted by the Constitution to the judgment of Congress. In such instances, the sole restraints which protect the people against the abuse of authority, as Chief Justice Marshall remarked of a related Constitutional power, that of declaring war, are "the wisdom and the discretion of Congress, their identity with people, and the influence which their constituents possess at elections."

The ultimate test for law, Justice Holmes often pointed out, is that it makes sense—makes sense, he carefully insisted, in terms of what is regarded as just and convenient by a particular culture at a particular stage in its historical development. To understand law, Holmes wrote:

"Other tools are needed besides logic. It is something to show that the consistency of the system requires a particular result, but it is not all. The life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed."

In the perspective of Holmes' standard, the question whether Congress can raise military forces by conscripting men of a certain age answers itself. Those who wonder whether conscripting men without conscripting women would violate modern constitutional rules about the equal dignity of men and women are simply pressing precedent beyond the boundaries of logic and good sense. Recent judicial decisions on the subject rightly demand punctilious equality between men and women in systems of education and social security, for example, and in various administrative arrangements of the military establishment where the situation of men and women is in fact the same. But the considerations of policy governing those cases cannot be applied mechanically to the altogether different problem of organizing, training, and using the armed forces in combat.

The duty and power of Congress "to raise and support" a military establishment are its ultimate responsibilities. In the end, the survival of the Republic depends upon the skill, leadership, and spirit of its armed forces. Now, as always, they are the foundation of the state. In the exercise of its constitutional authority, Congress must determine what kind of armed forces are needed to defend the vital interests of the United States, both by deterring war and, if deterrence fails, by winning it.

Like every other power under the Constitution, the war power is subject to a number of constitutional limitations, some enforced by the courts, and others by custom and by the political process.

Analysis of the question you have posed should begin with two related axioms the Supreme Court has invoked several times in discussing the constitutional character of the war power. The first is that "the war power is the power to wage war successfully", in the telling words of Chief Justice Hughes. The second is Justice Goldberg's comment that the Constitution "is not a suicide pact". These twin axioms color the interpretation of every aspect of the war power.

That being said, it is equally axiomatic that the war powers of Congress and of the President are to be read with and limited by the other provisions of the Constitution. The signers of this letter are firm advocates of the view that the war powers of Congress and of the President are subject to constitutional scrutiny by the courts in appropriate cases and by Congress and by public opinion in all cases.[1]

One class of constitutional limitations on the exercise of the war power is represented by Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866), and Reid v. Covert, 354 U.S. 1 (1957), two decisions of supreme importance in maintaining the balance between the civil and the military power. Those cases struck down as unconstitutional laws under which civilians were tried by military tribunals. There is little challenge nowadays to the proposition that civilians be tried in civil courts and not before courts-martial or military commissions when—in the opinion of the courts—it is possible for the courts to function.[2]

Gillette v. United States, 401 U.S. 437 (1971), represents another familiar and important constitutional problem with respect to the powers of Congress over the military system. In that case, the Supreme Court rejected the claim that it was unconstitutional for Congress to exempt from military service only those who by reason of religious training and belief are conscientiously opposed to participation in war in any form. One of the appellants in Gillette objected to participation in the Vietnam conflict because of his "humanist approach to religion", the other, a devout Catholic, because he thought the Vietnam war was an "unjust war" under Catholic doctrine. Neither appellant would refuse to serve in wars he con-

[1] See E. V. Rostow, *The Japanese American Cases—a Disaster*, 54 Yale Law Journal 489 (1945).

[2] It must be conceded that Korematsu v. United States, 323 U.S. 214 (1944), and Ex parte Quirin, 317 U.S. 1 (1942), qualify the force of this generalization.

sidered wars of national self-defense or otherwise "just" wars. Both appellants relied inter alia on the establishment clause of the First Amendment, objecting to the preference granted by statute to conscientious objectors whose views were based on religious belief.

However illogical it may be to distinguish between those who are conscientious objectors to war on the basis of religious belief and those who are pacifist by non-religious philosophical conviction, and between those who object to all war rather than to a particular war, the Supreme Court upheld these distinctions as well within the discretion entrusted to Congress by the Constitution. As earlier cases had indicated, exemption from the obligation of military service is a matter of grace so far as Congress and the Constitution are concerned—a "happy tradition", in the words of Chief Justice Hughes—and not a matter of constitutional right. Hamilton v. Regents of the University of California, 293 U.S. 245 (1934), United States v. Macintosh, 283 U.S. 605 (1931). And the overriding imperatives of military necessity, as declared by Congress, would have made any other rule for conscription hopelessly complex, and perhaps unworkable.

II

The Gillette case is in itself sufficient modern precedent to sustain the constitutionality of a conscription program confined to men. After all, discrimination based on religion is quite as dubious constitutionally as discrimination based on sex. We shall, however, also consider some of the recent cases on discrimination between men and women much discussed by opponents of the draft. We do not believe that the recent development of constitutional law represented by those cases weakens Congress' power to enact a draft which would conscript men without conscripting women. The Equal Rights Amendment, if ratified, would not alter this conclusion.

Much has been made of the announcement of new tests to be used in determining the constitutionality of gender based distinctions under the Fifth and Fourteenth Amendments. Discrimination by gender is a "suspect classification", it is said, and courts will no longer be satisfied by a showing that there is a "rational basis" for a Congressional decision to draft men without drafting women. Such a decision by Congress should be upheld only if the government meets a heavy burden of proof and satisfies the courts after "strict scrutiny" that "compelling" governmental interests justify the decision of Congress.

It is doubtful in our view whether these contrasting formulae have real rather than symbolic legal significance. But the issue is irrevelant to the problem addressed in this letter. A Congressional decision to conscript men but not women would be upheld under the most severe and suspicious version of the constitutional test. The issue is rooted in the nature of the problem of organizing military forces capable of victory under contemporary circumstances. The case for conscripting men only would overcome any burden of proof, however phrased.

In order to examine the question in terms of Holmes' thesis quoted at the beginning of this letter, we start with the proposition that American society today will not consider drafting women for combat service. Whether this conviction is a moral judgment or a prejudice, a "felt necessity" or an echo of earlier, chivalric beliefs about the proper role of women in life, the existence of the belief is a fact reflected in statutes no group in Congress would now change, and no court would declare unconstitutional.[3]

Under the statutes women cannot be assigned to combat duty. It follows that when and if Congress decides to resume conscription, it will face a simple mathematical problem. In order to raise armed forces large enough to deter and if necessary defeat the formidable military establishment of potential enemies, a considerable call-up of men would be necessary. If the Constitution should be interpreted to require Congress to treat men and women alike in the draft, Congress would have to draft far more women than it needs to staff non-combat jobs in the military. As a result, the equal drafting of men and women would cause great and unnecessary disruption to no purpose that could not be served better by the enlistment of women in appropriate numbers for non-combat service.

Thus the essential problem faced by Congress in deciding whether to draft men but not women is altogether different from the policy considerations which led to the laws and regulations reviewed in cases like *Frontiero* v. *Richardson*, 411 U.S. 677 (1973). That case held unconstitutional a statute which provided that for the purpose of obtaining increased quarters allowances and medical and dental benefits, a serviceman may claim his wife as a dependent whether or not she is in fact dependent, whereas a servicewoman may not claim her husband as a dependent under these programs unless he is in fact dependent on her for more than half his support. The difference in treatment of men and women was unconstitutional, the court ruled, although a majority could not agree on a rationale for the judgment. Clearly, both on the record and beyond the record, there was no evidence of a governmental interest which might explain or justify the difference in treatment beyond shadowy reasons of habit. In this, *Frontiero* was like *Reed* v. *Reed*, 401 U.S. 71 (1971), which held unconstitutional an Idaho statute preferring men over women in the appointment of administrators of estates. No ground was advanced to persuade the Court that the statutory preference rested on any ground more cogent than the notion that "women's place is in the home."

Owens v. *Brown*, 455 F. Supp. 291 (D. Col., 1978), illustrates the way in which the issue presented to us for comment would (and should) be handled by the courts. *Owens* dealt with the constitutionality of a statute barring the assignment of female personnel in the Navy to duty on vessels other than hospital ships and transports. The statutory provision had been added to the bill without discussion in 1948, and had not been proposed by the Defense Department. The Court fully recognized the deference it owed to decisions derived from the discretion of the Congress and the President on complex matters of military judgment. But this case did not concern "the validity of a statute that precluded women from being considered for combat shipboard assignments. (455 F. Supp. at pp. 306–307). In such an event, the Court said, the defendant's line of reasoning would have force. The rationale behind the statute involved in *Owens'* was obscure; no persuasive governmental interests had been advanced in its support; the Court concluded that the statute was overboard and discriminatory in hampering the careers of women in the Navy as compared with men, without contributing significantly to efficiency, morale, or discipline.

Some military regulations which discriminate between men and women have been upheld.

Of these, the most important is *Schlesinger* v. *Ballard*, 419 U.S. 498 (1975). There the Supreme Court approved a statute providing different rules for men and women in the Navy with respect to mandatory discharge for failure to earn promotion. At that time, male line officers in the Navy were discharged if they were not promoted within nine years. Women officers were given thirteen years before discharge for failure of promotion. The Court upheld the difference in treatment as constitutional. The Court said:

"In both *Reed* and *Frontiero* the reason asserted to justify the challenged gender-based classifications was administrative convenience, and that alone. Here, on the contrary, the operation of the statutes in question results in a flow of promotions commensurate with the Navy's current needs and serves to motivate qualified commissioned officers to so conduct themselves that they may realistically look forward to higher levels of command. This Court has recognized that "it is the primary business of armies and navies to fight or be ready to fight wars should the occasion arise." *Toth* v. *Quarles*, 350 U.S. 11, 17. See also *Orloff* v. *Willoughby*, 345 U.S. 83, 94. The responsibility for determining how best our Armed Forces shall attend to that business rests with Congress, see U.S. Const., Art. I, § 8, cls. 12–14, and with the President. See U.S. Const., Art. II, §2, cl. 1. We cannot say that, in exercising its broad constitutional power here, Congress has violated the Due Process Clause of the Fifth Amendment."

Another typical instance of such a result is *Campbell* v. *Beaughler*, 519 F. (2d) 1307 (C.A. 9th, 1975). There the Ninth Circuit upheld a Marine Corps regulation prescribing different rules for men and women with regard to hair styles and wigs. The regulation was justified, the Court said, by the necessities of combat and combat training. Those necessities do not apply to women Marines, who do not train for combat.

So far as the issue considered in this letter is concerned—the drafting of men without drafting women—it is difficult to imagine any way in which the reasoning of the recent Supreme Court decisions would be altered by the ratification of the Equal Rights Amendment. Section 1 of the Amendment provides that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." That provision could hardly be interpreted to invalidate the statutes which now forbid the assignment of female military personnel to combat. But, as we have seen, the conviction that women should not be compelled to engage in armed combat is the heart of the matter, so far as the pattern of draft legislation is concerned.

III

We can see no constitutional obstacle to the proposition that Congress may enact laws providing for the conscription of men for military service without conscripting women. The conflicting interests Congress must balance in making this fundamental judgment cannot be compared to those at issue in cases dealing with gender based discrimination in welfare systems, the administration of estates, establishing the age at which people may drink liquor in public, or the other controversies which have been litigated.

Yours sincerely,

JOSEPH W. BISHOP, Jr.
ROBERT H. BORK.
EUGENE V. ROSTOW.

The signers of this letter are Professors of Law at the Yale Law School.

Mr. WARNER. I yield the floor, Mr. President.

Mr. JAVITS. Mr. President, may I ask the Senator from Michigan a question?

Mr. LEVIN. I am happy to yield 5 minutes to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I am moved to respond to the point just made by Senator WARNER in this way, that I

[3] An aberrant case to the contrary was quickly overruled. United States v. Reiser, 394 F. Supp. 1060 (D. Mont., 1975), reversed, 532 F. 2nd 673 (C.A. 9th, 1976).

think it would be very difficult to apply in the courts the doctrine he uses, because not everybody is assigned to combat if one is a man. One might be assigned to a typewriter, or an adding machine, or numerous other noncombat activities.

It seems to me that it is well within the power of the Commander in Chief to determine what will be one's duties once one is in the Armed Forces.

Women should not be in combat. They will not be in combat, and no court will make any Commander in Chief put them in combat any more than the court can make some Commander in Chief put a new recruit into combat.

But, be that as it may, Mr. President, I think that answers the question.

I would like to ask the author of the amendment a question.

There are women in this country who have a conscientious objection to registering at all, even under this law, under which my colleague would qualify them.

By the way, I support her fully and will support this amendment.

But I would like to get one legal question settled, as there is this conscientious objection on the part of some women. I am speaking of orthodox Jewish women. In many cases, they will be unable to accommodate their objection by checking the box originally—but no longer—in this bill, because they have to register to check the box.

So I ask my colleague this, under section 453 of title 50 of the United States Code, War and National Defense, the provision to which I refer relates to actual registration which the President has the power to impose.

Let us remember, all we are doing here is dealing with an appropriation.

That gives the President such power, that is, relating to registration, that calls for registration at such time or times, and place or places, and in such manner as shall be determined by proclamation of the President and by rules and regulations prescribed thereunder.

Therefore, is it the legislative intent of my colleague from Kansas that the President may decide that under rules and regulations which he has the power to make, once registration is affixed, this particular group of women, or whatever of them choose to avail themselves of it, may be excused from registration altogether; will the President continue to have that power under this amendment? Also, would the Senator support an appropriate amendment at a later time the resulting condition of which would be to accomplish making section 453 appropriate to the registration of women?

Mrs. KASSEBAUM. Mr. President, I respond to those questions of the Senator from New York by saying yes, certainly, I would regard that as the intent of the legislation, that the President continues to have the power he does now on this.

Mr. JAVITS. I thank my colleagues.

Mr. WARNER. Will the Senator yield for a question?

Mr. JAVITS. Yes.

Mr. WARNER. I refer to this provision which I am informed applies only to men. Perhaps this issue can be clarified by my distinguished colleague.

Mr. JAVITS. I think what I am trying to ascertain is this, once this amendment is passed, it would have to apply to women, as well, if it is passed.

Mr. WARNER. As drafted by the Senator from Kansas, I do not believe that it would change.

Mr. JAVITS. I thank my colleague.

If that is the view of the staff and if this amendment passes, I will take a good hard look at it and an appropriate amendment will be required at a later time making the same provision for women as for men in section 453.

Mr. WARNER. I expressed it as my view, although I have the benefit of counsel here.

Mr. JAVITS. Yes. That is very important, because it is a matter of first impression to me.

Mr. WARNER. As my distinguished colleague will note, because of his statement to that effect, does the Senator feel that the Federal courts would not turn aside the longstanding precedent of excluding women from combat? What is it that my colleague feels is now the basis on which the Commander in Chief excludes them from combat?

Mr. JAVITS. I think it is competence and fitness for combat. The Commander in Chief cannot be ordered by any court. That is his judgment.

Mr. WARNER. Right now, based upon my interpretation of the rulings of the Supreme Court of the United States, the Court has held that, under the Constitution of the United States, the power to establish the President and the Congress have the power to establish rules providing discrimination, such that only men go into combat. The Court's interpretation of the Constitution gives the President and Congress jointly that power, which literally has been the law of the land for over 200 years.

My concern is that if we take the first legislative initiative in our history to provide for equity between men and women at the first step in their military careers, the Federal court system will say "Equity at the beginning, equity throughout."

Mr. JAVITS. I am sorry—I do not go with the Senator on that. I believe that the power of the Commander in Chief would continue in that case for women as it would for men.

Mr. WARNER. At what point, then, in the military career, in the Senator's judgment, could the President reimpose discrimination?

Mr. JAVITS. He is a commander. It is not a discrimination. I have given the Senator an example. Does everybody go into combat who is a man?

Mr. WARNER. No, but right now——

The PRESIDING OFFICER. The Senator from New York has used 6 minutes of his time.

Mr. JAVITS. I yield myself 1 additional minute.

Mr. WARNER. At this time, the practice of discrimination is solely on the basis of sex, as to who can qualify to go into combat positions and who cannot. Some men cannot for example, measure up to the arduous requirements for combat and for that reason do not qualify. They, by virtue of failing to qualify, become ineligible to go into combat.

Mr. JAVITS. Is the Senator contending that a court can make a Commander in Chief designate certain men for combat and make the judgment that they do qualify for combat?

Mr. WARNER. I contend that the court could require the Commander in Chief to give each man equal opportunity to qualify for combat. The President exercises that discretion now, within the framework of rules controlling only men; but if we establish a legislative precedent treating women equally, the President would likely lose his discretion by Federal court rulings.

Mr. JAVITS. That is what Senator KASSEBAUM is contending for—that he should have the same power over women that he has over men. We are confident that they will not be sent into combat.

Mr. WARNER. On what basis?

Mr. JAVITS. On the basis of the wisdom of it and our particular views about it, and the general views of the country.

Mr. WARNER. I am certain that there are women who will go into training and who can qualify, by virtue of their skills and their determination, to fight alongside men in combat—and fight as well, if not better.

Mr. JAVITS. We are not arguing that issue. The issue is, will they be assigned? The issue is not what they want or like.

Mr. WARNER. On what basis can the Commander in Chief then say to a woman who is capable of training and volunteers to go into combat—on what basis can the Commander in Chief say, "No"?

Mr. JAVITS. From the point of view of the morale of the Armed Forces, he considers it inadvisable. That is his judgment.

Mr. WARNER. For the morale?

Mr. JAVITS. What I am saying to the Senator is that I do not see what is to compel the Commander in Chief to act.

Mr. WARNER. A Federal court ruling that Congress has determined that there shall be equity between men and women throughout their military careers, and that means from the beginning to the end.

Mr. JAVITS. I do not agree with the Senator in that at all. I do not believe that the Federal courts will take that authority over a judgment of the President.

Mr. WARNER. A judgment based on what fact?

Mr. JAVITS. If the Senator will do this on his own time——

Mr. WARNER. Mr. President, I do this on my own time. I will take the questions on my time.

Mr. JAVITS. Based upon the organization of the military forces of the country and what is best for them—that is all I am saying.

The Senator from Virginia is contending that that judgment can be made by a court; and I feel that when it comes to men and women, it will not be. That is a matter of my judgment, too. Vive la difference—that is the difference.

Mr. WARNER. I thank the Senator.

Mr. GOLDWATER. Mr President, will the Senator yield?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan has been on his feet for some time. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am a cosponsor of this amendment with the Senator from Kansas (Mrs. KASSEBAUM), and I should like to respond to the Senator from Virginia.

He said that if we provide for the registration of women, a Federal court is going to order that women go into combat. I do not know of any opinion which supports that.

This recommendation came from the President of the United States. Presumably, it is based upon the advice of the Attorney General of the United States. I do not know of any court opinion, I do not know of any legal opinion of a lawyer, private or public, which supports the position of the Senator from Virginia that if the Senate of the United States decides that it wants to register women, somehow or other that is going to require that women go into combat.

I remind the Senator from Virginia that the same arguments were made and Congress lifted the prohibition on women going to the military academies. The same argument was made: If you allow women in the military academies, let the women go to West Point and the Naval Academy, women are going to end up in combat.

The same arguments were heard on the floor of the Senate, and that has not been the result. The result has been that women have volunteered for the services, have served this country well, nobly, and admirably, and the commanders of women have said that they are on a par.

Nobody has suggested any more that because women are allowed into the academies and into the Armed Forces, there is some logical conclusion mandated that they must go into combat.

I ask the Senator from Virginia this question: Let us take a woman now in the Military Academy or in the armed services. She starts a case in the Federal court, saying, "I have been allowed into the Army; I have been allowed to take this first step; the academy has been opened to me. I now qualify for combat."

Does the Senator from Virginia think the court would uphold that case?

Mr. WARNER. In my judgment, the Federal court would uphold the right of the Commander in Chief to deny that woman the opportunity to volunteer for a combat position. The basis upon which the court would do it is a long line of decisions which have sustained the right of the Commander in Chief, not to let women go into combat because that is the pulbic policy of our Nation. Further there are statutes and regulations excluding women from combat.

The point I wish to raise with my distinguished colleague from Michigan as to the distinction between women serving today is that every woman in uniform today is there by virtue of the voluntary action her part of enlisting, and that is the way it has been throughout the history of our country. The proposed draft registration law would be the first turning point, where a woman is brought into military service by an involuntary act. That is the distinction.

Mr. LEVIN. I agree with the Senator from Virginia—that is a distinction. It is a distinction without a difference, for two reasons.

No. 1, the Senator from Virginia says that because the public policy of the country—these are his words—is that women should not go into combat, a Federal court would not grant that, under present circumstances.

I agree with the Senator on that point. But the sentiment of the country remains the same, that women not go into combat. It has been made clear in the legislative history of this amendment, by Senator KASSEBAUM and everybody else speaking for this amendment, that it is not intended that this lead to women in combat. There is a law prohibiting it. There is no effort to change that law. There are military regulations prohibiting it, and there is no effort to change those regulations.

I do not know of one opinion—and I ask the Senator from Virginia if he has a legal opinion—supporting his position. If he has such an opinion, I wish he would bring it forward, so that we could share it with the Attorney General of the United States and the Justice Department, and we can get their counter-opinion on it. Obviously, before the President of the United States offers this kind of proposal to Congress, he has checked it out with the Attorney General of the United States.

Mr. WARNER. I have submitted for the RECORD, as part of my colloquy, opinions on this point by distinguished legal scholars, upholding the right of an all-male draft registration law.

In response to my colleague's very interesting point, with which I disagree—nevertheless, in response to it—that a woman who has volunteered has a greater right to go into combat, I point out that at the time she volunteered, she had implied or actual knowledge of the fact that she would be denied the right to go into combat. She accepted the contract of enlistment, with either implied or actual knowledge that at some point in her military career, discrimination would be practiced in the form of denial of the opportunity either to be trained for or to serve in a combat position.

Mr. LEVIN. That is the way the registration system would work for women who registered, who also would know. At the time that registration system went into effect, the court would know the intention of Congress, very clearly stated, that there would be no combat roles for women.

Mr. WARNER. If my colleague will yield for one additional point, I think it is very unfair to a woman to place her involuntarily in a system which the Senator himself said has discriminatory practices, and they are forcing her involuntarily into that system where she will be confronted against her will with discriminatory practices, namely, she will not be permitted to have the same job opportunities as the man with whom she trains.

Mr. LEVIN. Mr. President, let me proceed by saying that we do not need a peacetime registration, a point which I made yesterday, which is not the issue at the moment, but as background I simply reiterate my belief that we do not need peacetime registration at all. I am convinced that while we need to improve our mobilization capability there are equally effective alternatives which are less costly in social and economic terms, but while I reject that conclusion that there is a need for registration, as I indicated in the Chamber yesterday, I am sympathetic to one of the positions which has been advanced by advocates of registration.

I think Senator BOREN, particularly, eloquently advocated this position yesterday. And that position suggests that members of our society have an obligation to be involved in the affairs of their country. They have an obligation to shape the policies of this Nation and they have an obligation to defend this Nation.

I certainly agree with that position which is offered by the proponents as the moral foundation for their call for registration, even though I do not share their conclusion.

But since I do believe in that obligation, if we extend it at all by way of registration, I think it should be extended to all members of our society, to men and to women. I wish to see all citizens who have something to contribute given the opportunity to make that contribution.

I start, then, from this basic premise that while I oppose registration because it is not needed and there are other alternatives, my opposition is rooted in practical rather than philosophic terms. I am not opposed in principle to requiring members of this society to serve their country or, as in the registration proposal before us, to indicate their possible eligibility to serve through the act of registration.

Indeed, I believe that act while not needed does remind people of what they owe to this country, but the extent that this reminder is a desirable goal, to that extent I would not want to see women excluded from being a part of it.

As I read the Constitution and the emerging law of this Nation, there is an overriding justification for registering women in terms of consistency with and fidelity to the concept of equity.

We have not, it is true, registered or drafted women in the past, but there are a lot of things we have not done in the past which we do now. Times change, Mr. President. We live in a society which recognizes that laws, customs, and mores evolve and grow.

Years ago we accepted the concept of separate but equal. It was the law of the land and it was the custom of our culture, but our law and our customs change. We recollect that the doctrine of separate but equal denied basic values of equality and equity.

Years ago women could not vote. We corrected that inequality. Years ago

women were not eligible for the military academies. We corrected that inequality as well. We just modified the law.

I think we are in a similar position in terms of the emerging struggle for other civil rights for women.

Most Members of this Chamber I believe have endorsed the Equal Rights Amendment to the Constitution. It represents a growing recognition of the role that women have and should be guaranteed. It just does not seem to me to be consistent or proper for us to talk of opportunity on the one hand and deny responsibility on the other.

But what opponents seem to suggest is that the principle of equity is overcome by more practical concerns about how registration of women would impact on our military capacity, and I wish to spend a few moments addressing that argument

Let me begin by saying that there is a clear military justification to register women. I have reached that conclusion because as a member of the Armed Services Committee I have had an opportunity to study the role women now play in our military forces, and I have been impressed by it, and let me spell out those conclusions that I have reached as a result of this study.

First, women in noncombat positions have made significant contributions to the military. No one disputes that point. Women are now restricted and should in the future be restricted to noncombat roles. Our society mores allow no other conclusion.

But within the context of this limitation, even the Manpower Subcommittee in their report rejecting registration for women indicated that "Women now volunteer for all military services and are assigned to most military specialties. These volunteers now make an important contribution to our Armed Forces."

The committee appears to commend the increasing number of women who volunteer for the services and expresses the hope that such trends will continue.

Clearly, then, women have made significant contributions in noncombat roles and they can be expected to continue to make the same sorts of contributions in the same noncombat roles in the event that mobilization is required.

Second, in the event of mobilization there will be a military role for an increased number of women. While the Manpower Subcommittee concluded there would be no need specifically for women in the event of mobilization, they did not deny that there would be a valid and valuable use for women after mobilization.

In fact, they received testimony from Richard Danzig, the principal Deputy Assistant Secretary of Defense for Manpower, which indicated that of the 650,000 people needed after the first 6 months of mobilization, at least 80,000 could usefully be women with no women going into combat roles.

They have also had the opportunity to study the Maxivac and the Rostker reports which indicate that the Armed Forces could absorb up to a 35-percent female base without in any way interfering with combat readiness.

So while there may not be a military need for women, there is a significant military justification for using them in a period of mobilization.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LEVIN. I am happy to yield for a question.

Mr. WARNER. During the course of the testimony that our subcommittee took on this question of including women in registration, Chairman NUNN put to the President's witness the following question:

> If the lottery wheel, or whatever device determines which individual goes, falls on a young woman, say, of 21 or 20, whatever her age may be, who is married and just had a baby, does she get called up or does she remain home with the child?

The answer was she must go and the husband stays with the 6-month-old baby.

That is the way this particular law is written. There is no exclusion in the present law. How does my distinguished colleague propose to have equity and at the same time protect a young mother from surrendering child care and going off to boot camp leaving the baby with the husband?

Mr. LEVIN. I have a lot of confidence in this Congress and in our military that they can devise regulations to avoid that kind of absurdity.

I have a great deal of confidence that the military and this Congress can handle this problem, as well as other classification problems.

But let me remind my friend, in partial answer to this question, that under the terms of the very resolution he supports, this is not a draft bill, this is not a classification bill. This is nothing but a registration bill. We are not here to answer every question as to how everybody is going to be classified.

We heard this morning that conscientious objectors were not the issue here; that later on during classification debates we could take care of that problem.

We can take care of the problem the Senator from Virginia opens during the classification debates.

Mr. WARNER. But your amendment simply states, and I quote:

> On page 2, line 14, strike the period and insert a comma and the following language: "or shall be made available for implementing a system of registration which does not include women.".

Mr. LEVIN. It is perfectly clear and perfectly responsive to the question of the Senator. Women should be included. How they are classified once they are included is a separate question down the road, and whether or not they are even inducted is a separate question down the road. We went through this whole thing this morning on CO's.

Mr. WARNER. But I draw to my colleague's attention the fact that the law is on the books. It makes no provision at this time for excluding a young mother. Our Nation could be drawn into an emergency military situation tomorrow and this is the operable law. If the Senator were to prevail in his amendment, the amendment would then require women to go register and become eligible for a draft irrespective of their family situation.

Mr. LEVIN. There are two answers to that question that I will get to in a moment in my remarks, but let me briefly be responsive. First of all, we have had a commitment in statements from Senator STENNIS that there are going to be hearings on the classification system and on the Selective Service System.

The problem raised by my friend from Virginia can be adequately dealt with during those hearings.

Second, the Selective Service System is dormant. It is not now activated. The President will have to request us to activate it and, as part of any request, the President could exclude women if we are not ready with this kind of classification or, if we are ready, could allow women to be registered.

But there is, No. 1, a time to do this and, No. 2, there is a forum to do what the Senator from Virginia suggests; and, No. 3, before this Congress ever allowed the drafting of women upon request of the President I have enough confidence in us that we would do the right thing by pregnant mothers and all of the other women for whom the Senator has expressed concern, just as we would do the right thing about conscientious objectors and other classifications of people who should have some protection.

As I indicated, Mr. President, while there may not be a military need for women, there is a significant military justification for using them in a period of mobilization, and that justification is they do excellent work and that there are significant opportunities for them to make a real and meaningful contribution in noncombat roles.

Third, the Manpower Subcommittee itself seems to accept the fact that there will be a justification for an increased number of women in the postmobilization force structure. They said in their report that combat restrictions would result primarily in a pressing need for combat personnel, in other words, men, and a point I accept, and here I quote to you that "women volunteers would fill the requirements for women."

I want to repeat that: the Manpower Subcommittee said that "Women volunteers would fill the requirements for women." In short, the Manpower Subcommittee seems to acknowledge specifically a requirement for women, and raises no practical or theoretical objection to increasing the number of women in our Armed Forces after mobilization. They simply say they believe we can attract a sufficient number of female volunteers to meet our requirements.

In response, I would simply indicate that they have no empirical data that I know of to support that claim. In fact, testimony before the subcommittee suggested that there were not sufficient data available to draw any conclusions. Robert Pirie, Assistant Secretary of Defense for Manpower, in February of this year told the committee that "Perhaps sufficient women volunteers would come forward to meet this need, perhaps not.

Having our young women register in advance would put us in a position to call women if they do not volunteer in sufficient numbers."

Clearly the evidence that I am aware of suggests that there is a use for more women in a mobilization, and that we cannot be assured that sufficient numbers of women will be achieved through volunteers.

If more women can be used in the services, and if there is uncertainty about our ability to achieve that level through volunteers, then there is additional reason to register women and to remove the uncertainty. That, after all, is the thrust of the entire argument used by proponents of registration of men to justify their position.

Mr. President, while both equity and military utility justify registration of women there are still some who suggest that there are compelling disadvantages which ought to cause us to reject that policy. These alleged disadvantages do not inhere in the act of registration. Rather they arguably flow from the decision to turn to that registration base in a period of mobilization.

If we read the Manpower Subcommittee report we will find that the alleged disadvantages flow from the decision to draft people from the registered base rather than from creation of that registration base.

Some opponents of this amendment argue if we made a decision to draft under current law we could very well be required to draft an equal number of men and women. Such an action would significantly impair our need to meet vital combat needs. That concern might be an important consideration, if it were not easily correctable, as I have indicated in my prior colloquy with my friend from Virginia.

For those who advance this argument, they do so on the basis of existing law which requires, in essence, that a draft be conducted in an impartial manner. They fear the requirement of impartiality would result in an equal number of men and women being drafted, and they legitimately indicate that such numerical equality would not be consistent with, indeed might even interfere with, our most pressing military needs.

But this argument ignores the fundamental fact that before any man or any woman can be drafted, Congress must reauthorize the Military Selective Service Act, an act which now lies dormant.

There are two available occasions to correct any deficiency which would require us to draft an unneeded number of women: First, Chairman STENNIS indicated that he was interested in seeing the Armed Services Committee do a thorough analysis of the act, and I also believe that Senator NUNN and others who seek to reestablish the draft would not move in that direction if we registered women until they had done a thorough analysis of the act and suggested the appropriate modifications.

Since as far as I know, at least, we have no immediate plans to mobilize, we have the time we need to revise the Selective Service Act and accommodate, where necessary, our decision on registering women and make them eligible for the draft.

But, second, if we were confronted in the interim period with an immediate need to mobilize and a draft authorization were requested, and if the underlying law had not been modified to take into consideration the fact that women are registered, any congressional authority to draft people could simply include the proviso that the act shall not require that an equal number of men and women be called into service.

Based on the report of the Manpower Subcommittee, such a proviso would be constitutional since, as they say and as my friend and as the sponsor of this and the author of this amendment, the Senator from Kansas, has indicated, the courts would defer to Congress judgment regarding our military needs.

Finally, let me urge that opponents of this amendment remain consistent in their arguments. As I read the record they appear to have indicated that the bill we have before us is a call for registration, not a call for the draft. They have held that these issues are separate. Indeed, the bill itself reads that way. If that is, in fact, the case then how can we reject registration because only an unpredictable request to draft people would allegedly cause these problems? Either the issues are separate or they are not. If they are, then I suggest their arguments against registration of women are premature. If the issues are not separate, proponents of the bill should drop their argument that a call for registration is not a call for the draft.

Mr. President, let me summarize the arguments I have made. First, I believe that notions of simple equity in understanding the role of women in modern society and the desire to foster a sense of social consciousness require us to register women if we register men.

Second, if we ever have a draft, I believe that woman should be drafted in reasonable numbers for noncombat roles in order to help us meet our military requirements in a time of mobilization. The evidence clearly indicates that they can help us meet those requirements and that we cannot be assured that a sufficient number of females would volunteer in the absence of a draft. Third, within reasonable restraints related to retaining the noncombat restrictions now placed on women and modifying the existing requirement that a draft fall evenly on all members of the registration pool, there is no military disadvantage to registering women or drafting them.

Mr. President, I suspect that the arguments I have advanced here may rest too heavily on my own belief that women ought to be drafted, if there ever were a draft, in reasonable numbers to fill noncombat roles. For my colleagues who neither accept nor reject that notion—who want more time to study the issue—I would say that this amendment does not require us to draft women any more than it requires us to draft men. It simply enables us to effectively implement that decision if we choose to make it at a later time. It does not foreclose the option to reject the draft for women—in fact, it gives us more options than we will have if the amendment is defeated.

Mr. President, let me conclude by returning to what I consider the basic issue, the principle of equity. I believe that equality requires, as nearly as possible and as nearly as consistent with our values and mores, equal obligation and equal opportunity. That is all that this amendment offers women and that is all that it requires of them, and that is all that it says to all Americans. We can accomplish the goal of equity without any negative military consequences. And my sense of values leads me to conclude that, if that is the case, then we ought to vote for this amendment and we ought to vote for equity. To do other than that, Mr. President, is to turn our backs on the evolution of civil and constitutional rights which we have witnessed and been a part of in this last decade. To do other than that is to deny over one-half of this Nation the right and the duty and the obligation to help defend this Nation when the time comes to do so. To do other than that is to reject the requirements that our emerging sense of humanity has imposed upon us.

To do other than that is to ignore the personhood of half of our citizens and the contributions women have made in large and growing numbers in our armed services.

Mr. President, I am proud to be a cosponsor of this amendment and I congratulate Senator KASSEBAUM for offering it and for fighting so eloquently and, so far, successfully for its adoption.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I yield to myself a portion of my 1 hour's time on this particular legislation.

Mr. President, I have been most intrigued by the debate up to this point. It is a hot one. We have been talking about registration, but it sounds like we are talking about the draft. It is much like talking about land use planning and suddenly discussing the subject of zoning. There are two distinguishable issues but they are just as hot.

I commend my colleagues for their tenacity and perseverance, and especially my seatmate back here, Senator KASSEBAUM and my fine friend, Senator LEVIN. I wish to speak in support of their efforts and wish to note that I am honored to cosponsor their amendment.

Mr. President, I have been seriously concerned in recent years that the absence of a compulsory registration system has eroded the ability of our Armed Forces to meet our military manpower requirements in the event of a national emergency. Without some system of prior registration, I personally believe that it will require at least 3 months of time from a mobilization order before the present Selective Service System would be able to provide its first conscripts for the military services. I believe that such a delay in this Nation's mobilization capability is wholly unacceptable and that it directly affects our

ability to present a credible military deterrent against aggression or intimidation.

I believe, Mr. President, that this Nation can, with no harmful intrusion into the lives of our young adult citizens, institute a military registration procedure.

Such registration would enable our armed services to meet their mobilization needs—literally within days of initiating the necessary order to do so.

I am prepared to support compulsory registration, to include medical examinations and classification, in order to assure that we have this ready access to a pool of qualified individuals in the event the reinstitution of the draft becomes necessary. But we are not talking about the draft only registration.

Mr. President, I am also very concerned that this Nation's "All-Volunteer Force" cannot attract the necessary numbers of qualified individuals to maintain its defense responsibilities. We are truly selling ourselves short if we look upon military service as simply "just another job,"—available primarily to those in society who have the fewest employment opportunities or alternatives.

The armed services must expect of its personnel a commitment to accept a certain inconvenience and personal risk—to an extent which no other employer can reasonably ask of an employee within our society. Such a commitment should be the natural result of a sense of civic responsibility and it can be undermined, if we think of service in the military as being induced solely on the basis of "wage and fringe benefits."

The all-volunteer approach to defense, as well as the abuses found in the granting of exemptions and deferments characteristic of the Selective Service System during the Vietnam conflict, insulates a significant segment of our society from sharing in the burden or the obligation of military service. The defense of this Nation is the responsibility that should be shared as equitably as possible, with men and women participating, regardless of an individual's economic or social position in this society.

It would be interesting to note—and I would appreciate someone furnishing the information—how many sons of those who served in Congress between 1965 and 1975 were drafted into the Army to fight in Vietnam.

I would venture to say that few, if any, were so engaged during that 10-year period of time, or ever had any reasonable apprehension that they would ever be subject to the draft. Yet, by the thousands, young men throughout this land were inducted each month to fight and sometimes die in the war which few, if any, of them ever understood.

Personally, I have always been a bit strained to understand the political motivations of those in our Government who undertook to commit 500,000 U.S. troops in the Republic of Vietnam. I can understand that the North Vietnamese were fighting a protracted war of aggression against the South and I can even understand that our Nation may be called upon to assist an ally in a time of need.

But I shall not understand why the President and his advisers committed our youth to a struggle in behalf of a South Vietnamese nation unwilling itself to make the sacrifices necessary to match their adversary in the desire to prevail.

Well, we fought a war that we were politically unwilling to take the risks necessary to win, so very possibly we fought only to demonstrate our willingness to fight.

Some in this Chamber, Mr. President, might believe that the way to avoid such a mistake in the future is to deliberately weaken our Defense establishment to insure that we never again possess the capability of undertaking such a war. I must categorically state that I believe that such an argument or policy is totally vacuous and irrational. In these times of increasing tensions and dangers, we cannot afford the folly of unpreparedness. The time has long since passed—if it was ever really there—when we could retreat behind our two ocean frontiers and ignore the world about us. We must have a strong military and we must insure that the members of our armed services possess the necessary intelligence and level of technological skills necessary to fight and win if ever committed.

I was impressed by what my colleague ROGER JEPSEN said the other day. He said:

> There are several things worse than war, and they all come from defeat. Those things are bondage, torture, and slavery, and then you use your own imagery to fill in the blanks.

The only rational way to avoid the pitfalls of a Vietnam is to insure that the armed services represent a true cross section of our society, of all social and economic levels, and both sexes. The President who commits such a force must commit not just an insular element of a society, but the whole society itself, and he and this Congress must assume the political risks that such a commitment calls for.

Therefore, Mr. President, I am prepared to support the pending legislation in the hope that it will eventually lead to an equitable system of national service in which military service on active duty or in the Reserves would be available options, and that there would be other options which would include various public employment programs. That is very important to me in this kind of legislation. Such a system would emphasize voluntary participation, but if the strength of either the Active or Reserve Forces should fall below necessary authorization levels, then, and only then, would a draft based upon a universal lottery be conducted in order to make up the shortfall.

I cannot envision, Mr. President, any equitable system of national service that does not include young women as well as young men. I do not support the assignment of women to direct combat roles in our military. I have not heard anyone propose that. I do not believe that our society would tolerate it, and I know I could not bring myself to support their inclusion in the ranks of our infantry, our armor, and our artillery combat battalions. But women are citizens as we are, and they are fully capable of assuming the responsibilities that citizenship entails. I can see no logic in excluding them from the requirement for registration.

Mr. President, in concluding, I have two young sons aged 21 and 23 whom I love quite dearly. They would both be registered under the pending legislation and, therefore, subject to conscription in the event of national emergency. I also have a daughter who will reach her 18th birthday within the year. We have had some rather fascinating family discussions on this subject. We have carefully reviewed this searing issue. They are not martyrs nor are they dogooders. They just say, "Well, why not, pop? It looks like it should be done."

Under the provisions of the Kassebaum-Levin amendment my daughter would be treated no differently than my two fine sons. If we must, at some later time, have conscription, I would think it appropriate that she be included as she has requested. I cannot imagine that I would feel any less concern in having one of my sons face the uncertainties of military service than I would if my daughter were to do so.

In all of the shot and shell which will swirl around this issue of registration of women, there has been one piece of writing that seems to stand out for me, an article from the Washington Post of February 2, 1980, by Ellen Goodman, entitled "Drafting Daughters."

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRAFTING DAUGHTERS

BOSTON.—My daughter is 11, and as we watch the evening news, she turns to me seriously and says, "I don't like the way the world is doing things." Neither do I.

My daughter is 11 years and eight months old, to be precise, and I do not want her to grow up and be drafted. Neither does she.

My daughter is almost 12, and thinks about unkindness and evil, about slaughtered seals and war. I don't want her to grow up and be brutalized by war—as soldier or civilian.

As I read those sentences over, they seem too mild. What I want to say is that I am horrified by the very idea that she could be sent to fight for fossil fuel or fossilized ideas. What I want to say is that I can imagine no justification for war other than self-defense, and I am scared stiff about who has the power to decide what is "defense."

But now, in the last days before President Carter decides whether we will register young people and whether half of those young people will be female, I wonder about something else. Would I feel different if my daughter were my son? Would I be more accepting, less anguished, at the notion of a son drafted, a son at war?

Would I beat the drums and pin the bars and stars on his uniform with pride? Would I look forward to his being toughened up, be proud of his heroism, and accept his risk as a simple fact of life?

I cannot believe it.

So, when I am asked now about registering women for the draft along with men, I have to nod yes reluctantly. I don't want anyone registered, anyone drafted, unless it is a genuine crisis. But if there is a draft, this time it can't touch just our sons, like some

civilized plague that leaves daughters alone to produce another generation of warriors.

I know that, realistically, we will have to register women along with men anyway because the courts will require it. Women may not have won equal rights yet, but they have "won" equal responsibilities. A male-only draft would surely be challenged and likely ruled unconstitutional.

But at a deeper level, we have to register women along with men because our society requires it. For generations, war has been part of the rage so many men have held against women.

War is in the hard-hat yelling at an equal-rights rally, "Where were you at Iwo Jima?" War is in the man infuriated at the notion of a woman's challenging veterans' preference. War is in the mind of the man who challenges his wife for having had a soft life.

War has often split couples and sexes apart, into lives built on separate realities. It has been part of the grudge of self-sacrifice, the painful gap of understanding and experience between men's and women's lives. It is the stuff of which alienation and novels are written.

But more awesomely, as a male activity, a rite of passage, a test of manhood, war has been gruesomely acceptable. Old men who were warriors have sent younger men to war as if it were their birthright. The women's role until recently was to wave banners and sing slogans, and be in need of protection from the enemy.

We all pretended that war was civilized. War had rules and battlegrounds. War did not touch the finer and nobler things, like women.

This was, of course, never true. The losers, the enemies, the victims, the widows of war were as brutalized as the soldiers. Under duress and in defense, women always fought.

But perhaps, stripped of its maleness and mystery, its audience and cheerleaders, war can be finally dis-illusioned. Without the last trappings of chivalry, it can be seen for what it is: the last deadly resort.

So if we must have draft registration, I would include young women as well as young men. I would include them because they can do the job. I would include them because all women must gain the status to stop as well as to start wars. I would include them because it has been too easy to send only men.

I would include them because I simply cannot believe that I would feel different if my daughter were my son.

Mr. SIMPSON. I know, Mr. President, that some of my colleagues support the pending amendment, not out of any conviction for what it will do, but in the hope that, if adopted, it will effectively kill the pending registration legislation. I want my colleagues to know that I support the Kassebaum-Levin amendment for what it really does, and if it should fail, I will still lend my full support to reinstituting compulsory registration and vote for passage of the pending legislation.

I commend my two colleagues once again for their sincere and very authentic expression on this amendment. It is quite typical of them both. I have come to greatly admire and respect them as persons.

Mr. President, rather than yield back the remainder of my time, I shall reserve it under the previous order of the majority leader.

Mr. GARN. Mr. President, I yield myself such time as necessary from my 1 hour.

First of all, Mr. President, let me explain my position very clearly on the issue of registration in general. When the time comes, I will vote against registration of men as well this proposal to register women.

The reason I will vote against the registration of men is because I think the proposal by the President is entirely cosmetic and superficial. As an answer to Afghanistan, I am sure the Soviet Union is just quaking in their boots at this daring, strong proposal to send our postcards and find out where our young people are, with no classification, with no physicals, with a very difficult time enforcing it. It really is a great stroke of genius on the part of the President.

But that is not the only reason I oppose it, because it is superficial and does not really accomplish anything as far as mobilization, as that it ignores the real manpower problem of the military.

Besides having served on the Manpower Subcommittee of the Armed Services Committee and now in Defense Appropriations, I served 4 years active duty as a Navy pilot and 20 years in the Air Force Reserve as a pilot. So I know something firsthand about the military. The real manpower problem is not new recruits. The real manpower problem is the incredible hemorrhage of skilled, trained, technicians, highly-skilled enlisted personnel who are skilled in computer technology, in radar, fire control, all sorts of very technical systems, who are getting out in droves; of pilots and navigators, officers who cannot afford to stay in any more. But we do not address that problem.

Even if we started a draft tomorrow, forgetting a cosmetic registration, it would do nothing about this hemorrhage of skilled personnel leaving.

Where would we have the bases to train them, as we close down more military installations to save money? Where would we have the equipment to train them, as we do not provide enough operation and maintenance funds, provide spare parts for our aircraft, when we have a military budget that will produce a net loss in the number of ships over the next 5 years, a net loss of tactical aircraft, when we continue to cut our defense budget in terms of real expenditures year after year, when we continue to have more than 100,000 military personnel on food stamps? And we wonder why they get out?

And then our answer to the manpower problem is a cosmetic draft? That is why I am opposed to registration. I should have said "registration," not "draft," because even a draft would not solve that manpower problem.

I am afraid that if this passes, then we will gloss over and we will forget the real problem. Nothing will be done about it. The President can go to the carrier *Essex* and say, "We need $1 billion more for more pay," and then the next day tell the Congress that we are spending too much for defense. I do not know how he rationalizes those two positions, but that is what he said. He has had five defense budgets in 5 months.

I do not know which one he stands on, but the big plank of his answer to the Soviets is, "Let us register."

I suggest we have the cart before the horse and we ought to reverse it and do something about the Reserves. We should do something about this hemorrhage of manpower before we start with our 18-, 19- and 20-year-olds, talking about registration.

But to the immediate issue of the Kassebaum amendment, I say at the outset that some of the things I am going to say I certainly do not attribute the motivation to my distinguished colleague from Kansas in offering this amendment. I have discussed it with her. I know why she is introducing it.

I want to make that clear at the outset, that on a lot of my opposition to this amendment I do not attribute her motivation for offering it to these various reasons that I oppose it.

First of all, in answer to this message of equity we just heard from my distinguished colleague from Michigan, it seems to me we cannot have it both ways. We talk about this being equitable and then, to every problem brought up with the registration, or possible future draft of women, his simple solution was that he had enough trust in the Congress of the United States to make exceptions.

How can women have it both ways? Yes, we want equality with men. Yes, we want to be registered. Yes, we want to be drafted, if that comes in the defense of our country, but then please carve out all kinds of exceptions that discriminate once again.

So the argument of equity does not make a great deal of sense to me.

I certainly believe that women have a valuable role in the military if they want to volunteer.

I would not even object, and this may surprise some, to removing the combat restrictions to volunteers. If one wants to volunteer, let him.

But to talk about drafting them involuntarily violates all the principles I have grown up with.

Maybe I am old fashioned, and I am sure some people will accuse me of living in the 18th or 19th century, but I was brought up to believe that the basic fundamental unit of Government in this country was the family. This country was based on the family unit and a belief in God, and a belief in a religious heritage of whatever denomination, and that a family was composed of a mother and a father and children. But today, we have a family conference going on that will not define a family.

It is easy for me to define. I had a mother, a father, and some sisters. I have a wife and I have children. That is a family. But today we will argue about whether homosexual partners are a family. So we have a conference on families that will not define one.

What is it that we have come to in this country when we cannot define a family?

I see a whole series of developments undermining the most important unit of Government in this society, and that is a family, from abortion to pornography, to homosexual rights, to what we see on TV, the permissiveness.

Yes, I am old fashioned, I am traditional, and I am proud of it.

This is another part of the degrada-

tion of the family, taking women out of the home.

I am certainly not here to say that women should not have equal job opportunities, equal rights in pay. I agree with all of that. But on the basis of equity to say that we are involuntarily someday in the future possibly going to take them out of their homes, I cannot even conceive of that in the tradition of the American family and what it has meant to society.

The divorce rates are going up. Look at the conditions. What we can see on TV today is something we had to go behind a billboard to see when I was a kid. But boy, we can see it on TV now. This whole process, these bits and pieces, chipping away at the American family.

I am not about to be a part of that. I am not about to vote for one more strike against the American family and the traditionalism we have known in this country.

I happen to know something about children without a mother. It has only been 4 years since my wife was killed in an automobile accident and left me with four children to raise.

No matter how much we want to say we are equal in those child rearing areas, we are not. A father cannot replace a mother and that closeness. I tried. I tried. I did not do nearly as good a job of it.

So what my distinguished colleague from Virginia said a few moments ago about resolving those differences, do we take a woman away, leave a 6-month-old child with a father?

How ridiculous can we get when we cannot recognize anymore in the popular fad of the times, that we are going to try to have unisex and make everybody equal, that we cannot recognize that there are basic fundamental physical and biological differences between men and women?

We better believe I am emotional about this. I just do not think it fits.

How did we win World Wars I and II, the Spanish-American War, the War of 1812, without drafting or registering women?

How far do we carry this ridiculous game of equality, on the basis of equity?

I am the father of six. I have four sons and I have two daughters. I do not care to have any of them drafted. I hope none of them have to have the military service that I have had. I hope we never reach a point where we have to draft any young people anymore. But if we do, fine, my sons will go, whether I want them to, or not.

But to take my daughters away from their careers, whatever that may be, or their families and husbands, or their children, or even the contemplation or thought of that, I do not understand in the basic context of the way American society has grown.

If we want to continue to take one piece or another away from the American family, we will suffer the consequences. We are.

Again, I plead guilty to being old fashioned and traditional. No doubt about it, I am.

Sometimes I wish I was born and lived in the century I am often accused of living in in my votes on the Senate floor, when mothers were mothers and fathers were fathers, and children had respect for the family when they were together, and not dragged from the home.

I will not continue to take any more time.

If anybody has any doubts, and I hope they will not, I hope they have gathered from my statement that I am opposed to this amendment.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. GARN. I do not have the right to.

Mr. GOLDWATER. So that I might use a few minutes——

Mr. GARN. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to agree with everything the Senator from Utah has said, particularly about the family. But probably more particularly about the way our potential enemy is outproducing us, outgunning us, making it almost impossible for combinations of men and women to even think of having any chance.

Do we realize that last year the Soviets gave away—gave away—more aircraft than we are going to buy this year for our Armed Forces? And we will buy less than 400.

We have that many run into mountains, dive in the ocean, and so forth, call it attrition.

I wanted to bring that up. But I did want to point out to my very good friend from Kansas about this whole matter of women being called up in the draft.

I am afraid that sometimes we associate a callup in the draft with combat. I think sometimes we associate the attendance at the Military Academy as an automatic open sesame to combat.

Now, this is not so. There is a law that we will have to repeal that prevents a woman from going to combat. There are regulations that prevent women from going to combat.

But here is a strange but. I remember—I think it was 2 years ago—at the first meeting of the Armed Services Committee when the Joint Chiefs were over, and General George Brown was still alive. He was chairman of the Joint Chiefs. I asked him if he would support legislation that I planned to introduce that would prohibit, again prohibit, women from ever going to combat.

He looked at me and said, "Senator, what is combat?"

Those of us who have been to war think of it as somebody getting shot, or shot at. He told me that in Vietnam he had given over 200 Purple Hearts to women.

Look at a Purple Heart holder sitting behind a desk. These women served as nurses; they served in ambulances. They were in combat, although technically they were not.

I am thinking today of a young girl who flies with my old National Guard outfit in Arizona as a copilot on a KC-135 tanker. These crews fly overseas almost constantly.

Let us say that the aircraft she was assigned to was given a mission of refueling a C-141 or a C-5, on its way to a combat zone, and the aircraft was attacked. If she were killed or wounded, she would have been in combat, although there was nothing in her orders—there is nothing in the orders any man ever has received in the military—stating specifically, "You are going to combat." It just says where you are going, and after you have been there a while, you figure out whether you are in combat or not.

I mention these things because I have heard on the floor today—and I have heard it debated time and again—about women in combat.

I am not going to support the amendment of the Senator from Kansas because I have a very deep, inborne, ingrained feeling about women ever engaging in combat. But women serving in the forces, yes.

I flew with women in World War II, and they were every bit as good in the aircraft as any man. I would not want to hear them bop, bop, bop with a gun.

The same would apply to women on Navy ships and women who might carry a pack and go too close to the front, in the Army.

As to women serving in the services, I have no argument. I do not think they should be drafted; it should be a voluntary thing. If a woman wants to enlist for any service, let her do it.

I do not even know yet whether I am going to vote for this measure. The more I hear, I am beginning to believe that debate probably means a little something. The debate of the Senator from Kansas has not swayed me. A little she says causes me to tumble a bit. But I want the Senator from Kansas to know my feelings.

I believe that before we are through with this whole subject, we will have to sit down with the military and figure out what they are talking about when they talk about sending a body to combat. That is all I have to say.

Mrs. KASSEBAUM. Mr. President, I should like to reply to my good friend the Senator from Arizona, whose wisdom I admire greatly and respect.

I do not wish to see women on the front line being shot at, either. As he has said, it does become a question of determining what is a combat area and what is a combat zone. But that is not what we are voting on today.

What we are voting on today is what gives us the best registration policy. If registration is worthwhile, if it serves the purpose, how do we design it so that it does serve the best function?

I have given a great deal of thought to it, because I have four children—three sons and a daughter—aged 18 to 23; so it has been a debate we have had within the family as well.

I have felt that if registration is to have a purpose, the best purpose it can have—because it does have minimal functions so far as military mobilization is concerned—it does have a purpose in having young people stop and think about what commitment they are prepared to make for their country.

I certainly regard myself as a traditionalist, too, and desire to do all we can

to strengthen family life. I do not wish to see my sons go, any more than I wish to see my daughter go.

What we are talking about today is not a question of gender so much as a question of what would be the best way to draft registration legislation. I believe it is to show a national determination. It should require that both young men and young women register. It should be universal. It should extend to ages 18 to 26, at least. It should be something we regard as a civic duty and part of the political process of this country.

Under that type of registration, I think it does serve a useful function, because it is an important part of an educational process to stop and think about what our commitment is to our Nation and the principles it embodies.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mrs. KASSEBAUM. I yield.

Mr. WARNER. Throughout my career and lifetime, particularly when I was in the Department of Defense, for many years, I fought hard to try to open job opportunities in the Department of the Navy for women; and we made great progress from 1969 through 1974. As a matter of fact, in that period of time, more job opportunities were open for women than at any other time in the history of the U.S. Navy, including the first experiment to run a ship almost entirely crewed by capable women.

I will continue to fight steadfastly to improve the job opportunities for women in the armed services of the United States. They have fulfilled their missions extremely well throughout our history.

However, what troubles me is that we are now turning the corner and involuntarily—through this proposed registration law and potentially a draft—involuntarily taking a woman into a system which now has built-in inequities and discrimination and making her survive against her wishes in that system.

Mrs. KASSEBAUM. In response to the question he has raised, I say to the Senator from Virginia that we are not talking about the draft. I do not regard this as a first step toward the draft. What we are talking about, as I said earlier, is what will be the best registration policy.

Mr. WARNER. Do I correctly understand the Senator to say that if it became necessary at a future time—and I am not suggesting now—that there are circumstances compelling this body to look at a draft. I would vote against it today, if we had the proposal for a draft before the Senate. But is the Senator suggesting that we have one law with equity between men and women for registration, and then, if we were compelled to go to a draft law, it would not have a comparable equity?

Mrs. KASSEBAUM. I am suggesting that at the time we are required to discuss conscription and vote on that legislation, we would shape it to the needs of the country and the armed services at that time.

Mr. WARNER. How would the provisions with respect to men and women differ between a registration and a possible draft? I think we are establishing very important legislative history, if the amendment of the distinguished Senator is accepted, a history that says that the first step in a military career is that men and women should be treated equally.

Mrs. KASSEBAUM. The point I am making—and it has been said many times today—is that wisdom and good judgment would prevail on what the needs are and how we meet those needs. In fact, it has been determined by the armed services that most of the needs for the areas that women fill now would be met voluntarily. So we only are going to draft either men or women to where there is that need.

Mr. WARNER. Then, why go to the expense and the inconvenience and the deprivation of privacy of women by compelling registration now, unless we know there is a need, and when there is not one?

Mrs. KASSEBAUM. We are talking about what is the best for registration. I believe it enhances compliance if both men and women feel this is an obligation.

It adds strength to what we are trying to do here with the national determination to show resolve, to show what we would be willing to do if we were faced with a crisis in our country and the need to turn to conscription.

So we are not even trying, nor should we be trying, to figure out how we would address conscription. That is my point. I feel that today the issue at hand is what gives us the best registration.

Mr. RANDOLPH. Mr. President, I ask the Senator from Kansas to yield.

The PRESIDING OFFICER. Does the Senator from Kansas yield the floor?

Mrs. KASSEBAUM. I am not going to yield on my time. I will be happy to let the Senator speak on his time.

Mr. RANDOLPH. I wish for her to remain ready to counsel with me in a colloquy. That is what I desire to do, on my time, of course.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. I say to the Senator from Kansas (Mrs. KASSEBAUM) that I shall support her amendment in which she is joined by the able Senator from Michigan (Mr. LEVIN) on the rollcall that will be coming sooner than later, but whenever it comes, I will support it.

I have taken the position that she espouses for many years. My decision is not shaped quickly. My position on this issue is known in West Virginia through addresses before many groups, and through the media. I feel that it is very, very important that the womanpower as well as the manpower of this country be assessed.

I believe that this fact is important. We are not deciding about a draft vote. We are discussing a registration of the womanpower of this country. There is a basic question embodied in the amendment.

It takes courage for the Senator from Kansas to speak as she has in reference to these matters, not that we do not respect the conscience of every Member in this Chamber, but we must not forget that she is the only lady in the Chamber of 100 Members. Yet she is asking us to do something that is reasonable and just. I hope some of us may have second thoughts and hopefully support her amendment as I will support it. In so saying I do hope that my colleagues feel that this is a problem which should not cause divisiveness between women and men. Women are full partners with men. In future years more, not less, women will serve in the Senate.

When we face the problem of possible use of the womanpower and manpower in a conflict which endangers our security, the Senator from Kansas says the matter of the draft will be before us. That is a separate matter. Is that not correct?

Mrs. KASSEBAUM. Absolutely.

Mr. RANDOLPH. Absolutely. It is a separate matter.

Sometimes we are inclined during this debate to think that there is no reason for us to be concerned with registration, frankly, of either men or women.

I am not critical of my colleagues, when I make this observation.

I remember on the 12th of August 1941, I was one of the Members of the House of Representatives who at that time had a difficult decision to make. I recall when the draft vote was taken on that tense evening. The vote was 203 to 202 for the extension of the draft. I remember certain speeches. I am not looking back and thinking harsh of those who said in essence that anyone who would vote for the draft was a warmonger. It was said, also, that no nation would think of going to war, against us, of attacking the United States of America; we had absolutely nothing to fear. The lady from Kansas will remember from a reading of history that rollcall came on August 12. Nothing would happen, they said. Yet on December 7 we were struck by air and sea at Pearl Harbor.

I am not attempting to wave a flag in any sense, but there is the realism of the situation. We live in a world of instability. I hope the amendment will be carefully considered by the membership as we vote, not for a draft but a vote addressing itself to the womanpower and the manpower available, if indeed a conflict would involve the United States. I pray every day and I do with my cherished friend from Oregon, MARK HATFIELD, that war will never come. But I do know that in August 1941 debaters in the House, said no nation was interested in attacking us. We were attacked just a few months later.

I am a worker for understanding and peace. In 1945 I introduced a bill to create a Department of Peace. With Senators HATFIELD and MATSUNAGA, and other Members I now sponsor an Academy of Peace.

It is my deep down feeling from a reading of the history, indeed somewhat of a student of that crucial period, that I say to my friend from Virginia, Senator WARNER, that the closeness of that 203-202 vote even possibly was a strong factor causing the Japanese in their thinking process to embrace a feeling that the United States of America was weak. They thought that was the time to strike; there was no feeling in America that any

possible calamity like the war could take place. My colleagues, they felt that that was the time to act. I have documentation for this belief.

I appreciate the lady from Kansas yielding to me. Perhaps it is not important for me to state how I shall vote. I shall vote with a clear realization of my responsibility, knowing that in West Virginia there will be constituents who will oppose my vote. I hope there are citizens in our hills who will support my action. But I do it in conviction and conscience. Womanpower and manpower registration is in nowise a draft. Does the Senator agree?

Mrs. KASSEBAUM. I certainly do, and I am very appreciative of the very thoughtful remarks on this issue of my colleague from West Virginia. He makes a strong case.

Mr. RANDOLPH. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Kansas and the distinguished Senator from Michigan. The intent of this amendment is to require that any registration plan, if we have a registration plan, include women as well as men.

I have attempted during the course of this afternoon to listen to the various arguments which have been very, very eloquently presented by both sides on this momentous and, as my friend from Wyoming, Senator SIMPSON, has called it, searing issue that is before this country. I think that the distinguished Senator from Kansas, as the main proponent of this amendment, has offered extremely relevant and very articulate statements in support of it.

I could not help but be impressed and inspired by the most recent remarks offered by our friend from West Virginia, the distignuished Senator RANDOLP, who, if my memory serves me correctly, is one of the three Members of the present Senate who was a voting Member of Congress in August of 1941 when the Selective Service System was inaugurated. Also serving at that time were the Senators from the State of Washington, Senator MAGNUSON and Senator JACKSON.

I think that his statement today in support of this amendment is a statement of great wisdom and of great courage. It is a statement from a man who not only senses history but has been a part of making history for this country.

Mr. President, also he has discussed womanpower and manpower. It is very important to touch upon this for a moment because that is what this debate is about, not whether women will be included in a draft.

I look at this debate and this issue as stopping far short of the decision as to whether or not we are going to draft women or send them into combat.

What this debate is about today is identifying that power, finding that womanpower, finding that manpower—locating that source and knowing where it is in case we need it.

I support this amendment today for two reasons. I believe that it is going to serve a good purpose, and I do not believe that it will have a harmful effect. Let me explain both of these points briefly.

First, I believe that this amendment is designed to recognize the very significant role that women play in our society in general and the military in particular. Our approach to questions of civil rights has changed significantly in the past 30 years. We now acknowledge that a number of groups once excluded from the mainstream of the social and economic system do have and must have an equal role in building a just and a secure society. Women have certainly demonstrated that fact beyond dispute. In the military they now constitute approximately 8 percent of our active personnel. The first women to graduate from our service academies distinguished themselves in their academic studies and will certainly distinguish themselves in their ability to apply their knowledge and abilities in real world situations.

It seems to me a question of basic equity to say that women entitled to the benefits of full citizenship in this Nation should also have the full responsibilities of that citizenship. Including them in a registration system makes it very clear that women are considered full members of our society.

I think that statement is one that needs to be made and one that ought to be made. In the act of affirming our commitment to full participation of women in the duties and obligations of citizenship, I think we made an important statement and an important claim for the inclusive nature of democracy.

But, Mr. President, I do not think many Members really disagree with the powerful pull of the equity argument. I believe that their feeling is that the good this amendment does is outweighed by negative effects which they might associate with it. Let me identify some of these apprehensions and hopefully in a few moments try to dispel them.

First, some people fear that this amendment will require women to serve in combat. This is not true. This amendment provides that women will register—not that they will be drafted, and not that if they serve, they will serve in combat. I have spoken to the authors of the amendment and that is clearly their intention and clearly the way the legislative record of this amendment ought to be read.

Second, some people fear that this amendment will unjustifiably impede our ability to mobilize. They reason that a fair interpretation of the law may require us, should we need to mobilize, to take in men and women in equal numbers. And because women cannot serve under current law and regulations in combat, they fear that training centers will be filled with people who will not be able to meet our pressing combat needs. I understand that fear—but, again, it is simply not an accurate reading of either this amendment or the legislation we have before us. This amendment and this resolution do not address the question of the draft—it is a separate issue. The power to register does not confer the power to draft. We must make that point clear. We will not have that power until and unless the President of the United States comes to the Congress and asks us to revive the underlying military selective service law. And if that time ever comes—and we hope it does not—and particularly if it comes before the Congress has had an opportunity to study the entire issue and reform the law on its own—it would be possible for the Congress to give the President the authority he seeks but direct that it not apply to women.

Mr. WARNER. Mr. President, will the Senator yield at that point?

Mr. PRYOR. I would be happy to yield to the Senator from Virginia for a question.

Mr. WARNER. We continuously hear about the question of equity, equity for registration, but suddenly you get to the question that if we are forced to the draft we start up with equity; is that the point the Senator is making?

Mr. PRYOR. The point I am making is that the issue of registration and the issue of the draft are two separate issues.

Mr. WARNER. I agree with the Senator.

Mr. PRYOR. The issue we are talking about today, I say to my friend from Virginia, is the issue of identifying the actual location of the womanpower and the manpower in this country. We must identify where the people are and how they might—and I underline "might"—be called up in a time of emergency.

Mr. WARNER. I concur with the Senator in that. But we should only put the American taxpayers to the expense, an added expense, of registering women if there is some forseeable need for that information. Yet I continually hear when we approach the separate issue of the draft we can suddenly begin to abandon the equity argument and just draft in disproportionate numbers as the case indicates needs for the services.

Mr. PRYOR. The answer to my friend from Virginia's question is that those decisions will be worked out in this Chamber and in the other body in cooperation with the Chief Executive of this country if and when we have to revive the full-scale draft, and only, I assume, in case of an emergency.

Mr. WARNER. In that event would the Senator's position again be just as vehement on the question of equity in the draft?

Mr. PRYOR. The Senator from Arkansas, if he is a Member of this very illustrious body at that time, is going to look at the facts as they are presented at that particular moment which might include: First, are we under attack; second, are we under imminent siege or invasion; and third, what is our military posture as it relates to world affairs at that time? I cannot answer those questions at this time.

I can say this: If we reach that critical point in our history, the Senator from Arkansas, and, I only can assume, the Senator from Virginia will be very glad that this country at least has compiled

the names of those people who might be eligible to serve in one capacity or another.

Mr. WARNER. Well, we know statistically that somewhat slightly under 2 million men and women become 18 each year. Our current needs of the services are several hundred thousand persons. One of the principal reasons for the registration law is to induce the young people to volunteer for the All-Volunteer Force. But I am still unconvinced that we must go to the added expense to the American taxpayers to register women, to have their privacy invaded by disclosing where they are when there is no apparent or foreseeable need that those numbers would be required by our military. As a matter of fact, all historical data point in the opposite direction.

Yet the argument of equity—and I have made notes here—you want women to be considered "full members of our society." If that is the case when it comes time for the draft it would seem to me that the Senator would be compelled to say, "You are full members of society and now you are going to have to be drafted in equal numbers."

Mr. PRYOR. I think the Senator knows, and I hope I have made my point clear, that the Senator from Arkansas does not support a peacetime draft. I do support a peacetime registration in order that we can at least be prepared in case of an emergency. If we have registration, that system of registration, should be one that is equitable; and to achieve equity, it should give the female portion of our population an opportunity to serve in the armed services of this country by affording them the right, and certainly the responsibility, of registering.

I would like to conclude, Mr. President, by saying that a point I wish to stress this afternoon is that many of those who oppose this amendment perceive a harmful consequence flowing not from act of registration but rather from the act of conscription.

However, we are not considering the issue of conscription today, and I think they are making a mistake in their perception of the issue at hand. Because, once again, before anyone in this country is drafted, we will have had the opportunity to study this issue and decide if we want women to be drafted and, if so, in what capacity we want them to serve.

Also, if the President requested a mobilization, the Congress at that time, in its own judgment, could restrict or not restrict the applicability of the selective service law with language which makes it clear that women shall not be drafted. It would be our decision and our responsibility to consider every alternative. As the Armed Services Committee report has indicated, the courts have been willing in the past to honor such expressions of congressional intent when justified, as this one might be, by military necessity.

Thus, Mr. President, I find in this amendment a reaffirmation of a basic principle of equity under the law—equal treatment and equal obligations for all citizens. And I contrast that with the fears expressed about the impact this would have on our Nation if we needed to mobilize—but I find those fears based in the erroneous belief that a mobilization decision would be tantamount to a decision to draft equal numbers of women and compel them to serve in combat. That is not what we are talking about today. I reject that premise, and I reject that analysis of this amendment.

As a result, I find this to be a most worthy amendment, and I am very proud today to support it.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. MITCHELL). The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

Mr. President, I support the amendment of the distinguished Senator from Kansas (Mrs. KASSEBAUM) and the distinguished Senator from Michigan (Mr. LEVIN) and others.

I should state at the outset of my remarks that I do not support it because I am in favor of registration, peacetime draft, or conscription. In fact, I think that the major bill that we have before us today, the registration joint resolution, is simply a thinly disguised effort to kill the All-Volunteer Force, and if it is enacted that will be the eventual result.

It gives us a chance to hide the failures of providing adequate pay for the military, the failure to provide adequate funds for the readiness of our conventional forces, the failure to provide the requisite incentives for retention, if not recruitment. All of it adds up to first step and a concentrated effort to do away with the All-Volunteer Force.

But if we do that and if, indeed, we do have registration, in today's society, Mr. President, I certainly think that a bad system is then made totally illogical. If you exclude women from registration, nothing that we can do, in my estimation, is going to make the idea of registration sensible or palatable. If we are to retain any sense of logic, any sense of equality, any sense of reasoning, then it must apply to both men and women.

I have listened to a great deal of the debate here this afternoon, both in the Chamber and back in my office. I have not heard any argument for the exclusion of women in registration that makes sense in 1980. I have heard discussions of the history of the military for the past 200 years. I have heard statements about the history of our country and the fact that we have not had women in previous drafts or registrations.

I would also point out, however, that we have never had such a baseless justification for taking the first step to peacetime conscription as we see on the floor of the Senate here today.

We talk about a society which has vastly changed. During much of the time when there was no talk of registration or even a draft of women, women were not allowed, in most States, to own property, to vote, to be individuals in their own right, to bring suit, or to have that standing before the courts that men had. Are we suggesting that we should be returning to that kind of a situation? I think not.

Everything has changed. The idea of employment rights and responsibilities. Our laws are designed to provide the same rights and responsibilities in employment for both men and women. Our laws are designed to provide the same rights and responsibilities for the holding of property for both men and women. Our laws are designed to provide the same rights and responsibilities of voting for both men and women. Our laws are designed to provide the same rights and responsibilities in lawsuits for both men and women.

And in fact, if you go down through the list, in virtually every instance the laws, rights and responsibilities are the same. Now, having provided the same laws, rights and responsibilities for both men and women, should we leave a glaring exception in registration?

I cannot help but think, Mr. President, that many in the country who support the idea of registration with the idea that it would be the first step in the return to a draft and peacetime conscription would be horrified at the idea that it might include women. This shows that the basic inequality of the whole thing may be held up to public scrutiny. If, indeed, it included both men and women, perhaps more people in this country would raise the question of why we need a peacetime draft in the first place.

As I said earlier, Mr. President, prior to the cloture vote, our problem today is retention far more than recruitment. Our other problem today is readiness. And we do not get these through preregistration. We get these by making a military life one that appeals to people because of their patriotism, but also allows them to retain their own dignity: One that says that if you are a technician on a ship, required to utilize millions of dollars of radar equipment and responsible perhaps for the lives of hundreds of others, that we are not going to reward you in that position with a salary that has you placing a distant second to those on welfare. We cannot tell you that you will make it only if we make food stamps available on the side. No, Mr. President, what we must do is to set a decent pay schedule, make the best training schedule, and to make a military career a career of which a person can be proud.

We cannot do this by putting in a registration system in the first place, and, having said that, we definitely do not establish one that excludes half of the people in our country. It is bad enough that in the past, Mr. President, we have left loopholes in our registration and draft schemes—loopholes large enough to drive an M-60 tank through; loopholes that said if you are rich and well-connected enough to continue on in college as a student, you might escape the rigors of the draft; loopholes of the type Senator PROXMIRE discussed this morning available to those who could afford lawyers, but not available to anybody else. But here, Mr. President, in the joint resolution before us, we find ourselves creating as large a loophole as conceivable, that is, a loophole that automatically excludes half of our population.

Mr. President, I do not like registra-

tion. I do not like the idea of the peacetime draft or peacetime conscription. But if we are going to have it in today's society, Mr. President, in today's age, at a time when our legal rights and responsibilities are based on the equality of sexes, then we cannot have it without equality of the sexes.

I would hope that the Senate would reject the whole joint resolution, but if it does not, I would hope that it would make it an equal piece of legislation. It is not now. It would come closer with the amendment of the distinguished Senator from Kansas and the distinguished Senator from Michigan.

I should make it very clear, Mr. President, if we have a time of emergency where our military must be substantially improved by registration or by a draft, I will support them. I would support it eagerly. But that is not the case. The only ready force we have today is our All-Volunteer Force. The 100 hours of time being spent by this body could be far better spent in debating and passing legislation to improve the condition of our current force, our All-Volunteer Force. It would be far better spent in giving the money and the support necessary to make the All-Volunteer Force work and not taking a backdoor road to kill it.

Mr. President, having said that, I will reiterate just one more time if we are going to have registration, let us make it equal.

Mr. President, I reserve the remainder of my time.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if there are no other Senators wishing to speak, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield the floor?

Mrs. KASSEBAUM. I am glad to yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, let me say a few things about the Kassebaum amendment. I think a great number of people are probably not clear as to exactly what this amendment does and does not do. The joint resolution we are amending is very simple. There is a proviso that reads as follows in the original joint resolution and the amendment by the committee as amended by the Nunn amendment:

Provided, That none of the funds made available by this joint resolution shall be available for instituting or taking action to draft any individual for military service or be used for production of any selective service form used for classification which does not permit a registrant to have the option of stating that such registrant is conscientiously opposed to participation in war in any form pursuant to section 6(j) of the Military Selective Service Act.

That is the way the amendment reads now.

The Kassebaum-Levin amendment would add after the word "Act" the following language:

or shall be made available for implementing a system of registration which does not include women.

Mr. President, there are many people who believe that this amendment authorizes the registration of women. This amendment does not authorize the registration of women. I am not trying to in any way characterize the descriptions that have been given of it because I was not on the floor when they were given. I will let the Senator from Kansas speak to that point.

I want to make it clear to my collegues that this amendment does not authorize the registration of women. What it does do is prohibit registration of men unless the Congress first votes another law for the authorization of the registration of women.

Mr. President, if this amendment passes and becomes law, instead of giving the President of the United States additional authority and money, we are really taking away the authority he has now. If this becomes law, unless the Congress authorizes the registration of women in specific legislation, the President of the United States would not be able to have registration of males even if a war was declared unless and until Congress authorized the registration of women.

This is the reason this measure should not be dealt with in an appropriation measure. It should be dealt with, in my view, in detail in an authorization bill. I know the Senator from Kansas and I know her view is to authorize the registration of women. But this amendment does not do that. It holds up the entire registration process and says that we will have no registration unless and until the Congress of the United States authorizes the registration of women.

We are in a position where the House of Representatives Armed Services Committee and the Senate Armed Services Committee both voted down the registration of women. That does not preclude the Senate or the House from making a different decision. We all know how the system works. But what we are faced with here is an amendment that would preclude any registration until such time as the Congress decided by a majority vote in both bodies that we would authorize the registration of women.

If the Congress does not decide this year to authorize the President to register women, and there is every indication that will be the case at least on the House side, then we are in the unique position of taking away the Presidential authority for registration, even in an emergency.

If we had an emergency, the President of the United States would not be able to utilize his existing authority to register males and to classify males, even if Congress got an emergency appropriation bill through for the money, because this amendment would preclude that such time as the Congress authorized the registration of women.

I am sure the answer will be that that is the intent of the authors, that they do not want any registration until such time as we register both males and females.

I do not believe that represents the viewpoint of a majority of this body. But we do not have people on the floor now. What we may very well have is people coming over thinking they are voting to authorize the registration of women, not thinking they are disrupting the whole process, and, therefore, voting for the Kassebaum-Levin amendment.

Mr. President, every Senator and all the staff members, and others listening to this debate, should recognize that this takes away the existing authority of the President to respond to emergencies because he could not—he could not—utilize his existing authority if this becomes law until such time as the Congress has authorized the registration of women.

I urge my colleagues not to vote for this amendment. I urge my colleagues to vote down this amendment at the present time.

The Senator from Kansas and the Senator from Michigan can bring up the authorization of women on the military authorization bill which will be here within 2 or 3 weeks on the floor. At that time, we can provide any provision that anyone wants about this. That bill will be in conference with the House Armed Services Committee, the appropriate body to consider that. I think we can have a meaningful debate on the subject, and it should be debated.

Our committee went into very great detail. We found that there was no military necessity cited by any witnesses for the registration of females.

The main point that those who favored the registration of females made was that they were in favor of this because of the equality issue, which is, of course, a legitimate view. But as far as military necessity, and that is what we are primarily, I hope, considering in the overall registration bill, there is no military necessity for this.

Our committee made several findings.

I understand my friend and colleague from Virginia has put the committee and subcommittee report into the RECORD, is that correct?

Mr. WARNER. The Senator is correct.

Mr. NUNN. We made several findings based on that testimony. I refer anyone to the RECORD on that.

Mr. President, I would like very briefly to read the specific findings:

SPECIFIC FINDINGS

(1) Article I, section 8 of the Constitution commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and makes rules for government and regulation of the land and naval forces, and pursuant to these powers it lies within the discretion of the Congress to determine the occasions for expansion of our armed forces, and the means best suited to such expansion should it prove necessary.

(2) An ability to mobilize rapidly is essenitl to the preservation of our national security.

(3) A functioning registration system is a vital part of any mobilization plan.

(4) Women make an important contribution to our national defense, and are volunteering in increasing numbers for our armed services.

(5) Women should not be intentionally or routinely placed in combat positions in our military services.

(6) There is no established military need to include women in a selective service system.

(7) Present manpower deficiencies under the All-Volunteer Force are concentrated in the combat arms—infantry, armor, combat engineers, field artillery and air defense.

(8) If mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements.

(9) The need to rotate personnel and the possibility that close support units could come under enemy fire also limits the use of women in non-combat jobs.

(10) If the law required women to be drafted in equal numbers with men, mobilization would be severely impaired because of strains on training facilities and administrative systems.

(11) Under the Administration's proposal there is no proposal for exemption of mothers of young children. The Administration has given insufficient attention to necessary changes in Selective Service rules, such as those governing the induction of young mothers, and to the strains on family life that would result from the registration and possible induction of women.

(12) A registration and induction system which excludes women is constitutional.

Mr. President, that ends the quote.

We are in a situation where this issue has not been addressed by the administration in detail. The President, of course, said he was in favor of registration of women.

When the administration witnesses testified, lo and behold, we found they had made no provision whatsoever, made no plans whatsoever, to exclude mothers of young children.

Maybe that is what the Senate wants. Maybe we want to treat the mothers of young children exactly the same as the fathers of young children.

But I do not believe the Senate is prepared to go on record in that respect today. I do not believe the Senate is prepared to say that we are going to, basically, tell the President of the United States to go ahead with his plan on registering women, at the same time withholding authorization because this is not an authorization for that, and hold up the registration of males.

I just do not believe the country, and maybe I am wrong, but I do not believe the country is prepared to see if we have a draft, and we must recognize that the law requires now, and this does not change that law, that there be an impartial draft, if there is a draft.

This means that if women are registered, as I read the law, that they would have to be drafted in equal numbers if there were a draft.

This means, Mr. President, that we are going to have, if that eventuality occurred, and I hope it will not, but if it occurred, we could have and would have thousands of women getting drafted.

In any event, if we went to a draft with young children at home, I suppose under many cases we could very well have the fathers not receiving draft notices under a lottery system, which is what we would have to go to under present law, and, therefore, we would be in a position of having fathers staying home, in many cases hundreds, perhaps even thousands of cases, fathers staying home while mothers are shipped off for military service under a draft.

I just do not believe my colleagues in the Senate, after thinking about that, are prepared to take that kind of bite in one big hunk today. I do not believe they are prepared to do that. But, unfortunately, at the present time, we do not have very many people on the floor. I hope there are people listening to this debate. I think people ought to recognize what this amendment really does.

This amendment precludes registration of males even in a wartime situation unless and until the Congress authorizes the registration of females.

So we would be in a very bad position if we would have an emergency come up. If the President decided to register males, even if Congress gave him the authorization overnight, unless we also gave him the right in that kind of emergency, to register females, then he would have no authority whatsoever to go forward with registration of males.

Imagine the situation where we have some emergency, some possible mobilization, and the President saying, "I need an emergency appropriation for the registration of males." The President saying, "The present law precludes me from registering males unless you authorize females, so I also need an authorization for female registration." And the President saying, "The present law says that I have to draft impartially, therefore, unless you change that law, I have to draft females and males equally," and then the draft, in any event, going out.

We are in an emergency, and all over this country having young mothers get draft notices, and perhaps their own husbands not getting draft notices under a lottery.

I do not believe this has been thought through, Mr. President, in this amendment. I know the authors are very sincere and that they feel deeply about the issue. I respect their views on this.

But if we pass this in this form on this night, there are going to be a lot of people, when they find what this really does and what the consequences are, that will finally decide that what they thought was support by their constituents and the American people will suddenly unwind, because there are a great number of people who have not thought it through or the consequences of this issue. They have not recognized that the present law requires impartiality in any draft, and that means we draft from the pool that exists, and when we put women in the pool we would be requiring they be drafted, in my opinion, under present law, in equal numbers.

If somebody wants to amend that law to provide the President has authority to draft in unequal numbers, that is a legitimate point. Perhaps we should do that.

If so, what unequal numbers are we going to permit the President to draft under?

The President says they need only about 80,000 females, that it would be something like——

Mr. WARNER. It would be less than one-fourth.

Mr. NUNN. Less than one-fourth. The President does not have that authority now. The President has not thought that through. His witnesses did not recognize that they have that authority when they testified.

If we want to give him that authority, we had better think it through. Are we going to establish in law that if you go to a draft, are you going to draft five males and one female? Has anybody thought that through so far as equal rights are concerned?

I think the Senate is getting far ahead of itself. It would have been much better if we had brought this up on an authorization bill, and my colleagues should recognize what they are voting on tonight. When they pick up an analysis in 2 or 3 days, in a magazine, written by one of the thoughtful members of the news media, and they give it more than superficial treatment, and they start thinking this through, thinking about the possible consequences, my colleagues are going to find that what they voted for and what they got are not recognizable, because it is entirely different, in terms of the consequences, from what people may think.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. NUNN. I will be glad to yield for a question.

Will the Senator ask it on his time?

Mr. RANDOLPH. Yes, on my time.

Mr. NUNN. I yield the floor, and I will let the Senator be recognized on his time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I say to the very informed Senator who has been speaking—I use these words advisedly—the very knowledgeable Senator who has been speaking, that I would not want him to imply that those who vote for the Kassebaum amendment do so and are not informed.

The news commenator referred to, may be very thoughtful, but I am very thoughtful, too, as I cast this vote. I support the Kassebaum and Levin amendment.

Do not misunderstand me. I am not critical. When I vote for the amendment, I will know what I am voting for.

I ask the Senator from Kansas and the cosponsor of the amendment, the Senator from Michigan (Mr. LEVIN) if they will give me the opportunity to cosponsor their amendment.

Mrs. KASSEBAUM. Mr. President, I will be more than happy to do so. I ask unanimous consent that the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. I thank the Senator.

Mr. WARNER. Mr. President, I compliment the Senator from Georgia for very clearly describing the legal effect

of the amendment of the Senator from Kansas.

I hope the Senator from Kansas will take this opportunity to respond to the Senator from Georgia and his interpretation of the legal effect.

We are about to vote; and as I sit here, I have alined myself with my colleague from Georgia. He has clearly explained what is my understanding of the operative effect of the amendment, and I am not certain that a number of my colleagues understand this technical point fully.

I yield at this point to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will be happy to do so. I thought we had explained clearly exactly what would take place under this amendment.

I say to my distinguished colleague from Georgia, who has a keen knowledge of the defense needs of this country, that we would have to address this issue on the authorizing legislation which can be brought up at any time. But the point is that we are addressing a policy issue today which certainly has an effect on the authorizing legislation.

Regarding the particular amendment and the question the Senator raises, if we are faced with a crisis tomorrow and if this amendment is adopted, under which the President does not have the authority to register men unless women are included, all we would need to have, because this is an appropriation bill, is another appropriation bill that would give him the funds needed to register men.

Until we finally address this issue on the authorizing legislation, it would not be something that would be in the President's authority. Until then, he has the authority, all he would need is funding. What this does is speak entirely to the money issue that would not be in effect for men until it would include women.

Mr. NUNN. In response to the Senator from Kansas, I point out that one of the problems here is that there is not any money in this bill, and I do not believe there are any pending amendments to add money, that would provide money for the registration of women. This bill provides enough to register males, but the Senator's amendment would preclude the registration of males until you register females. This means that if this amendment is adopted, you cannot register males without registering females, because you do not have enough money to register both.

Basically, we are saying to the President, "Do the job, and we are not going to give you the money to do it." I do not know how that could be handled. The President would have to ask for another appropriation, and we would go back to this again.

Mrs. KASSEBAUM. I say to the Senator that what this measure does is to provide money for the registration of 4 million individuals, and this still will be a question of registering 4 million individuals. I believe that we are not going to register that many even before the end of fiscal year 1980 in any event. Therefore, there is money for 4 million individuals. Under this amendment, if it were adopted, it would be men and women. Then the determination would be made as to whether it would be only 19-year-olds or what would be the best way to address 4 million individuals, both men and women, because that is what was stated in the orginal legislation.

Mr. NUNN. I wish we had a pending amendment that would address that issue along with this, because the President asked for more money to begin with, because he wanted to register both males and females. But this appropriation measure provides only for the registration of males. So the President's whole plan would have to go back to the drawing board. He would then have to adjust for the number of people to be registered in each age group. I do know that we are mandating by this amendment, if we adopt it, the registration of females but not providing the money to do it, under his present plan.

Mrs. KASSEBAUM. It was my understanding that it was an amount of money for the registration of 4 million individuals; and it was assumed, of course, since the authorizing legislation is only for men, that it would be 4 million men but that obviously need not be the case.

Mr. NUNN. The President requested $20 million. The Appropriations Committee has cut that down to $13 million which is what we have before us now. The reason he requested $20 million is because he felt it would take $20 million to register males and females. So the Appropriations Committee has cut that down, but now we are going to do a sort of trick to the President. We are going to tell him, "We are not going to give you the money to do what you set out to do, but we are going to tell you to do it anyway, but we are not going to give you the authority to do it. You just cannot register males until you register females, but we are not going to give you money to register females."

If this passes, then others of my colleagues are going to have to figure out where we stand because the Senator from Georgia will not know.

Mr. LEVIN. Mr. President, first of all, I wish to comment on some of the remarks of our colleague from West Virginia, Senator RANDOLPH, who is living history in this Chamber. His comments both on the history back in the early 1940's and his comments on the importance of including women if we are going to have registration so we can make use of womenpower, proven womenpower as well as manpower, I think struck the mark head on.

Just as Senator KASSEBAUM welcomed his cosponsorship, I also am very much flattered by the fact that he sees fit to cosponsor this amendment. It means a great deal to the supporters of this amendment and to its future.

Relative to some of the points that have been made by the Senator from Georgia, in the first place the Senator has indicated that if this amendment is adopted the President is going to have to register both males and females if he is going to register males, and I would say that is exactly the point of the amendment. I do not think that the purpose that he has described or the effect he has described is any different than what was intended. It is intended that the President register both if he is going to register males. I think that intent has been carried out.

The Senator from Georgia then points out what happens in the event of a real emergency and if we have not corrected some of the problems in terms of equal numbers, in terms of impartiality and the underlying authorization. First of all I wish to say he is in a very critical position to correct that authorization bill, to amend it, to correct the underlying law so it does not have the effect that he fears. That underlying law will be in front of us within 30 days. We will be able to make those corrections that are necessary at that time. But that is no reason certainly on this appropriation bill not to do what is just and not to do what is equitable.

Second, the Senator from Georgia has pointed out what happens if there is an emergency and what happens if there is a war; the President could not register males under this amendment. The truth of the matter is that given our state of the law, if there were an emergency or if there were a war, the President could not even draft males, could not begin the draft without the consent of this Congress. In any event, if there is an emergency, the President must come to this Congress for authority. Even if we adopted male only registration and there were an emergency, the President could not draft in case of an emergency. He would have to come here for authority because the existing draft law is dormant. The authorization for the President to draft even males has run out. There is no reason why, if the President must come here for authority to draft even males, that we would not have the power at that time to do what is necessary in that emergency if we also require the registration of females at this time.

So the emergencies which have been described by the Senator from Georgia are not emergencies at all because, in any event, Congress must act in the event of an emergency to draft even males if we leave it that way.

The parade of horribles just does not work.

What are we going to do about women with children? The answer is that there is an authorizing committee that can correct the underlying law to make it sensible. The sponsors of this amendment have great confidence in the Senator from Georgia and others with him on his committee to correct the inadequacies of the underlying law.

Mr. President, this amendment really is a signal. This amendment is an important signal that this Senate wants equity in the area of registration. It is a signal to the authorizing committee. As Senator NUNN sits on that committee and chairs the subcommittee, it is a signal that we want equity in the area of registration, and we want equity as far as we can get it in the area of services.

The Senator from Virginia has said that the equity is not perfect because women cannot go into combat. Why would you want to take the first step if

women are not forced into combat and you cannot have perfect equity? The answer to that is you want as perfect equity as possible. Even though our current mores prohibit and understandably so women from serving in combat that is no reason why we should not utilize their service in noncombat jobs.

I think Senator KASSEBAUM's amendment is an extraordinarily important step both toward strengthening our military service and in the march for equality for women in this country.

Mr. CULVER. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I intend to speak briefly on another occasion. Now I simply wish to indicate my support for the Kassebaum amendment.

I believe that about 8 percent of our Armed Forces today are women. That contrasts with 2 percent in 1973. The goal of the Defense Department is to achieve 12 percent by 1984. The trend is up.

We are not talking about instituting a draft now. We are just talking about registration to be prepared. If we are in an emergency I should think we should call upon all the resources this country has to offer. Obviously women compose half of our national human resources.

I can well remember when we debated the issue whether or not women could serve on the floor of the Senate as pages, and we took 6 months to debate that issue. The question was were they really competent to do that job? I think we have demonstrated and proven that women are equally competent as men and sometimes even have superior competence.

I do believe we are sending a signal. We ought to send a signal that in case of emergency all the human resources in this country will be utilized. I think women would be proud to serve their Nation in time of peril and in time of need.

We have preached all over the world that other countries rule out half their personpower if in their economic structure, their political structure, and their social structure they do not fully utilize all of their population in building their nation. In time of peril we need to call upon all of our resources, and women demonstrated year after year when I served with them in the Navy years ago their competence in defending their Nation in a time of need.

I respect very much the amendment and intend to vote for it.

Mr. HATFIELD. Mr. President, I wish to speak to the issue of the constitutionality of the Military Selective Service Act which applies to men only. It is my firm belief that the courts have a responsibility and, quite possibly, will invalidate a male-only draft registration as an unconstitutional sex-biased classification. It will violate the 5th and 14th amendments to the Constitution.

Preliminarily, I emphasize that it is current fifth amendment doctrine that establishes the constitutional infirmity of a males only draft registration requirement. The belief that women will be protected from registration or induction until the equal rights amendment is ratified is based on misconception of the current state of the law.

The exemption of women from prior draft registration requirements was seldom questioned. Where it was challenged on constitutional grounds, it was upheld with little analysis. However, today, as a result of two major developments since the end of the last draft, the outcome of a constitutional analysis of a draft registration limited to men will differ. First, in 1976, the Supreme Court established a heightened review standard for sex-based classifications against which such a statute would be measured. Second, the influx of women into the military during the 1970's provided substantial evidence that women are capable of high quality performance in most, if not all, military skills. This evidence strongly suggests that a males-only draft registration requirement would not meet the heightened review standard.

During the late 1960's and early 1970's, the courts that upheld compulsory military service for men alone applied what is called the "rational basis" model for equal protection review. That is, if the classification is rationally related to a legitimate governmental objective, it will survive judicial scrutiny. This model contrasts with that employed for classifications which either infringe on fundamental rights or are denominated suspect. Such classifications must be based upon compelling governmental objections and be necessary to their accomplishment. Historically, gender classifications were analyzed under the rational basis model and were virtually insured of passing constitutional muster.

The turning point came in 1976. That year in Craig against Boren, the Supreme Court articulated for the first time a heightened standard of review for sex-based classifications. It established that such classifications will fail unless the legislative objective to be served is important and the classification is closely and substantially related to the objective. Since Craig, the Court has repeatedly reaffirmed that gender-based legislative classifications must be tested by this new, stringent standard and has held many such classifications unconstitutional.

Significantly, the cases cited by a Department of Justice memorandum in support of its position that the Supreme Court would apply the equal protection guarantee to military matters with special circumspection were decided in 1971 and 1975, before the enunciation of this new, heightened review standard. And there has been no indication of judicial retreat from that standard in military cases.

In addition to establishing an elevated review standard for sex-based classifications, the Supreme Court has also made clear since the last draft that in scrutinizing such classifications it will be guided by two basic principles. First, gender classifications based on stereotypical notions about women will not be tolerated as a proxy for some other individual characteristic. Second, gender classifications which appear to favor women will not be protected from scrutiny.

Application of the legal principles I have outlined to compulsory draft registration limited to men demonstrates the constitutional infirmity of such a classification. Initially, it is clear that deference to congressional judgment in military matters will not preclude meaningful judicial review. Courts, including the Supreme Court, have repeatedly decided the reach of the equal protection guarantee of the fifth amendment in cases brought by women challenging gender discrimination by the military. And, although there is judicial support for the proposition that involuntary conscription may be necessary to satisfy a vital governmental objective in maintaining the national security, it does not follow that the imposition of this obligation on men alone is "closely and substantially" related to the accomplishment of that objective.

It bears emphasis that the heated debate over whether women should be assigned to combat units is not central to determining whether a males-only draft registration furthers the objective of maintaining the national security with a combat-ready military. Congress has already recognized this in an analogous context. In 1975, it enacted legislation permitting women's entrance into the military academies in spite of the Pentagon's principal objection that the academy issue and the combat question were inseparable. It repeatedly heard testimony from military officials to the effect that:

> The issue of whether women should become cadets at West Point is tied directly to the basic question of whether Americans are prepared to commit their daughters to combat.

It nonetheless resoundingly passed the amendment to permit women's entrance without legislating on the inflammatory combat issue. This year we graduated the first classes of women from our military academies. These women were among the highest ranged of the graduates. They performed admirably and are unquestionably well-qualified to be leaders of our military.

The preception reflected in the 1975 congressional judgment that the two issues are separate is altogether accurate. The percentage of individuals eligible for the draft who actually end up in combat positions is so small that whether or not women should be assigned to them is largely irrelevant to determining whether or not they should be excluded from a draft. In the last draft, less than 1 percent of those eligible were inducted and subsequently assigned to a combat unit. If women were added to the pool, the statistical chance of an individual being drafted and assigned to a combat unit—whether or not there was a female combat exclusion—would be negligible. See *United States* v. *Reiser*, 394 F. Supp. 1060, 1067 n. 11 (D. Mont. 1975). Even in the basic Army infantry division nearly two-thirds of the troops serve in a support capacity. For every person on the front line, there are large numbers of administrative, clerical, technical, logis-

tical, medical, and maintenance personnel performing support functions.

Even applying the military's own broader exclusionary classifications, many positions are "sex-interchangeable," The Army estimates 286,000 out of 567,000 jobs can be filled by either sex. The Air Force calculates 94 percent of enlisted jobs are interchangeable. While figures are not yet available, the number of Navy jobs open to women should have increased dramatically since judicial invalidation of the statute precluding females from serving on ships. Thus, whether or not women are assigned to combat, it is clear that they are qualified for a full range of noncombat positions.

The absence of a substantial relationship between exclusion of women from a draft registration requirement and national security is underscored by changes in military policy which reflect the military's recognition that women's enlistment actually furthers its goal of fielding an effective force. In 1972, the decision was made to increase the proportion of women in the military. At that time, women constituted only 1.9 percent of all military personnel. That percentage grew to nearly 6 percent in fiscal year 1977, is around 8 percent now and is programed to reach 12 percent by fiscal year 1984.

Moreover, the vast majority of occupational specialties have recently been opened to women in all branches of the military. Only 22 of a total of 345 military occupational specialties in the Army remain closed to women. Only 4 of the 230 specialties in the Air Force are closed to women and one of those is being tested to see if women can satisfactorily perform all aspects of the specialty. In the Navy, only 16 of 99 ratings are closed to women and this is expected to drop to 11. In the Marines, women are excluded from only 4 of the 38 occupational fields.

That women's exclusion from a draft registration requirement does not substantially further present-day military purposes finds further support in recent studies of the impact of women on military effectiveness. In 1978, the Department of Defense found that "women represent a major underutilized manpower source," Department of Defense, America's Volunteers 69 (1978). In a 1977 study it found that:

> In view of the reduction in the number of young men expected in the labor market in the 1980's and 1990's, it would seem prudent that the Army should pursue a more ambitious program to find ways to use more high quality women to meet their enlisted requirements. It would appear that more realistic constraints in their personnel programs would permit significantly larger increases by 1981. Office of Assistant Secretary of Defense, Background Study, Use of Women in the Military 46 (1977).

One study, conducted by the Army Research Institute in October 1977, concluded that unit performance in an intensive 72-hour field exercise was not impaired by female content of up to 35 percent, the maximum percent tested. Another, a May 1978 test, reveals that in a several weeks extended exercise, which included 3 weeks in field conditions, up to 10 percent women, again the maximum percent tested, did not h'nder unit performance. In 1972, the Navy's experimental assignment of females to the U.S.S. *Sanctuary* revealed that women perform at "every shipboard function with equal ease, expertise, and dedication as men do." Indeed, in 1978, based on the *Sanctuary* experiment and impressive additional documentation, the statutory prohibition against women serving on board naval ships was held unconstitutional under the equal protection component of the fifth amendment.

In the face of the above experience and data, the conclusion of the Department of Defense that "women are demonstrating that they are capable of playing an even larger part in the national defense" was unavoidable. Although the outer parameters of women's participation may be unclear, their ability to perform a substantial role in the military has been well documented and widely recognized in this decade.

Once the combat issue is put in proper perspective and the evidence of women's recognized ability to perform military functions is assessed, it becomes apparent that an exclusion of women from a draft registration requirement would be the product of the archaic notion that women must remain "as the center of home and family." One court apparently recognized as much about the Congress which enacted the prior draft law. In upholding that law's exclusion of women, the court stated:

> In providing for involuntary service for men and voluntary service for women, Congress followed the teachings of history that if a nation is to survive, men must provide the first line of defense while women keep the home fires burning.

At one time judicially accepted, such romantically paternalistic underpinnings of sex-based classifications are intolerable under current equal protection doctrine. Overbroad generalizations concerning one sex or the other no longer can be used to substitute for a functional, gender-neutral means of distinguishing between the physically unfit and the able bodied. The paternalistic attitude inherent in exclusion of women from past draft registration requirements not only relieved women of the burden of military service, it also deprived them of one of the hallmarks of citizenship. Until women and men share both the rights and the obligations of citizenship, they will not be equal.

In sum, when the evidence of women's participation in the military since the last draft is measured against the new heightened review standard for sex-based classifications, it is clear that their exclusion from a draft registration requirement will not adequately "closely and substantially" relate to the maintenance of the national security. Consequently, should Congress reinstitute a compulsory draft registration requirement using sex as a proxy for an individual's capacity to discharge military duty, there can be no doubt that litigation would be brought and that the legislation would almost certainly be invalidated as violative of the equal protection component of the fifth amendment. I urge the adoption of Senator KASSEBAUM's amendment.

Mr. President, I ask unanimous consent that an article from the Washington Star entitled "Army Can Triple Use of Women in Support Roles, New Study Says" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY CAN TRIPLE USE OF WOMEN IN SUPPORT ROLES, NEW STUDY SAYS

(By Robert Kaylor)

A year-long study indicates the Army can more than triple the number of women who support combat units and not lose effectiveness, military sources said yesterday.

The conclusion is contained in a soon-to-be-released report on the results of Project Max Wac, which studied the impact of using women—numbering between 5 and 35 percent of total strength—in five different types of support units during three-day field exercises.

Sources said the study showed that with 35 percent of total strength made up of women, the units were able to fulfill their missions.

In addition to military police and transportation units, the women were tested in signal, medical and maintenance outfits. There were a total of 55 tests of units of company size—about 150 to 200 total members each.

The normal number of women in such support units now does not go above 11 percent.

Sources said, however, that before drawing conclusions whether numbers of women soldiers can be boosted so sharply on a regular basis, the Army is awaiting the results of other studies.

Among them is one which compared the performance of women against men in similar jobs during a two-week field exercise in West Germany last fall to see whether fatigue and stress over a long period cut down effectiveness. A report on that study is expected next March.

About 6.5 percent of the Army's total active strength of approximately 785,000 now consists of women soldiers. The Army's goal is to raise that to 10 percent—a total of about 80,000 women—in the next five years or so.

Women are now barred from "combat" jobs—such as in infantry, artillery and tank battalions—and as a result also have been excluded from posts in the headquarters of battle formations such as divisions.

The Army is now considering changing its definition of "combat" to allow women to be assigned to divisional headquarters or to behind-the-lines jobs in artillery units. Some sources predicted female soldiers would go into such jobs within the next year.

Mr. HATFIELD. Mr. President, I do strongly support this amendment by the Senator from Kansas. I say that even though I really have a certain sense of ambivalence because I really think that this matter will be taken to the court eventually before it ever becomes implemented, the whole question in which we are involved here today; and therefore it seems to me that if this amendment is voted down we have another issue upon which we can challenge the constitutionality of this act if it becomes the law or becomes a policy, and probably that would add to our possibility of winning it in the court as opposed to our ability

to win it in the Senate or in Congress. But in spite of that sense of ambivalence on that legal question and the possibility of raising this in a court action later on I do want to indicate to the Senator from Kansas that I shall vote for this and I urge it be passed by the Senate tonight.

Mrs. KASSEBAUM. Mr. President, I have called for the yeas and nays.

I am very appreciative of those who have given us the opportunity to have this debate and I hope those who support me in giving me this debate as well as Senator LEVIN on this amendment will also support us in the law.

I do call now for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, I rise in opposition to this amendment.

All of the military services testified at length about the mobilization plans before the Armed Services Committee in their testimony about the place of women in those plans. Both the civilian and military leadership agreed that there is no military need to draft women. Because of the combat restrictions, the need will be primarily for men, and women volunteers would fill the requirements for women. The argument for registration and induction of women, therefore, is not based on military necessity but on considerations of equity.

We are concerned with the national security of this country. The Army and the Marine Corps testified that because of present shortages in combat arms and the nature of the emergency situation envisaged, the primary need is for combat replacements from the induction system. Selective Service plans provide for drafting only men during the first 60 days, and only a small number of women would be included in the total drafted for the first 180 days.

In addition, there are other military reasons that preclude very large numbers of women from serving. Military flexibility requires that a commander be able to move units or ships quickly. Units or ships not located at the front or not previously scheduled for the front nevertheless must be able to move into action if necessary. In peace and war, significant rotation of personnel is necessary. We should not divide the military into two groups—one in permanent combat and one in permanent support. Large numbers of noncombat positions must be available to which combat troops can return for duty before being redeployed.

It is also clear that an induction system that provided half men and half women to the training commands in the event of mobilization would be administratively unworkable and militarily disastrous. It has been suggested that all women be registered, but only a handful actually be inducted in an emergency.

Fellow Members of the Senate, you will find this to be a very confused and, ultimately, unsatisfactory solution. I believe we must be honest and face up to a situation we have existing, and that is increasingly worrying the people of this country, and that is the military deficiencies and, among them, our military manpower problem.

We have a readiness problem and a mobilization problem. But our problem is not the lack of accessibility for service for the female or the women population of this country. They have that opportunity now and they are serving and, in most cases, serving very well.

But to register, the proposed registration for, women subsequently in the event of mobilization when we consider a draft is not in the best interests of this Nation. It is contrary to military preparedness. In fact, it works in a negative way on that basis, as testified to by all military and civilian opponents who appeared before the Armed Services Committee.

Therefore, I urge rejection of this amendment. I thank the Chair.

Cries of Vote! Vote!

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I just want to repeat, while we have Senators on the floor, what I said a few moments ago. I am not sure how many Senators recognize what it does and does not do.

This amendment precludes the registration of males until Congress authorizes the registration of females. This means that the amendment basically prevents registration. It takes away the authority of the President, which he already has under the law, until and unless Congress authorizes the registration of females.

This amendment does not authorize the registration of females. We are in the unusual position of having the President requesting $20 million to register males and females. The Appropriations Committee knocked out $7 million, and now, if this amendment passes, we are saying to the President, "We are giving you the authority—we are giving you the money to register males but we are telling you you cannot do it until you register females, but we are not giving you the money to register females or the authority to register females." So we are really sending about as big a bag of mixed signals to the White House, to the American people, as anything I can think of.

I will leave it to others to explain, if this amendment passes, what the Senate position is because the Senator from Georgia would be confused as to that Senate position because we do not have the money here, we do not have the authority here, and we are simply saying that you cannot register males until you register females. We are not giving the President the authority to register females nor are we giving him the money.

Mr. President, that completes my statement on this amendment. I hope my colleagues will vote against the amendment and we will have, as far as I am concerned, an up or down vote on the amendment.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 40, nays 51, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—40

Baker	Hayakawa	Proxmire
Baucus	Heinz	Pryor
Bellmon	Javits	Randolph
Bentsen	Kassebaum	Riegle
Bradley	Leahy	Sarbanes
Burdick	Levin	Simpson
Cannon	McClure	Stafford
Chafee	Metzenbaum	Stevens
Cohen	Mitchell	Stevenson
Cranston	Moynihan	Tsongas
Culver	Packwood	Weicker
Danforth	Pell	Williams
Eagleton	Percy	
Glenn	Pressler	

NAYS—51

Armstrong	Goldwater	Nunn
Bayh	Hart	Ribicoff
Boren	Hatch	Roth
Boschwitz	Hatfield	Sasser
Bumpers	Heflin	Schmitt
Byrd, Harry F., Jr.	Helms	Schweiker
Byrd, Robert C.	Huddleston	Stennis
Chiles	Humphrey	Stewart
Cochran	Inouye	Stone
DeConcini	Jackson	Talmadge
Dole	Jepsen	Thurmond
Domenici	Johnston	Tower
Durenberger	Laxalt	Wallop
Durkin	Lugar	Warner
Exon	Magnuson	Young
Ford	Matsunaga	Zorinsky
Garn	Melcher	
	Nelson	

NOT VOTING—9

Biden	Hollings	Mathias
Church	Kennedy	McGovern
Gravel	Long	Morgan

So Mrs. KASSEBAUM's amendment (No. 1805) was rejected.

Mr. RANDOLPH. Mr. President, we cannot hear the vote.

The PRESIDING OFFICER. There were 40 yeas and 51 nays. The amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, and so that Senators may inform their families—Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators and so that they might inform their families, the Senate will be on this joint resolu-

tion until action is completed on the joint resolution, unless per chance, and I do not expect this, unless per chance there would be some willingness to enter into a time agreement at some point that would see us wind up action on this bill at a reasonable time. But unless there is such, the Senate will be on the joint resolution until action is completed on the joint resolution, which means if we have to go all night, all day tomorrow, all tomorrow night, all day the next day. That is the way it will have to be. I do not want it this way. I prefer that it not be this way. Cloture has been invoked, and it has been indicated that the rules will be utilized to the maximum extent possible to run out the 100 hours. I do not think the majority leadership has any alternative but to take the position I have just stated.

Mr. BAKER. Mr. President, I had no idea that this offer would be accepted, but there has been a conversation on this side of the aisle about the possibility of recessing tonight at some decent hour and then reconvening tomorrow at a fairly early hour, but attempting to get unanimous consent that the time we are in recess would count against the 100 hours provided for in the rules. I believe the Senator from Oregon would agree to that arrangement. He is on the floor and can speak for himself. That might be one way to accommodate the purposes of the majority leader to prosecute the debate on this measure and provide some degree of relief for all those here.

Mr. McCLURE. Will the Senator yield?

Mr. BAKER. I yield.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I am not certain about the effort being made now to either blackmail those who are involved in this legislation to give up their rights under cloture or, in effect, reduce the 100 hours which this Senate has agreed upon to be used under cloture. I certainly am not going to suggest to the Senator from Oregon or anyone else that they not agree to this offer. But the Senate has debated at length the question of what ought to be done postcloture, and we decided after extended debate that there would be a limit of 100 hours, that that would be the upper limit.

Now, as I see it, an effort is under way to reduce the rights of individual Members under a postcloture condition to somewhat less than the rule permits.

If it is the desire of the Senate to change the postcloture rule, I will enter that debate with anyone else as to what might be done under a postcloture situation. But it does not seem wise to me to indicate that simply because we have now a cloture situation that Members of the Senate, each individual, every 100 Members—or perhaps I should say all the other 99 Members—have to be in the position of either giving up their rights under the rule or paying the price of inconvenience to themselves and rather unusual procedures on the floor of the Senate.

Mr. BAKER. Mr. President, I will not prolong this much longer except to say on the very important point raised by the Senator from Idaho, we had a colloquy earlier today and a ruling from the Chair that notwithstanding any time yielded back by an individual Senator, it would not reduce the 100 hours provided for under rule XXII. The suggestion I made just now was slightly different than that. The suggestion I made was the possibility that we recess at a fairly reasonable hour and convene again in the morning at a fairly early hour with the hope that those involved in the debate might agree the intervening time between now and in the morning would be charged as if debate had ensued.

Now, really, about all it amounts to is the conservation of energy and the night's sleep.

But I do not see that there has been any great rush to support that proposal. So I assume from the extensive silence I observe on the floor that nobody thinks well of that except me, and I will withdraw the suggestion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. Is it appropriate to make a motion?

The PRESIDING OFFICER. It depends on the Senator's motion.

Mr. WARNER. I move to table the committee amendment, as amended, and I ask for the yeas and nays.

The PRESIDING OFFICER. That motion is in order.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there may be 2 minutes to the side on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I am not sure what our status is.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I did not yield the floor. I made a unanimous-consent request. I do not lose the floor.

The PRESIDING OFFICER. The Chair apologizes.

Mr. HELMS. The Senator sat down.

Mr. HATFIELD. The Senator sat down.

Mr. ROBERT C. BYRD. I am sorry the Senator saw me sit down.

Mr. HATFIELD. Mr. President, I ask that the quorum call proceed.

Mr. ROBERT C. BYRD. The Senator is correct. I am sorry that I sat down.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

There is pending a unanimous-consent request that there be 2 minutes for debate on each side in connection with the motion to table.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. ROBERT C. BYRD. Now the motion before the Senate.

The PRESIDING OFFICER. The motion to table.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for not more than 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that there is a desire on the part of some Senators not to have the vote on the motion to table until 9 p.m.

I ask unanimous consent that the vote on Mr. WARNER's motion to table occur at 9 p.m.; that until 9 p.m., the Senate stand in recess, with the understanding that the time be charged against the overall 100 hours; that upon reconvening at 9 p.m., the Senate proceed immediately, without a quorum call, to vote on the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President, reserving the right to object, I ask the majority leader to yield for a question.

Mr. ROBERT C. BYRD. I yield.

Mr. HATFIELD. As the majority leader understands, this matter of moving to table committee amendment carries with it certain implications. Of course, we are in a situation in which surprises and catching the opposition off guard is a fair ball game.

But I wonder if, before we vote, say, at 9 o'clock, we can call for the return of the Senators who are now leaving the Senate—to attend to other matters—in some way to get some kind of a gentlemen's agreement or understanding that when we come back, at least 1 or 2 minutes can be given to either side to give some kind of explanation as to the impact and the implications of this motion.

To make the motion and then adjourn, so to speak, and go from the floor and off the Hill and come back and vote immediately on a motion has given no one an opportunity to really understand the full implications of the motion.

I would be happy to take the next hour to explain it on my own time, if anyone were here to listen. The majority on my side, the Republican side, will be leaving the Hill, and I will be speaking to an empty Chamber. I should like a "gentlemen's aggreement" that we are going to

be back in our seats so that we will understand that prior to the vote on this motion, we will have at least 1 minute or 2 minutes on each side, and we will know what the vote means.

Mr. BAKER. Mr. President, reserving the right to object, I say to my friend from Oregon that the request is being made largely to accommodate—I suppose entirely to accommodate—the convenience of Members on this side. I am making arrangements, together with the minority staff and the assistant Republican leader, to transport people to another engagement and for them to be back here at 9.

I assure the Senator from Oregon that we will do that and will do it efficiently.

His request for a limited amount of time to explain the situation after we return at 9 is entirely in order, and I hope the majority leader will consider modifying his request to accommodate the additional points.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does any Senator on my side of the aisle wish to utilize any of the time between now and 9 o'clock in speaking on the matter?

I see no indication.

Mr. HATFIELD. Mr. President, will the majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HATFIELD. I do not want to delay this procedure, but I say to the majority leader and the minority leader that in 1 minute, at this point, when we have this kind of attendance, I could describe this matter as I see it, so far as protecting my rights is concerned, and to explain to Senators why I oppose this motion. I could do it in 1 minute and get this out of the way, so that when we come back at 9 p.m., we could go right to a vote.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object——

Mr. MAGNUSON. Why 9 o'clock?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that——

Mr. MAGNUSON. Why do we not vote on it now, and then we can go?

All right, I will not object.

Mr. BAKER. I thank the Senator from Washington.

RECESS UNTIL 9 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 9 p.m. today, with the understanding that the time utilized during the recess will be charged against the 100 hours; that immediately upon reconvening at 9 p.m. today, there be a 10-minute time limit for debate on the motion to table, the time to be equally divided between Mr. HATFIELD and Mr. WARNER; that upon the expiration of the 10 minutes, without any further debate and without any quorum call—that there be no quorum call in order—the Senate proceed immediately to vote on the motion by Mr. WARNER to table the committee amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, that is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I will not object, but I reserve the right to object for this reason:

The Senate has now decided that the 100 hours of debate under postcloture provisions will be 98½ hours.

I ask the Members of the Senate to ponder for just a moment where this procedure leads us with respect to the rights of each of us in a postcloture situation.

Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, I object.

I certainly do not want to take away the rights on the other side. If Senators are interested in staying here, I will stay here and listen to anything that has to be said. As I understood the agreement, we are trying to accommodate the people on that side of the aisle.

If the Senator from Idaho wishes to stay here I will be glad to stay here to protect the rights on this side of the aisle, just in order to show that we wish to cooperate as much as we possibly can.

Mr. McCLURE. Mr. President, reserving the right to object, I thank the Senator from Nebraska for his offer. There will come a time, I say to the Senator from Nebraska, when he may be concerned about his rights under the postcloture rule, and that is all I am concerned about, whether or not there are 100 Members of this Senate who have equal rights or whether there is 1 Member and 99 others, 1 Member who has a different right than the other 99.

I am trying to protect the rights of the Senator from Idaho.

I thank the Senator for his offer.

Mr. ROBERT C. BYRD. Mr. President, we are trying to accommodate our friends on the minority side by my request.

If the Senator from Idaho wishes to object, that means we have to vote immediately on the motion to table.

There being no objection, the Senate, at 7:40 p.m., recessed until 9 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEAHY).

The VICE PRESIDENT. The question is on the motion to table, in which 10 minutes has been allotted for debate.

Who yields time? Who yields time? Who yields time?

Time will be charged equally against both sides.

Both sides have 3 minutes remaining.

Mr. HATFIELD addressed the Chair.

The VICE PRESIDENT. The Senator from Oregon.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The VICE PRESIDENT. There are 3 minutes remaining on each side on the unanimous consent to debate the motion to table the committee amendment as amended.

Mr. HATFIELD. Mr. President, the motion that is now pending to table the committee amendment, as amended by the Nunn amendment, is very, very clearly a parliamentary effort to not only call this whole amendment down but, in effect, to preclude amendments from being offered that are now pending at the desk that deal with substantive issues, that deal with questions that have not been debated here, that will not be eligible for debate.

It seems to me that, again, it looks as though—at least it seems to me—that this is an effort to turn down the possibility of receiving facts or information. It has every earmark of people who have their minds made up, who do not want to be confused by the facts.

I feel that, this being the significant issue that it is in which it is dealing with the lives of 19-year-olds and 20-year-olds and, beginning next year, 18-year-olds, we ought to air all of the issues related to this policy. I hope that the Senate will give us an opportunity to raise these amendments that have been pending at the desk, that have been clearly established as legitimate amendments up to this point. I feel, therefore, that we are being denied the opportunity to present information to this body on aspects of this matter which are very important, not only to the lives of these young people directly affected, but to the whole American system.

Mr. WARNER addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. WARNER. Mr. President, out of senatorial courtesy, I advised my colleague, the distinguished Senator from Oregon, that that is precisely the nature of my motion and the consequences are as he has accurately outlined them.

I feel that my colleagues have had the opportunity to hear a full range of debate on all the basic issues raised by the amendment.

Mr. President, I yield the floor to my colleague from the majority, Mr. NUNN.

Mr. NUNN. Mr. President, I know time is short and the hour is late, but it is going to get later.

The committee amendment was that conscientious objectors be considered on classification. I think all of us favor that. In fact, that is already part of the current law.

The value of tabling this committee amendment, as amended by my amendment, is that it will eliminate procedural problems with the House, it will make a conference less likely, unless we have other amendments. It is also opposed vigorously by the Department of Defense. So I urge my colleagues to support the motion of the Senator from Virginia to table the committee amendment, as amended.

The VICE PRESIDENT. Who yields time?

Mr. WARNER addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. WARNER. Mr. President, to accommodate the Senate, I will yield back the remainder of my time.

The VICE PRESIDENT. Is all time yielded back?

Mr. WARNER. Mr. President, I yield to the Senator from Minnesota (Mr. BOSCHWITZ).

Mr. BOSCHWITZ. Mr. President, may I ask the distinguished Senator from Oregon (Mr. HATFIELD) once again—I was a little bit late and did not hear the Senator's explanation. I wonder if the Senator could proffer it again.

Mr. HATFIELD. Mr. President, I merely indicated to the Senate that this calls down all the pending amendments that deal with substantive issues. We will not be able to have consideration of them, even for an appealing of the ruling of the Chair. Therefore it seems to me that it is unfair to do that at this time.

It also calls down the amendment that this Senate voted, that was offered by the Senator from Georgia (Mr. NUNN) on the matter dealing with conscientious objectors. The committee amendment dealt with it in a certain way, the Senator from Georgia amended it, and the Senate, in good faith, supported the Senator from Georgia. Now the Senator from Georgia is supporting the idea of calling down the whole thing in order to stop us from calling up other amendments, because they have been worded in conformity to the committee amendment.

The VICE PRESIDENT. Who yields time?

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. BAKER. Mr. President, might I inquire: What is the parliamentary situation at this time?

The VICE PRESIDENT. In a minute and 20 seconds, we will vote on the motion to table.

Mr. BAKER. Mr. President, I thank the Chair.

I have previously stated on the floor that it is my intention to vote for this bill. It is my intention to support registration. I think it is a prudent and wise step to take at this time.

I have attempted, in the course of the last several hours and last few days, to protect the rights of those who disagree with that point of view and to assure that they had an opportunity to make their case. I believe that, under these circumstances, the purposes of all Senators have been well served.

Mr. President, I take this opportunity to express my appreciation to the majority leader for arranging the time, the brief time this evening, so that other matters could be attended to.

I intend to vote in favor of the motion to table.

The VICE PRESIDENT. All time has expired.

The question is on agreeing to the motion to table the committee amendment as amended. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

Mr. WARNER. Mr. President, regular order.

The VICE PRESIDENT. Are there any Senators wishing to vote?

The result was announced—yeas 63, nays 24, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—63

Baker	Glenn	Pressler
Baucus	Hart	Pryor
Bayh	Hatch	Randolph
Bentsen	Hayakawa	Ribicoff
Boren	Heflin	Roth
Bradley	Helms	Sasser
Bumpers	Huddleston	Schmitt
Burdick	Inouye	Simpson
Byrd,	Jackson	Stafford
Harry F., Jr.	Jepsen	Stennis
Byrd, Robert C.	Johnston	Stevenson
Cannon	Laxalt	Stewart
Chiles	Levin	Stone
Cochran	Lugar	Thurmond
Cranston	Matsunaga	Tower
DeConcini	Metzenbaum	Tsongas
Domenici	Mitchell	Wallop
Durenberger	Moynihan	Warner
Eagleton	Nelson	Williams
Exon	Nunn	Zorinsky
Ford	Pell	
Garn	Percy	

NAYS—24

Armstrong	Hatfield	Melcher
Bellmon	Heinz	Packwood
Boschwitz	Humphrey	Proxmire
Chafee	Javits	Riegle
Cohen	Kassebaum	Sarbanes
Culver	Leahy	Schweiker
Danforth	Magnuson	Stevens
Dole	McClure	Weicker

NOT VOTING—13

Biden	Hollings	Morgan
Church	Kennedy	Talmadge
Durkin	Long	Young
Goldwater	Mathias	
Gravel	McGovern	

So the motion to lay on the table the committee amendment, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

Mr. ARMSTRONG. Mr. President, will the Chair state the question?

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

Mr. WARNER. Mr. President, regular order.

The VICE PRESIDENT. Have all Senators voted?

The result was announced—yeas 67, nays 19, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—67

Baker	Hart	Pressler
Baucus	Hatch	Proxmire
Bayh	Hayakawa	Pryor
Bentsen	Heflin	Randolph
Bradley	Helms	Ribicoff
Bumpers	Huddleston	Roth
Burdick	Inouye	Sasser
Byrd,	Jackson	Schmitt
Harry F., Jr.	Jepsen	Simpson
Byrd, Robert C.	Johnston	Stafford
Cannon	Kassebaum	Stennis
Chafee	Laxalt	Stevenson
Chiles	Levin	Stewart
Cochran	Lugar	Stone
Cranston	Magnuson	Thurmond
DeConcini	Matsunaga	Tower
Domenici	Metzenbaum	Tsongas
Durenberger	Mitchell	Wallop
Eagleton	Moynihan	Warner
Exon	Nelson	Weicker
Ford	Nunn	Williams
Garn	Pell	Zorinsky
Glenn	Percy	

NAYS—19

Armstrong	Hatfield	Packwood
Bellmon	Heinz	Riegle
Boschwitz	Humphrey	Sarbanes
Cohen	Javits	Schweiker
Culver	Leahy	Stevens
Danforth	McClure	
Dole	Melcher	

NOT VOTING—14

Biden	Gravel	McGovern
Boren	Hollings	Morgan
Church	Kennedy	Talmadge
Durkin	Long	Young
Goldwater	Mathias	

So the motion to lay on the table the motion to reconsider vote No. 183 was agreed to.

The VICE PRESIDENT. The Senator from Georgia is recognized.

AMENDMENT NO. 1823

(Purpose: to reduce appropriations relating to the storage of registration forms)

Mr. NUNN. Mr. President, I call up amendment No. 1823 and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN) proposes amendment numbered 1823:

On page 2, line 5, strike out "$13,295,000" and insert in lieu thereof "$13,285,000".

Mr. NUNN. Mr. President, this is an amendment to reduce by $10,000 the appropriations relating to the storage of registration forms, and at the appropriate time I certainly hope we can get a vote on it and hopefully tonight, but I think we should have plenty of time to discuss it.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the role.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 6 Leg.]

Armstrong	Glenn	Packwood
Baker	Hart	Pell
Baucus	Hatch	Percy
Bayh	Hatfield	Pressler
Bellmon	Hayakawa	Proxmire
Bentsen	Heflin	Pryor
Boschwitz	Heinz	Randolph
Bradley	Helms	Ribicoff
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd,	Inouye	Sarbanes
Harry F., Jr.	Jackson	Sasser
Byrd, Robert C.	Javits	Schmitt
Cannon	Jepsen	Schweiker
Chafee	Johnston	Simpson
Chiles	Kassebaum	Stafford
Cochran	Laxalt	Stennis
Cohen	Leahy	Stevens
Cranston	Levin	Stevenson
Culver	Lugar	Stewart
Danforth	Magnuson	Stone
DeConcini	Matsunaga	Thurmond
Dole	McClure	Tower
Domenici	Melcher	Tsongas
Durenberger	Metzenbaum	Wallop
Eagleton	Mitchell	Warner
Exon	Moynihan	Weicker
Ford	Nelson	Williams
Garn	Nunn	Zorinsky

The PRESIDING OFFICER (Mr. LEAHY). A quorum is present.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I move to recess until 9:30 a.m. and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, that motion is not in order calling for a recess until 9:30 because we have an order to come in at 10.

The PRESIDING OFFICER. The majority leader is correct. There is an order entered that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow.

Mr. HATFIELD. Mr. President, I move to recess pursuant to the previous order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber who has not voted who wishes to vote?

The result was announced—yeas 26, nays 60, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—26

Armstrong	Helms	Roth
Bellmon	Humphrey	Schmitt
Boschwitz	Javits	Schweiker
Cohen	Kassebaum	Simpson
Danforth	Laxalt	Stafford
Durenberger	Lugar	Stevens
Garn	McClure	Wallop
Hatch	Packwood	Weicker
Heinz	Pressler	

NAYS—60

Baker	Ford	Pell
Baucus	Glenn	Percy
Bayh	Hart	Proxmire
Bentsen	Hatfield	Pryor
Bradley	Hayakawa	Randolph
Bumpers	Heflin	Ribicoff
Burdick	Huddleston	Riegle
Byrd,	Inouye	Sarbanes
Harry F., Jr.	Jackson	Sasser
Byrd, Robert C.	Jepsen	Stennis
Cannon	Johnston	Stevenson
Chafee	Leahy	Stewart
Chiles	Levin	Stone
Cochran	Magnuson	Thurmond
Cranston	Matsunaga	Tower
Culver	Melcher	Tsongas
DeConcini	Metzenbaum	Warner
Dole	Mitchell	Williams
Domenici	Moynihan	Zorinsky
Eagleton	Nelson	
Exon	Nunn	

NOT VOTING—14

Biden	Gravel	McGovern
Boren	Hollings	Morgan
Church	Kennedy	Talmadge
Durkin	Long	Young
Goldwater	Mathias	

So Mr. HATFIELD's motion to recess was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 7 Leg.]

Armstrong	Boschwitz	Byrd, Robert C.
Baker	Bradley	Cannon
Baucus	Bumpers	Chafee
Bayh	Burdick	Chiles
Bellmon	Byrd,	Cochran
Bentsen	Harry F., Jr.	Cohen
Cranston	Javits	Randolph
Culver	Jepsen	Ribicoff
Danforth	Johnston	Riegle
DeConcini	Kassebaum	Roth
Dole	Laxalt	Sarbanes
Domenici	Leahy	Sasser
Durenberger	Levin	Schmitt
Eagleton	Lugar	Schweiker
Exon	Magnuson	Simpson
Ford	Matsunaga	Stafford
Garn	McClure	Stevens
Glenn	Melcher	Stevenson
Hart	Metzenbaum	Stewart
Hatch	Mitchell	Stone
Hatfield	Moynihan	Thurmond
Hayakawa	Nelson	Tsongas
Heflin	Nunn	Wallop
Heinz	Packwood	Warner
Helms	Pell	Weicker
Huddleston	Percy	Williams
Humphrey	Pressler	Zorinsky
Inouye	Proxmire	
Jackson	Pryor	

The PRESIDING OFFICER. A quorum is present.

The pending question is on the motion of the Senator from West Virginia (Mr. ROBERT C. BYRD) to table the motion of the Senator from Oregon (Mr. HATFIELD) to reconsider the vote by which the Senator from Oregon's motion to recess was not agreed to.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote who have not voted?

The result was announced—yeas 65, nays 19, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—65

Baucus	Cranston	Hayakawa
Bayh	Culver	Heflin
Bentsen	DeConcini	Helms
Bradley	Dole	Huddleston
Bumpers	Domenici	Inouye
Burdick	Durenberger	Jackson
Byrd,	Eagleton	Johnston
Harry F., Jr.	Exon	Kassebaum
Byrd, Robert C.	Ford	Leahy
Cannon	Garn	Levin
Chafee	Glenn	Magnuson
Chiles	Hart	Matsunaga
Cochran	Hatch	Melcher

Metzenbaum	Ribicoff	Stewart
Mitchell	Riegle	Stone
Moynihan	Roth	Thurmond
Nelson	Sarbanes	Tsongas
Nunn	Sasser	Wallop
Pell	Schmitt	Warner
Proxmire	Schweiker	Weicker
Pryor	Stafford	Williams
Randolph	Stevenson	Zorinsky

NAYS—19

Armstrong	Heinz	Packwood
Baker	Humphrey	Percy
Bellmon	Javits	Pressler
Boschwitz	Jepsen	Simpson
Cohen	Laxalt	Stevens
Danforth	Lugar	
Hatfield	McClure	

NOT VOTING—16

Biden	Hollings	Stennis
Boren	Kennedy	Talmadge
Church	Long	Tower
Durkin	Mathias	Young
Goldwater	McGovern	
Gravel	Morgan	

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. HATFIELD. Mr. President, I move to postpone the joint resolution indefinitely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 8 Leg.]

Armstrong	Garn	Nunn
Baker	Glenn	Packwood
Baucus	Hart	Pell
Bayh	Hatch	Percy
Bellmon	Hatfield	Pressler
Bentsen	Hayakawa	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Randolph
Bradley	Helms	Ribicoff
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd, Harry F., Jr.	Inouye	Sarbanes
	Jackson	Sasser
Byrd, Robert C.	Javits	Schmitt
Cannon	Jepsen	Schweiker
Chafee	Johnston	Simpson
Chiles	Kassebaum	Stafford
Cochran	Laxalt	Stevens
Cohen	Leahy	Stevenson
Cranston	Levin	Stewart
Culver	Lugar	Stone
Danforth	Magnuson	Thurmond
DeConcini	Matsunaga	Tower
Dole	McClure	Tsongas
Domenici	Melcher	Wallop
Durenberger	Metzenbaum	Warner
Eagleton	Mitchell	Weicker
Exon	Moynihan	Williams
Ford	Nelson	Zorinsky

The PRESIDING OFFICER. A quorum is present.

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate will be in order.

The pending business is a motion by the Senator from Oregon to indefinitely postpone the bill.

Mr. HATFIELD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I move to table the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. I am sorry, the Chair did not hear the Senator.

Mr. HATFIELD. I move to table the motion to postpone indefinitely.

The PRESIDING OFFICER. Is the Senator asking for the yeas and nays on that?

Mr. HATFIELD. I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second on the tabling motion? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the motion to indefinitely postpone the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber who has not voted who wishes to vote?

The result was announced—yeas 78, nays 8, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—78

Baker	Hart	Pell
Baucus	Hatch	Percy
Bayh	Hatfield	Pressler
Bentsen	Hayakawa	Pryor
Boren	Heflin	Randolph
Boschwitz	Heinz	Ribicoff
Bradley	Helms	Riegle
Bumpers	Huddleston	Roth
Burdick	Humphrey	Sarbanes
Byrd, Harry F., Jr.	Inouye	Sasser
	Jackson	Schmitt
Byrd, Robert C.	Javits	Schweiker
Cannon	Jepsen	Simpson
Chafee	Johnston	Stafford
Chiles	Kassebaum	Stevens
Cochran	Laxalt	Stevenson
Cohen	Levin	Stewart
Cranston	Lugar	Stone
Culver	Magnuson	Thurmond
DeConcini	Matsunaga	Tower
Domenici	Melcher	Tsongas
Durenberger	Metzenbaum	Warner
Eagleton	Mitchell	Weicker
Exon	Moynihan	Williams
Ford	Nelson	Zorinsky
Garn	Nunn	
Glenn	Packwood	

NAYS—8

Armstrong	Dole	Proxmire
Bellmon	Leahy	Wallop
Danforth	McClure	

NOT VOTING—14

Biden	Hollings	Morgan
Church	Kennedy	Stennis
Durkin	Long	Talmadge
Goldwater	Mathias	Young
Gravel	McGovern	

So the motion to lay on the table the motion to indefinitely postpone was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which this action was tabled, and, Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I make the point of order that the motion to reconsider is dilatory. The vote in favor of the previous motion was 78 votes. The motion is plainly dilatory and I make that point of order.

The PRESIDING OFFICER. The Senate will be in order. Just a moment.

Let the Chair see the tally sheet.

Under the precedents of the Senate, the Chair would have to hold that the motion is dilatory.

Mr. HATFIELD. Is what? Will the Chair repeat the ruling, please?

The PRESIDING OFFICER. Under the precedents of the Senate, in light of the last vote, the Chair would have to hold that the motion is dilatory.

Mr. HATFIELD. I appeal the ruling of the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader was seeking recognition.

Mr. BAKER. Mr. President, I seek recognition on my own time. Mr. President, I know of no precedents of the Senate heretofore, and I would inquire of the Chair, is there any previous precedent that would support a ruling by the Chair that a motion is dilatory under the provisions of rule XXII simply because, as I understood the Chair to rule, the vote was lopsided, one way or the other? I know of no such precedent. I have participated previously in ruling out of order amendments that were clearly dilatory under rule XXII and on their face. But I believe this is clearly a different situation. I know of no precedent. I inquire of the Chair if there is such a precedent.

The PRESIDING OFFICER. Will the distinguished minority leader suspend for a moment?

Would the Senator from Oregon restate what his motion was prior to the ruling of the Chair?

Mr. HATFIELD. The Senator from Oregon made a motion to reconsider the vote by which the matter had been tabled. The Senator from Oregon voted on the prevailing side.

The PRESIDING OFFICER. The Chair reverses itself. The motion is in order.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum. I have already moved to reconsider and now I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair is aware of 50 Senators in the Chamber, in excess of 50 Senators in the Chamber. The Chair will ask the Parliamentarian if it is necessary to have a quorum call under the circumstances.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. Under the precedent 2½ years ago, the Chair had ruled that there was a quorum and observed a quorum right after we had had a rollcall.

The Chair after reversing itself on the other matter, is aware of a quorum.

Mr. HATFIELD. Mr. President, I appeal the ruling of the Chair.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state his inquiry.

Mr. BAKER. Mr. President, I recall that precedent because I participated in establishing it, and I recall as well that the precedent that permits the Chair, I believe, to observe the presence of a quorum follows on after a vote without any intervening motion or business. That is not the situation here, Mr. President. I think this precedent does not apply.

I would also point out, Mr. President, that under the precedents at that time we had been involved in the Abourezk/Metzenbaum filibuster, post cloture filibuster, for days. It was an entirely different thing. We have been involved here for a matter of hours in post cloture.

I respectfully suggest that to invoke this precedent at this time is to substantially increase the scope of that precedent and is improper.

The PRESIDING OFFICER. So the Chair can thoroughly understand the minority leader, the minority leader is saying that if the Chair sees 51 Senators after a vote that is different than if the Chair sees 51 Senators 60 seconds after a vote?

Mr. BAKER. Of course not. What I am saying is, No. 1, no point of order has been made. I suppose that may happen, but none has been made so far. No. 2, that we have an entirely different factual situation, that it does not follow on the pattern that was established in that precedent. It was a rather severe precedent and it should be followed, in my judgment, only in the most careful circumstances. This is not an analogous situation and it should not be invoked in this case to deprive the Senator from Oregon of his rights.

The PRESIDING OFFICER. The Chair was willing, as the astute minority leader knows, to reverse itself on what has been a subjective call of the Chair on dilatory matters, even though the Chair was convinced it had adequate precedents to sustain its earlier rulings on subjective matters. The Chair, however, speaking both as Presiding Officer and in his capacity as Senator from Vermont, would find it would view intolerable the inability of the Chair's own logic to look out here and see substantially in excess of 51 Senators and declare we need a rollcall for a quorum. Possibly some subsequent Presiding Officer may feel differently than the present Chair.

Mr. BAKER. I thank the Chair. I would remind the Chair that the call for a quorum and the ascertainment of a quorum is not a prerogative of the Chair but it is a constitutional right. I would suggest that the Chair's ruling should not apply in this case.

The PRESIDING OFFICER. Under the precedent which the Chair cited before which the minority leader is aware of and participated in, there was no mention of intervening business by the Chair. If the minority leader would like, I will be glad to read the transcript of that matter.

Mr. BAKER. Mr. President, I will read that. I will yield now to the Senator from Oregon so he can make his motion.

Mr. HATFIELD. Mr. President, I appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Will the Chair state the question so Senators may be guided? If we wish to sustain the Chair, how do we vote?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair that the call for a quorum under the present circumstances, the Chair having ascertained a quorum being present, was dilatory, and should that ruling stand as the judgment of the Senate? A yea vote would agree with the Chair.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BOREN). The clerk will suspend. Will Senators please clear the well? The Senate will be in order.

The clerk may proceed.

The legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the the Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators present desiring to vote?

The result was announced—yeas 52, nays 34, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—52

Baucus	Ford	Nunn
Bayh	Glenn	Pell
Bentsen	Hart	Proxmire
Boren	Hayakawa	Pryor
Bradley	Heflin	Randolph
Bumpers	Huddleston	Ribicoff
Burdick	Inouye	Riegle
Byrd, Harry F., Jr.	Jackson	Sarbanes
Byrd, Robert C.	Johnston	Sasser
Cannon	Leahy	Stafford
Chafee	Levin	Stevenson
Chiles	Magnuson	Stewart
Cranston	Matsunaga	Stone
Culver	Melcher	Tsongas
DeConcini	Metzenbaum	Weicker
Eagleton	Mitchell	Williams
Exon	Moynihan	Zorinsky
	Nelson	

NAYS—34

Armstrong	Hatfield	Pressler
Baker	Heinz	Roth
Bellmon	Helms	Schmitt
Boschwitz	Humphrey	Schweiker
Cochran	Javits	Simpson
Cohen	Jepsen	Stevens
Danforth	Kassebaum	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Wallop
Durenberger	McClure	Warner
Garn	Packwood	
Hatch	Percy	

NOT VOTING—14

Biden	Hollings	Morgan
Church	Kennedy	Stennis
Durkin	Long	Talmadge
Goldwater	Mathias	Young
Gravel	McGovern	

The PRESIDING OFFICER. On this vote, the yeas are 52; the nays are 34. The ruling of the Chair stands as the judgment of the Senate that the call for the quorum was dilatory.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on my motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The question is on the motion to reconsider the vote by which the motion to lay on the table the motion to postpone indefinitely the consideration of the bill was agreed to. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 14, nays 71, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—14

Armstrong	Hatfield	Lugar
Bellmon	Heinz	McClure
Boschwitz	Humphrey	Packwood
Danforth	Javits	Stevens
Hatch	Laxalt	

NAYS—71

Baker	Byrd, Robert C.	Durenberger
Baucus	Cannon	Eagleton
Bayh	Chafee	Exon
Bentsen	Chiles	Ford
Boren	Cochran	Garn
Bradley	Cranston	Glenn
Bumpers	Culver	Hart
Burdick	DeConcini	Hayakawa
Byrd, Harry F., Jr.	Dole	Heflin
	Domenici	Helms

Huddleston	Nelson	Schweiker
Inouye	Nunn	Simpson
Jackson	Pell	Stafford
Jepsen	Percy	Stevenson
Johnston	Pressler	Stewart
Kassebaum	Proxmire	Stone
Leahy	Pryor	Thurmond
Levin	Randolph	Tower
Magnuson	Ribicoff	Tsongas
Matsunaga	Riegle	Wallop
Melcher	Roth	Warner
Metzenbaum	Sarbanes	Weicker
Mitchell	Sasser	Williams
Moynihan	Schmitt	Zorinsky

NOT VOTING—15

Biden	Gravel	McGovern
Church	Hollings	Morgan
Cohen	Kennedy	Stennis
Durkin	Long	Talmadge
Goldwater	Mathias	Young

So the motion to reconsider the vote by which the Senate agreed to the motion to lay on the table the motion of the Senator from Oregon to indefinitely postpone the joint resolution was rejected.

AMENDMENT NO. 1823

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, what is the pending issue or question or business before the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 1823, offered by the Senator from Georgia (Mr. NUNN).

Mr. HATFIELD. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Georgia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) is absent on official business.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 15, nays, 69, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—15

Armstrong	Laxalt	Riegle
Bellmon	Leahy	Sarbanes
Culver	McClure	Stevens
Danforth	Packwood	Wallop
Heinz	Proxmire	Weicker

NAYS—69

Baker	Ford	Nunn
Baucus	Garn	Pell
Bayh	Glenn	Percy
Bentsen	Hart	Pressler
Boren	Hatch	Pryor
Boschwitz	Hatfield	Randolph
Bradley	Hayakawa	Ribicoff
Bumpers	Heflin	Roth
Burdick	Helms	Sasser
Byrd, Harry F., Jr.	Huddleston	Schmitt
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Inouye	Simpson
Chafee	Jackson	Stafford
Chiles	Jepsen	Stevenson
Cochran	Johnston	Stewart
Cranston	Levin	Stone
DeConcini	Lugar	Thurmond
Dole	Magnuson	Tower
Domenici	Matsunaga	Tsongas
Durenberger	Melcher	Warner
Durkin	Metzenbaum	Williams
Eagleton	Mitchell	Zorinsky
Exon	Moynihan	
	Nelson	

NOT VOTING—16

Biden	Javits	Morgan
Church	Kassebaum	Stennis
Cohen	Kennedy	Talmadge
Goldwater	Long	Young
Gravel	Mathias	
Hollings	McGovern	

So the motion to lay on the table Mr. Nunn's amendment (No. 1823) was rejected.

[The foregoing are the Senate proceedings which occurred up until 12 o'clock midnight, June 10, 1980. The proceedings which occurred thereafter will be printed in the RECORD of June 11, 1980.]

EXTENSIONS OF REMARKS

ENERGY DEMAND AND THE GNP—FACTORING IN ENERGY CONSERVATION AS NEW ENERGY SUPPLY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BROWN of California. Mr. Speaker, while it is now rare to hear claims that energy demand increases lockstep with GNP, and while it is now common to hear discussions about the potential of energy conservation, I believe the extent of our energy supply potential from conservation is often overlooked.

The Los Angeles Times recently published an excellent overview on this topic, which I would like to bring to the attention of my colleagues. If we remember that the term "energy conservation" includes energy efficiency, and not simply the reduction in energy use, we can better realize the potential of energy conservation.

The traumas of the U.S. automobile industry in adjusting to the need for energy-efficient automobiles serves to illustrate both the magnitude and potential for energy conservation. I commend the following article to my colleagues:

[From the Los Angeles Times, June 9, 1980]

CONSERVING: NEW PRODUCT IN U.S. FUTURE?

(By Sandra Blakeslee)

When figures recently released by the Department of Energy showed that energy consumption actually dropped in 1979 while the gross national product increased, some energy experts in the United States were not surprised.

For some time now a new generation of experts and consultants on energy has insisted that curbing consumption does not have to lead to a decline in growth. To the contrary, they say, conservation can be viewed as a means of "supply"—no less productive than a new power plant or oil rig.

The debate between these experts, and those who insist that increasing the supply of oil, gas and coal is still the best hope for solving the nation's energy crisis, is not likely to end in the near future. But the Energy Department's figures, coupled with other findings on reduced energy demand suggest that the nat on's energy appetite could be curbed without dislocating the economy.

When energy consumption dropped by a fraction of 1% last year while the GNP grew by 2.3% (after adjusting for inflation), it was the first time in more than 25 years that energy used failed to grow in a non-recession year. And there are compelling reasons why, according to Lee Schipper, a physicist at the Lawrence Berkeley Laboratory who is collecting data on conservation.

Among Schipper's findings: Between 1972 and 1980, fuel use for space heating per house has declined at least 15% nationwide and is down 30% in some regions; industrial energy use is almost the same as it was in 1972, despite a 20% increase in real industrial output; certain new refrigerators on the market today use 50% to 60% less energy than comparable models sold a year ago.

"These figures show unambiguously that conservation has delivered the equivalent of four to five million barrels of oil a day since 1972—greater than any other source of energy supply," Schipper said.

The debate over the extent to which conservation can substitute for increased energy supplies raises questions about social values, environmental quality and future life style. Billions of dollars are at stake, as well as, some would argue, the security of a nation that has come to import half its energy. Some of the nation's largest institutions—banks and utilities—have been drawn into the fray.

Recent studies at Princeton, Harvard, the University of California, Berkeley, and Carnegie Mellon Institute have examined every conceivable "end use" of energy in America—at all the machines and processes that are powered by electricity and by oil, gas and coal. The researchers wanted to calculate how much energy is used to run the nation compared to how much is actually needed.

Their prediction: by the year 2000 the nation can double its population and expand its economy without using more energy that it uses today. It may even use less.

The key factors will be conservation and efficiency.

California is viewed as the nation's leading laboratory for innovative ideas about energy supply and use, and its experience has convinced state planners that conservation does not mean life-disrupting sacrifices—just thoughtful adjustments.

Conservation, California energy planners say, is a dynamic process that requires "fixes" in the home and in industry:

A family in El Monte insulates its ceilings and walls and cuts heating bills in half; a homeowner in Hollywood installs double-glazed windows and makes the air-conditioning of his house more efficient; a tenant in Santa Monica puts a Styrofoam pad up the chimney in his apartment and cures a common energy "leak."

On a larger scale, a builder in Riverside puts energy-efficient stoves, refrigerators and heat pumps in a new housing development; a hospital in Beverly Hills installs solar panels on the roof and cuts gas bills by 80%.

On the freeways, commuters drive more fuel-efficient automobiles or they form car pools or ride the bus.

To promote "fixes" at the household level, the California Public Utilities Commission recently ordered utilities to offer low-interest or no-interest loans to customers for insulating their houses and installing solar hot water heaters. Home audits will be offered next year to show consumers where they could be saving energy.

The PUC is promoting economic incentives to encourage builders to put up energy-efficient houses, and the Energy Commission's building efficiency standards are being copied by the federal government.

Although conservation is finally catching on, a number of government officials and business leaders believe that, even though it is important, it cannot be viewed as a predictable or reliable "supply" of energy. Rather, supply is realistically a matter of oil, coal, gas and uranium. And it is a matter of massive investment in synthetic fuels, such as oil squeezed from coal shale and of advanced nuclear technology.

To these groups, conservation is the handmaiden.

When the energy crisis hit in 1973 after the Arab oil embargo, the nation turned to its established experts for answers, according to Daniel Yergin, a Harvard Business School professor who helped write "Energy Future," a best seller that strongly touted conservation and efficiency.

"Not surprisingly," Yergin said, "they held the view that the past is a good guide to the future. After all, this was their whole career and it was human nature to be supply oriented."

This was the same generation, Yergin said that harnessed nuclear power for peaceful purposes, the one that developed synthetic rubber and put men on the moon. Now it wants synfuels.

"It's not that people are against conservation," Yergin said. "It's just that they haven't taken it seriously."

As an industry executive put it: "This country didn't conserve its way to greatness, it produced its way there." Said another: "The trouble with conservation is it's too damn feminine."

This is the debate: one group is supply oriented and the other is demand oriented, and they offer fundamentally different solutions to the energy puzzle.

If the scorecard were tallied today, the supply side would appear to be ahead. The federal government spends $4 to increase supply for every $1 it spends to reduce demand.

The belief that there is great flexibility in how much energy is required and how much is used for any one purpose was developed by a group of influential physicists, most of them in their 30s, who were drawn into the energy debate after the 1973 energy crisis, according to Yergin.

"Physicists," Yergin said, "have provided careful scientific reasoning and explanation for conservation using the second law of thermodynamics," which states that it is impossible to convert a given quantity of heat completely into work. There are always losses in the conversion.

Great increases in the efficiency of conversion are possible, Yergin said, but no one paid any attention to the conversions when energy was cheap.

The National Academy of Science began to pay attention five years ago when it initiated a major study of the nation's energy problems. The academy's final report, issued in January, was remarkable, according to Jack Hollander, an associate director of the Lawrence Berkeley Laboratory, because it proved to the nation's scientific establishment that energy use and the gross national product do not have to increase in lock-step fashion.

The belief that any decrease in energy productivity would result in a lower GNP—

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and thus a lower standard of living—was common a few years ago.

The academy of science report showed, however, that in 2010 the United States could thrive on 20% to 40% less energy than it uses today, which is about 78 quads. (A quad is a quadrillion British thermal units or a million billion times the amount of energy it takes to raise one pound of water one degree Fahrenheit. One quad represents enough energy to heat 20,000 California homes for a year.)

According to recent figures from the Department of Energy, this trend may already be under way. Total energy use in 1979 was 78.02 quads, slightly less than the 1978 level of 78.15 quads.

Depending on the aggressiveness of conservation policies and the price of energy, the nation could use a low range of 50 quads or a high range of 140 quads in 2010, the Science Academy report said.

But if the nation were wasteful, it would require 240 quads of energy in 2010.

The study "elevated conservation as a supply by putting it in economist's jargon and giving it good theoretical underpinnings," Hollander said.

Schipper said that Japan uses a third, France half and Sweden six-tenths as much energy as is used in the United States—with comparable or higher standards of living. The Comparison takes into account different transportation, industrial and demographic features.

A Swedish power plant, Schipper said, produces 29% electricity, 24% captured or cogenerated heat (used for many purposes) and 47% waste heat.

A U.S. power plant, he said, produces 31.5% electricity and 68.5% waste heat.

The United States will soon approach "zero energy growth," Schipper contends, "simply because conservation is profitable."

The 1974 to 1978 improvements in conservation are remarkable, he said, because real price increases for energy were mild. "But the 1979 price hikes are going to stick much more than the '73 hikes," he said, "and have shown us all kinds of holes in the walls to plug up. We have a whole new league of energy conservation available."

Yergin estimates that better insulation would save one-third of the energy used in homes and buildings—the equivalent of two million barrels of oil a day and the output of 75 large nuclear power plants.

The energy "needlessly wasted" in the United States is equal to all the oil presently imported, about 8 million barrels a day, Yergin contends.

At the end of 1978, Yergin said, the nation paid $800 million a week for that oil. It now pays $1.7 billion a week.

But if the nation were to reduce industrial waste by 30%, residential and commercial waste by 40% and transportation waste by about 50%, 8 to 11 million barrels of oil a day would be saved, he predicted.

Other experts say that attaining zero energy growth would cut oil imports in half by 1990—automatically—without the need for huge coal or nuclear projects. Imports would fall, they insist, even as domestic oil and gas outputs continue to decline.

This is because small "fixes" add up to large savings, according to the Alliance to Save Energy, a Washington conservation group, which estimates that:

If all American households cut the use of dishwashers by one load a week, the aggregate saving would total 3.25 million barrels of oil a year.

If all home hot water heaters were properly insulated and shower heads had flow restricters, 240,000 barrels of oil would be saved each day. That is equivalent to a cut of $9.6 million a day in the nation's trade deficit.

If all commercial establishments (banks, apartment houses, stores, supermarkets) recycled lost heat, the saving would be 750,000 barrels a day. More efficient lighting would yield 350,000 barrels a day.

If industry captured waste heat nationwide, 1.4 million barrels could be saved and recycling of materials would get another 700 million barrels a day.

A 30% improvement in auto fuel economy alone would save 3 million barrels of oil each day.

But many energy experts contend that such estimates amount to hopeful guessing and that conservation has its limitations.

"At its ultimate attainment, conservation represents poverty," said Harry A. Logan, president of United Refining Co. in Warren, Pa. "Conservation is virtuous, but very difficult to translate into meaningful programs."

"Clearly there are conservation techniques that are less expensive (than traditional means) in providing energy," said Rene Males, an energy analyst with the utility-backed Electric Power Research Institute in Palo Alto. "But it is uncertain how far it can go. The Harvard group says half our additional energy requirements can be met by conservation. The National Academy of Science says half or maybe all. But they just don't know for certain. Both more supply and conservation are needed."

It is "terribly dangerous" to assume the energy-to-GNP ratio can be safely reduced, according to Robert Cannon, a professor of aeronautics and astronautics at Stanford University who worked on the National Academy of Science study and dissented from its report.

The energy-to-GNP ratio fell only once before, he said, beginning in 1923. Six years later came the Great Depression.

The debate aside, there are very real barriers to conservation as a means of supplying energy and all are at issue in California, according to the state Energy Commission.

One barrier is called "misplaced incentives"—that is, who benefits from and who pays for conservation and energy efficiency. A landlord whose tenants pay their own utility bills has no incentive to insulate his building.

Despite existing efficiency codes, California builders are still putting up structures that use more energy than they should, according to the Energy Commission. And although energy savings of up to 60% to 70% are possible, it is still not clear who will bear the extra construction costs.

In the Pacific Northwest, where hydroelectric power is still cheap, all-electric office buildings and subdivisions continue to be constructed. No one will buy the more expensive, heavily insulated houses, builders say, when all-electric buildings cost less.

Another barrier is financing. Once a homeowner decides to insulate or install a solar hot water heater, where in these inflationary times can he get the best loan?

Current federal legislation bars utilities from lending customers money to reduce energy use, although the subject is under renewed debate in Congress. California has applied for a waiver.

Lobbyists for utility groups and banks generally want utilities kept out, according to PUC president John Bryson. Banks want to keep the business.

But a few utilities, including Pacific Gas & Electric Co., based in San Francisco, are arguing to be allowed in, Bryson said. They can offer customers reduced interest on loans and still come out ahead. They can also bolster customer confidence by guaranteeing the workmanship on solar devices and insulation.

Another barrier to conservation is rate pricing. Despite higher bills, customers still are not paying what it costs a utility to go out and secure new supplies. Rather, customers pay average costs—rates based on cheap energy from old power plants plus expensive energy from new plants.

If customers had to pay the full replacement costs for new electricity supplies, they would conserve more.●

FLOOD REMEMBRANCES AND PREPARATIONS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. MURTHA. Mr. Speaker, recently, I spoke at a memorial ceremony remembering the 1889 Johnstown Flood which killed 2,209 people and stands as one of our greatest natural tragedies.

Of course, Johnstown was hit by floods again in 1936 and 1977. In my remarks I noted that the surest protection for any flood-prone area was National Flood Insurance. This was invaluable in rebuilding our area.

Yet, I note that in Pennsylvania over the last 16 months nearly 35,000 policies have been dropped. Certainly, in times of recession and high unemployment, we all look for ways to cut back and save money. Flood insurance, though, is an area where we cannot afford not to be protected.

I insert the prepared remarks I had for the Johnstown 1889 Memorial into the CONGRESSIONAL RECORD and place it as a reminder to the Members from flood-prone areas to encourage their citizens to obtain or renew their flood insurance policies.

REMARKS FOR 91ST ANNIVERSARY COMMEMORATIVE CEREMONY OF THE JOHNSTOWN FLOOD OF 1889, JOHNSTOWN FLOOD NATIONAL MEMORIAL, MAY 31, 1980

Nearly all of us remember stories of the 1889 flood passed down to us through generations of story telling. The memories are so clear that it is almost as though we lived through it ourselves.

There were three feet of water in the streets of downtown Johnstown after a constant 36-hour rain. By 3 p.m. on this day, 91 years ago, ten inches of rain had accumulated behind the South Fork Dam. It collapsed from the strain and 20 million tons of water started an hour long, 14 mile devastating journey toward the city. After it hit, the city was reduced to a mass of debris. The total deaths reached 2,209. One-third of the bodies recovered were never identified. Many bodies were never found. Over 4,000 persons were injured and total property damage reached $17 million.

When I was preparing these remarks, I thought back to what a different world our ancestors lived in during the 19th century. While it was some 30 years before the Johnstown flood, I have a packet of letters of a relative of mine that has been handed down from generation-to-generation ever since the Civil War. In our modern, technologically sophisticated world, it is difficult to think back to that time—my ancestor

writes of his travel by foot, rail, and steamer taking several days to get from West Virginia to central Pennsylvania. One letter tells of how it was several days before word from Washington reached him in Pennsylvania that President Lincoln had been assassinated; news of Civil War battles only a couple hundred miles away took days to hear about.

Think about how different the world was when our ancestors were hit by that flood 91 years ago. When the 1977 flood hit, I knew about it in Washington within a few hours; yet in 1889 many parts of the country did not know about it for days. In the last three years over $300 million in Federal aid has come into the area to help rebuild; yet in 1889 there was virtually no Government help. Within a few hours in 1977 we could bind the community together through radio and television reports; yet in 1889 consider the isolation of the citizens, who had difficulty knowing what was happening between Moxham and East Conemaugh. One of the jobs we spent a great deal of time doing in 1977 was patching relatives from outside the area through to their families by telephone or shortwave to let them know they were safe, in 1889 it could be days before you knew about the flood and agonizing days more before you would know if your relatives were safe.

Yet, in making those comparisons, I also noted one great similarity. That is the dedication and spirit of the people within our community. Within 24 hours of the 1889 devastation, a new police force had been formed wearing badges cut from tin cans, a makeshift hospital was open, and committees organized to deal with rescue, supply, and finance. Of course, we know first hand that that spirit was still alive in 1977.

Let me tell you something. We've had hundreds of disasters around the country since July 20, 1977, and after those disasters occur, it never fails that a Congressman from that area or some Government representative will walk up to me and say, "Now, that I've been through it, Jack, I don't understand how Johnstown has done it three times. The people in that area must have an uncommon spirit to have accomplished what they have, to have rebuilt their community three times and held it together." Of course, I know that's true.

I know that Walter Pierson is going to talk about flood prevention, but in closing I want to stress one of the points I'm sure he will also make—the need for flood insurance.

I mentioned that we received over $300 million in Federal aid, but I have to report that right now, that kind of funding simply is not available. The budget is being reduced to reach a balanced budget. In fact, at this exact moment the disaster fund is broke—if a flood reoccurred in our area today, the Federal Government response would be greatly limited.

The sure way for every citizen to protect himself is through flood insurance. The Federal Government uses tax dollars to subsidize this insurance, so it's cheap. It's also easy to obtain—you can get it through your regular insurance agent or call my Johnstown office and we'll put you in touch with the people operating the National Flood Insurance program.

Coincidentally, then-Governor Milton Shapp and I had undertaken a drive to sell flood insurance in the spring of 1977. You'll remember there were very deep snows that winter and we were concerned that with the spring melt there would be considerable flooding, well, it didn't flood that spring, but we helped convince a lot of people to buy flood insurance and they were protected when the July flood occurred.

In fact, there were 7,236 policies with coverage of almost $151 million in participating communities. Nearly $26 million in flood insurance claims were paid to 2,592 policyholders in the disaster area. Claims in Johnstown alone totaled 1,210 and over $17 million.

Now, in these times of recession, many people think about not renewing their policies. But I urge everyone living in the flood plain to take the insurance if you don't have it; to renew it if you already do. There is nothing in my mind that is more important to protect yourself.

We all live with memories of 1977, and we remember directly, or by the stories we have heard about the impact of 1936 and 1889.

We now live in a new era, vastly different from the world almost a century ago which we remember and commemorate today. From Washington I see the multitude of problems that we face as a Nation, a State, and a community. But I also see the spirit, dedication, and commitment of the people throughout the United States and our community. That spirit was present in 1889 and is still present today. As we meet this morning to commemorate our ancestors and learn from their experience, let us also use this occasion to rededicate ourselves to that spirit that has served us so well in the past and will continue to serve us today and in the future.●

REPRESENTATIVE SKELTON HONORED

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. IRELAND. Mr. Speaker, recently the ranking majority member of the Subcommittee on Special Small Business Problems, IKE SKELTON, was honored by a small business group. IKE was presented with the 1980 Congressional Award by the Independent Bakers Association. He was honored along with Senator HOWARD H. BAKER, JR. at a reception in the Rayburn House Office Building on the night of June 4. The following morning he was the guest speaker at the IBA annual convention at the Washington Hilton.

IKE was honored for his testimony before three Federal agencies on the subject of further labeling changes for the food industry. He told the agencies their proposed changes would be costly and probably be of little value to the average consumer. A couple of months later investigators from the General Accounting Office reached the same conclusion after a study of the agencies' proposals.

IKE SKELTON has been a tireless worker for all small business, and I am pleased that his work was recognized by the Independent Bakers.●

SUPERFUND LEGISLATION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. EDGAR. Mr. Speaker, the need for swift passage of the hazardous waste superfund legislation to clean up abandoned disposal sites has never been more apparent. The Environmental Protection Agency's report about chromosome damage to the residents of Love Canal reemphasizes the threat these uncontrolled and abandoned sites pose for public safety and the environment.

Because of the amount of hazardous and toxic wastes produced by industries in our region, the Northeast and Midwest are particularly vulnerable to this problem. According to the Mitre Corp., 54 percent of the Nation's hazardous wastes will be generated in this region in 1980, yet the limited number of safe dumpsites means that these substances probably will continue to be dumped carelessly in landfills, lagoons, and other improper dumpsites. The General Accounting Office has estimated that industries in Pennsylvania produce about 8.7 million tons of hazardous wastes annually, but the State only has the capacity to handle safely one-tenth of this amount. In short, the absence of an effective system for managing these wastes, which will be resolved through quick implementation of the Resource Conservation and Recovery Act, can only add to the need for a strong and effective mechanism to clean up abandoned sites.

I recently received a letter from Dick Thornburgh, Governor of Pennsylvania, indicating his support for the recommendations adopted by the National Governors' Association regarding the structure of any superfund bill considered by Congress. These suggestions address the issues of financing, scope, liability, and the Federal/State roles. Since the full House probably will be considering at least one of the superfund measures shortly, I would like to submit these recommendations for the benefit of my colleagues:

The Subcommittee on the Environment of the National Governors' Association met on March 17, 1980. The Subcommittee reviewed its policy on the need to increase the legal authority and the financial ability to respond to and to remedy threats posed by hazardous chemicals. The following are Subcommittee recommendations on provisions which should be included in a hazardous materials response or "Superfund" bill.

A. SCOPE OF THE BILL

1. Congress should establish a systematic and phased effort to identify, assess and control inactive or abandoned hazardous waste sites. A federal fund should be created to assist the federal government and the states in alleviating the threat posed by hazardous chemicals.

2. Money from the federal fund should be provided to the states for emergency response at commercial, state and local, and

federal abandoned sites and for containment and treatment or disposal, either on or off site.

3. Authority to remedy hazardous chemical releases should also apply to sites receiving interim permits under the Resource Conservation and Recovery Act (RCRA).

4. Hazardous substances should be broadly defined to include chemicals listed as hazardous in Sec. 112 of the Clean Air Act, Sec. 307(a) and Sec. 311(b) of the Clean Water Act, Sec. 7 of the Toxic Substances Control Act, and Sec. 3001 of the Resource Conservation and Recovery Act (RCRA).

5. Additional oil spill legislation is needed, but need not be part of a hazardous substances response bill.

B. EMERGENCY RESPONSE FUND

1. Congress should establish an emergency response fund composed of contributions from an industry-based fee and general appropriations. The National Governors' Association anticipates the fund being initiated by Federal revenues and sustained by the industry fee.

2. There should be no per site expenditure ceilings for emergency response or for containment and cleanup.

C. LIABILITY

1. Legislation establishing a hazardous substances response fund should impose strict, joint and several liability on owners, operators, and others, if they have caused the release of hazardous substances from waste facilities.

D. STATE ROLE

1. If states have assumed full responsibility for implementing RCRA programs, they should be entitled to obligate trust funds for emergency response and containment and cleanup at sites which are listed in the National Contingency Plan. Where an emergency response is required at a site not listed in the National Contingency Plan, a rapid approval process should be devised whereby EPA could approve a state emergency response plan within 24 hours of submission.

2. If the costs to a state for emergency response and containment and cleanup exceed $500,000 per site, approval by the administrator of EPA should be sought.

3. States which have not assumed full responsibility under RCRA should be offered the option of taking emergency response and containment and cleanup actions if the administrator of EPA determines they possess the desire and technical capability to do so.

4. State containment and cleanup priorities should be incorporated in any revised National Contingency Plan.

5. Whenever possible states should be allowed to conduct their own inventories of inactive or abandoned hazardous waste sites. Federal fiscal and technical assistance should be made available. In consultation with the states, the federal government should establish standards so that the final national inventory will be uniform and compatible.

6. Federal assistance to states for conducting inventories and taking remedial action at inactive or abandoned waste sites should be retroactive to July 1, 1977. States should not be penalized for taking action to protect the health and safety of their own citizens while the federal program has been under debate.

7. State funds and authority to respond to hazardous chemical threats should not be preempted by new federal law.

E. STATE/FEDERAL FINANCIAL AND IN KIND OBLIGATIONS

1. The per site mandatory state financial or in kind contribution for emergency response or containment and cleanup should not exceed 10 percent.

2. The per site mandatory state financial or in kind contribution for remedial action at those sites which are owned by states or their political subdivisions should not exceed 25 percent. Where it can be demonstrated that states acquired the problem site to protect the public health and safety, the 25 percent requirement should be waived.

3. States must be permitted to recover all or part of their mandatory financial obligation through litigation.

4. The goal of all containment and cleanup actions should be the permanent detoxification and destruction of waste and contaminated media. To the maximum extent feasible this goal should guide state and federal efforts. States should not be required to assume long-term maintenance responsibilities, unless funded accordingly by the federal government.

5. If the federal government requires of states the guarantee of the availability of an alternative waste disposal facility as a condition for providing assistance, the facility should meet RCRA requirements not simply those established by the administrator of EPA.

F. NOTIFICATION

1. Where persons who have improperly discharged hazardous substances are required to contact the appropriate federal agency immediately, provision should be made that the appropriate state agency is also contacted immediately.

G. EXPANDED USES OF THE FUND

1. The fund should be permitted to fund state laboratory and research facilities in order to establish and maintain damage assessment and response capability at the state level.

2. State research projects such as the development of mobile or portable on-site response, treatment or containment technology should be eligible for support from the fund.

Incorporate into Superfund a provision which increases annual funding for hazardous waste disposal research and development by as least $10 million per year.●

SUPPORT FOR THE ACP

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HOPKINS. Mr. Speaker, conservation and the simultaneous planned usage of our resources is the one reason we are able to maintain our place in the world agricultural community. Americans are better fed at lower costs, and export more food and fiber items than any other nation on Earth. This increased production of quality food items is no accidental occurrence. Only through proper management and constant attention to our farmlands can we hope to continue our history of protecting and preserving our fertile lands to gain ever-increasing yields of food and fiber.

The agricultural conservation program is a longstanding program which promotes and exemplifies this ideal. By conserving and improving water resource quality, controlling animal waste pollution, controlling erosion, conserving wildlife, improving our forests, and encouraging cooperation toward common goals the ACP has gained the acceptance and support of both the Congress and the American farmer. This longstanding program, benefiting from the personal cooperation of our farmers, and with Federal cost sharing, serves as the basis for our ongoing efforts to maximize our food and fiber production while preserving the productivity of our prime farmlands for future generations.

I fully support the action of the Appropriations Committee in restoring much-needed funding for the ACP. Past Congresses have seen the wisdom of this program, and have supported restoration of ACP funds. With the support of the full House, this program will continue to benefit all Americans through the cooperative conservation and management of our agricultural resources.●

PAUL SIMON RELEASES PERSONAL INCOME DETAILS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SIMON. Mr. Speaker, for the 25th straight year, since I first held public office, I am releasing a detailed and complete account of my personal finances. The disclosure goes far beyond the requirements in the House rules.

Since I was first elected to the House in 1974, I also have required my personal staff members who earn more than $20,000 a year to make similar disclosures.

I release these statements each year because I believe that the people have a right to know as much as possible about their elected officials and that the officials have a responsibility and an obligation to make it as easy as possible for people to exercise that right.

I also believe that if each Member of Congress released detailed financial statements, that the opportunity for and suspicion of conflicts of interest would be reduced. My financial statement and those of my staff members follow:

INCOME FOR 1979—PAUL AND JEANNE SIMON

	In dollars
Salary, U.S. House of Representatives	58,027.02
U.S. Treasury, official expenses	2,422.27
Rental income, Carbondale home	967.50
Thrifty-Vent, refund	300.00
University Bank of Carbondale, refund of overpayment	252.00
Insurance refund, Carbondale home	141.00
General Telephone Co., refund	17.03
Salary, National Advisory Council on Women's Educational Programs (Jeanne)	7,080.48
Advisory Committee on White House Conference on Libraries per diem and reimbursement (Jeanne)	431.23
Baltimore Sun, article	100.00
New Catholic World, article	100.00

INCOME FOR 1979—PAUL AND JEANNE SIMON—Continued

	In dollars
Book royalties	2,029.58
Paul Simon for Congress, reimburse campaign expenses	1,257.99
Sale of Carbondale House[1] (less expenses of sale cost $36,818)	51,550.00
Sale of Maremont stock (10 shares purchased January 1961 for $110)	546.00
Sale of S-W Life Corp. stock (100 shares purchased October 1979 $3,537.15)	4,251.00
1979 honoraria and travel reimbursement for appearances:	
American Council For Capital Formation	1,000.00
American Council For the Teaching of Foreign Languages	458.70
American Council of Life Insurance	1,000.00
American Translators Association	250.00
Brookings Institution	600.00
University of Chicago	910.00
Columbia University	100.00
ESMARK, Corp.	500.00
General Electric	1,059.00
Illinois Petroleum Marketers Association	1,000.00
University of Illinois	620.20
Lutheran Council in U.S.A.	250.00
National Council for Resource Development	500.00
National Rehabilitation Association	221.56
Planned Parenthood Federation of America	310.50
Southeastern Illinois College (donated to college foundation)	200.00
Suncom Industries	44.00
Susquehanna University	250.00
Syracuse University	586.14
Dividends:	
Adams Express	202.32
A.T. & T.	8.00
Bethlehem Steel	7.50
Borg-Warner	41.50
Borman's	1.60
Brunswick	.78
Chrysler	.40
Crown Zellerbach	12.00
Fairchild Industries	8.80
Fruehauf Corp.	9.20
G-M	15.00
Gulf & Western	.75
Hardees	9.60
Harper & Row	7.20
Lear Siegler	18.00
Maremont	9.75
M.I.G.	31.52
National Steel	5.20
Mut'l R.E.	2.50
Norton Simon	12.05
Pepsico	12.84
Ralston	6.96
Scott Paper	3.60
Texaco	29.68
Warner-Lambert Co	5.16
Westinghouse Electric	3.92
Interest:	
Mobil Corp.	8.50
Fairfield Communities, Inc.	195.00
Ellis 1st National Bank	5.50
University Bank	1.89
Citizens S. & L.	40.32
Carbondale National Bank	30.07
Dreyfus Fund	150.34
[1] Total 1979 income, Paul and Jeanne Simon	140,230.71

[1] Property purchased in 1978 near Makanda for building a house.

GIFTS WITH A VALUE OF MORE THAN $25

In 1976 I publicly stated that I would list all gifts with a value of more than $25 as part of my yearly financial statement. The gifts I received in 1979 valued at more than $25: Set of knives from Saline Valley Savings & Loan, Harrisburg, Value Unknown.

INCOME OF CHILDREN, SHEILA AND MARTIN SIMON

Sheila: Total of $1,630.77, including—interest from Citizens Savings & Loan of Potomac, Md., $113.70; interest from United Savings & Loan of Troy, Ill., $29.88; interest from Carbondale Savings & Loan, $1.66; dividends from Ford Motor Co., $3.90, A.T. & T., $9.80; and Fabric Tree Group, wages, $1,471.83.

Martin: Total of $170.24, including—interest from Citizens Savings & Loan of Potomac, Md., $1.66; interest from United Savings & Loan of Troy, Ill., $29.88; dividends from Ford Motor Co., $3.90, A.T. & T., $9.80; lawnmowing income, estimated, $125.00.

NET WORTH STATEMENT—PAUL AND JEANNE SIMON, AS OF JAN. 1, 1980

	In dollars
Assets:	
Bank of Maryland checking account balance	305.34
House of Representatives checking account balance	349.83
University Bank of Carbondale, savings account balance	74.88
Citizens Savings & Loan, Potomac, savings balance	1,105.78
Carbondale National Bank, savings balance	624.09
Ellis First National Bank, savings balance	255.50
U.S. savings bonds	993.75
General American Life Insurance, cash value	2,766.48
Polish National Alliance Insurance, cash value	1,070.00
Congressional Retirement System, cash value	20,277.93
Illinois General Assembly Retirement System, cash value	16,233.00
Condominium, Tarpon Springs, Fla., 1979 purchase	81,000.00
Residence, 11421 Falls Road, Potomac, Md., 1974 purchase price	126,000.00
1976, 1977, 1978 improvements to Potomac home	17,254.00
10.2 acres near Makanda, purchased Oct. 24, 1978, on which we plan to build a home	21,500.00
Furniture and presidential autograph collection	15,000.00
1965 Ford Mustang	150.00
1978 Ford Fairmont	2,600.00
Stock and bond holdings with number of shares:	
Adams Express, 162	2,065.50
A.T. & T., preferred, 2	109.00
Bethlehem Steel, 5	105.63
Borg-Warner, 20	717.50
Borman's, 8	41.00
Brunswick, 1	13.38
Chock Full of Nuts, 10	43.75
Chrysler, 2	13.50
Crown Zellerbach, 6	261.00
Curtis Publishing, 2	1.25
Dreyfus Fund	2,500.00
Fairchild Industries, 8	344.00
Fairfield Communities	1,820.00
Fruehauf, 4	111.00
General Motors, Inc., 10	500.00
Gulf & Western, 1	518.50
Hardees, 40	510.00
Harper & Row, 10	110.00
Lear Siegler, preferred, 8	456.00
Massachusetts Investors Growth, 33	344.19
Mutual Real Estate, 25 (approximate value)	62.50
National Steel, 2	53.00
Norton Simon, 10	160.00
Norton Simon, preferred, 1	36.50
Pacific Gas & Electric Co., 50	1,150.00
Pepsico, 12	298.50
Ralston Purina, 12	132.00
Rohr Industries, 3	42.75
Scott Paper, 4	73.00
Texaco, 14	390.25
United M. & M., 8	48.00
Werner Lambert, 4	80.00
Westinghouse, 4	80.50
Jet-Lite, 120 (approximate value)	300.00
Mobil debenture bond, $100, 8½ percent	100.00
Total assets	320,652.78
Liabilities[1]	
National Bank of Washington, personal note	2,000.00
First National Bank of Collinsville, personal note	15,000.00
National Savings & Trust, mortgage	88,687.91
Franklin Federal Savings & Loan Association	60,622.60
Total liabilities	166,510.51
Net worth	154,142.27
Assets of children, Sheila and Martin Simon:	
Sheila:	
A.T. & T., 2 shares	104.00
Ford Motor Co., 1 share	31.75
United Savings & Loan, Troy	625.04
Israel bond	160.00
Maryland National Bank, savings	427.58
Mutual Real Estate Trust, 10 shares	25.00
Maryland National Bank, checking	98.29
Total	1,471.66
Martin:	
A.T. & T., 2 shares	104.00
Ford Motor Co., 1 share	31.75
United Savings & Loan, Troy	621.95
Citizens Savings & Loan, Potomac	32.15
Israel bond	160.00
Mutual Real Estate Trust, 10 shares	25.00
Total	974.85

[1] In addition to these obligations, there is approximately $6,000 per year obligation to Wittenberg University in Springfield, Ohio, for Sheila's education expenses.

STAFF DISCLOSURES—SUBMITTED TO CONGRESSMAN SIMON IN APRIL, 1980

VICKI OTTEN, LEGISLATIVE COORDINATOR

1979 income other than government: University of Maryland Graduate School of Social Work, $400.00; dividends, Commonwealth Edison, $120.00. (Husband, William Henry Barringer, is an attorney with Arter, Hadden and Hemmendinger, practicing international law. The firm is a registered foreign agent for Japan Iron and Steel Exporters Assoc. and the Banco de Brazil.)

Sources and amounts of indebtedness over $500: Home mortgage, Eastern Liberty Savings & Loan, Washington, D.C., $29,473.00; 1977 Toyota Celica, First Virginia Bank, $1,970.

Stocks and bonds owned: 50 shares Commonwealth Edison, $1,190,000; Wright Patman Credit Union shares, $214.00.

Property owned: Home in Washington, purchased in 1978 for $40,000 with $15,000 in renovations in 1978; 1977 Toyota Celica purchased in 1977 for $5,800.00; 1969 Volkswagen Bug purchased in 1970 for $800.00.

RAY BUSS, DISTRICT ASSISTANT

1979 income other than government: Rental income, $6,464.71.

Sources and amounts of indebtedness over $500: King City Federal Savings & Loan, $103,000; Installment Loan, City National Bank, $3,000; Personal notes, Salem National Bank, $6,500.

Property owned; Apartment house, $142,500; household furnishings, $15,000; Buffy Bear (sheepdog), $135.70; Brandy (younger sheepdog), $160.48; 1980 Pontiac (Grand Prix), $8,200.

NICK PENNING, LEGISLATIVE ASSISTANT

1979 income other than government: Interest, Wright Patman Credit Union, $20.53; Payment for article, Journal Newspapers, $25.00.

Sources and amounts of indebtedness over $500: Robert Heltzel Co., home mortgage, $43,885.

Stocks and bonds owned: Wright Patman Credit Union shares, $331.12; Springfield Sacred Heart Credit Union, $24.32; U.S. Savings Bonds, $300.

Property owned: 1976 Dodge, purchased in 1976 for $4,354; Arlington, Virginia, residence purchased in 1977 for $49,700.

RAY JOHNSEN, OFFICE MANAGER

1979 income other than government: Rental income, $7,540; Metropolitan Life, interest, $27.00; General American Life, interest, $168.17; Cottonwood Junction, interest, $235; Mo. Portland Cement, interest, $507; Wright Patman Congressional Federal Credit Union, interest, $10.78; First Federal Savings & Loan, interest, $506.94; Christ Lutheran Church, interest, $70; General Motors, Inc., dividends, $137.77; Roodhouse Record, dividends, $216; Alpha Portland Cement, dividends, $16.56; Miller Real Estate, $1,612.50.

Sources and amount of indebtedness over $500: Washington and Lee Savings & Loan, $23,808; Illini Federal Savings & Loan, $26,136.

Stocks and bonds owned: Wright Patman Congressional Federal Credit Union, shares, $250; 175 shares Cottonwood Junction, $17,500; Series E U.S. Bonds, $993.75; Mo. Portland Cement bonds, $5,000; 400 shares, Laclede Steel, $4,000; 24 shares, Alpha Portland Cement, $348; 21 shares; General Motors, $1,050; Christ Lutheran Church, Orange, California, bond, $1,000.

Property owned: State of Illinois Employees Retirement System, $1,772.01; residence, Arlington, Virginia, $95,000; home and apartment, Troy, Ill., $30,000; duplex, Troy, Ill., $37,000; household furnishings $15,000; 1978 Chevrolet, $4,000; 1975 Volkswagen, $1,000.●

THE DEAN OF WEATHER WATCHERS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mrs. SMITH of Nebraska. Mr. Speaker, Mr. Edward H. Stoll of Elwood, Nebr., is the unchallenged dean of the National Weather Service's 11,650 cooperative weather observers.

Mr. Stoll has been a cooperative weather observer for over 74 years and has recorded more than 26,000 individual daily observations. Now retired from active farming, he still continues to take daily observations on the same farm his parents brought him to when he was only 1½ years old.

Mr. Stoll, who is in Washington today and will be meeting the President tomorrow, celebrated his 94th birthday on September 26, 1979.

Over the years, he has won every award the Weather Service had to offer its unpaid observers—length of service emblems, the John Campanius Holm Award, the Thomas Jefferson Award, and letters of commendation from Presidents and the Secretary of Commerce. In 1975, a new award was created in his honor—the Edward H. Stoll Award. It is given to any cooperative observer who has completed 50 years, or more, of continuous service.

In 1976, the National Weather Service told the story of Mr. Stoll and his dedication to doing a job successfully. I would like to share that story with my colleagues:

A NEW AWARD HONORS THE DEAN OF THE WEATHER-WATCHERS

(By Nancy Pridgeon)

What do you give a man who's got everything?

That quandary faced the National Weather Service's Substation Networks Management Branch when Edward H. Stoll approached 70 years of officially reporting the weather from his farm near Elwood (pop. 601), in Gosper County, Nebraska.

At 89, he had been a cooperative observer since October 10, 1905. Over the years, he had won every award the Weather Service had to offer its unpaid observers—length of service emblems, the Holm Award, the Jefferson Award, letters of commendation from the Secretary of Commerce and Presidents.

National Weather Service Central Region Headquarters in Kansas City wanted very much to do something special for Stoll's anniversary. No one—ever before in history—had kept a non-stop record of the character of each of the more than 25,500 days that make up 70 years. His unique achievement called for a unique recognition.

The Edward H. Stoll Award, a length-of-service certificate, was the brainchild of Bernard E. Spittler, chief of Substation Management for Central Region Headquarters. Together, he and Central Region Director Charles G. Knudsen wrote to Weather Service Headquarters in Silver Spring, Md., proposing the special award.

But Stoll would not be the award's only recipient. Once established, it would be given annually to any volunteer who had completed 50 years or more of continuous service. Between five and ten individuals reach that milestone each year.

Weather Service Director Dr. George P. Cressman heartily endorsed the idea and started the request moving through channels. The award was approved by NOAA and sent on its way for Commerce Department approval. At first, there was some hesitancy about naming the award for a contemporary observer—other volunteer observer awards were named for weather heroes remote in time. Finally, all objections were overcome, and the Edward H. Stoll Award was born.

He heard about the new award when Spittler called to tell him what the Weather Service had done. Surprised and pleased, Stoll responded with characteristic aplomb.

"I noted the day," he said, "and I kind of wondered if the folks at Weather Service would take a special note of it. But then I thought, 'They've done so much for me already that maybe this time I'll just be getting a letter.' "

About the new award, Stoll said he felt "real good"—and thankful he's had his health all these years.

"It's a tragedy," he feels, "for anyone to come down to the end of life's journey having given no service to their God, their country, or their fellow man."

Stoll is a man who has lived by this philosophy. As to his 70 years of service, Stoll says anyone can do it—if they start young enough and if they have the patience to stick to it.

"There's a 13-year-old observer here in Nebraska right now," he said, "and she may beat my record yet—if she keeps at it."

Stoll was barely 19—he was born September 25, 1886—that October day in 1905 when a neighbor came bringing the official weather instruments to the Stoll place. He was moving away, he told Stoll, and added, "it's your job now."

The young Stoll had no way of knowing he'd be at it so long. Nor that he'd live all his life on the Nebraska farm he was brought to from Kansas in 1888, when he was only one-and-a-half years old.

The Great Plains of the late 1880's were still being settled by pioneer farmers, well aware that their success could depend on a knowledge of the climate.

Only a few scattered observers had kept an eye on the weather before 1870, but in 1869, when the "Golden Spike" united railroads from coast to coast, transcontinental travel by rail became a reality. In the 1870's and '80's, the railroads promoted an organized network of weather observers to assure the safety of passengers and freight. Many of the early observers were railroad agents. Others were crop-oriented farmers.

Early observers frequently noted prairie fires and dense smoke in their reports. Lack of good roads made mailing the monthly reports difficult. There were other problems, too.

In December, 1890, William Waterman of Hay Spring, Neb., wrote, "Report is late this month on account of Indian scare. Too much confusion to get time to make report."

Edward Stoll was just four at the time. Fifteen years later, he began his own weather observations. The year before he began, 1904, the Kinkaid Act opened Nebraska's range land to homesteaders, and Nebraska was on its way to becoming part of the nation's breadbasket.

On the 320-acre Stoll farm, the main crops were wheat, corn, and milo—an early-growing, drought-resistant grain sorghum important for cattle feed. Through the years, each morning at 7 o'clock, Stoll recorded the 24-hour precipitation, the kind of day, the winds, storms and their duration, and anything unusual about the weather.

He recalls 1915 as the wettest year—36.64 inches of precipitation. The driest was 1934 with only 12.37 inches of moisture recorded. This was one of the Dust Bowl years.

He noted the Republican Valley flood—May 31-June 1, 1935—that killed 101 persons. He noted a tornado that killed a neighbor. And a rainbow that shone one Thanksgiving Day.

But the storm most vivid in his memory is the November 18, 1948 blizzard.

Blizzards are expected occurrences in the Plains states. A blizzard combines winds of 35 miles per hour or more, falling and blowing snow, and temperatures of 20 F or lower. Nearly every year on the Great Plains, a storm classified as a blizzard occurs. Severe blizzards with windspeeds 45 miles per hour or more, dense snowfall and temperatures below 10 F happen every few years. Stoll has recorded 22 such severe storms.

The Year of the Great Blizzards was 1888 when a January storm covered ten Midwestern states with great loss of life, and a March storm blanketed the Eastern Seaboard from Maryland to Maine, killing 400 persons, 200 of them in New York City alone. Stoll admits he doesn't remember these storms, but the November 18, 1948 storm was one of the most severe winter storms on record.

The 1948 storm covered northeast and east-central Colorado, the western two-thirds of Kansas, and most of central and northeastern Nebraska. Sixty to 80 mile per hour winds filled the air with blowing and drifting snow, reducing visibility over the area to near zero. Communities were isolated for days by drifts up to 20 feet high. The death toll was three persons in Kansas, one in Colorado, and six in Nebraska. Property losses in the three states—much of it in livestock—ran into the millions.

"A very peculiar stationary storm," Stoll called it, adding that it struck Elwood around 3 a.m. but didn't reach Arapahoe, nine miles away, until later that afternoon.

Measuring precipitation during a blizzard presents its problems.

"I've walked a half-mile or more many times just to find a level field to measure the snow," Stoll said. He's measured more than a hundred feet of snow over the years.

As much as he's interested in the weather of the past, Stoll is just as interested in what's happening today. Now retired from active farming, he still lives on the home place, still records the weather each morning.

"This has been a peculiar year," he said in late 1975. "June 1975 was the wettest month in 70 years—11 inches of precipitation. We've had 25.08 inches of precipitation to date but it's still a dry year."

Stoll—who began his observations before anyone in present-day National Weather Service was even born—is now the unchallenged dean of the Service's more than 13,000 cooperative observers who collectively record millions of observations each year.

Weather records, like fine wines, improve with age and form a fund of information, a data base, for comparisons and, in some cases, long-range forecasts. Once a month, the observers mail their records—kept on forms furnished by the Weather Service for the purpose—to NOAA's Environmental Data Service. At the EDS National Climatic Center in Asheville, North Carolina, the records are processed—punched on computer cards and stored—ready for instant retrieval when the need arises.

Many individuals in the program have compiled records for 30 to 40 years. Some

station records have passed from father or mother to son or daughter, and then in turn to grandson and granddaughter, for decades of weather records from a single family. In some cases, companies or institutions have been hosts to official weather stations and have designated employes to keep the records.

The Stoll award will be given to individuals only, but the Weather Service has no volunteer who has completed a length of service approaching Stoll's 70-year record.

The Jefferson award is given each year for unusual and outstanding accomplishments in the field of meterological observations. Jefferson, writer of the Declaration of Independence and third President of the United States, kept an almost continuous record of the weather from 1776 to 1816. Usually no more than five persons annually are chosen for the Jefferson award.

The Holm award is given each year for outstanding observer accomplishments. John Campanius Holm, a Lutheran minister, took the earliest known weather observations in the United States in 1644 and 1645 at Fort Christina, near what is now Wilmington, Del. About 30 persons a year are chosen for the Holm award.

Criteria for selecting the Jefferson and Holm award winners include complete, legible and accurate records extending over a long period of time, care of instruments, timeliness, observations recorded under hazardous conditions, unusual efforts to maintain continuity of the records during illnesses, absences or equipment failure, independent preparation or publication of climatological summaries, dissemination of weather information to the public through local news media, and enthusiasm for sharing one's knowledge with school groups and others. As a corollary, Jefferson and Holm winners are consistently held in high esteem by their communities.

The Jefferson and Holm awards were established in 1959. Stoll was among the first group of 25 volunteers to receive the newly created Holm award in 1960. At that time, he said:

"It has meant a lot to me during these years to be a weather observer, and the greatest satisfaction is to know that I have rendered some voluntary service to my country."

But his farm and the weather weren't the only boundaries of Stoll's life. After the loss of his wife, he raised his two children. Through most of his active years, he was an insurance agent. And a Sunday School teacher. And a member of the soil conservation and weed district boards in his community. He found time to speak before many organizations throughout Nebraska on his lifelong interests—the weather, and soil conservation practices.

In 1970, Stoll was named an Outstanding Citizen of the State of Nebraska by the South Platte United Chamber of Commerce. In October, 1970, an Edward H. Stoll Recognition Banquet was held in Arapahoe, Neb., where 200 of his fellow citizens paid tribute to his years of service as a weather observer and as a pioneer in soil conservation.

At the banquet, Stoll received a Weather Service Centennial Medal, a certificate from the American Meteorological Society for his contribution to the science of meteorology, a letter of appreciation from NOAA Administrator Dr. Robert M. White, a gold-plated rain gage—and was commissioned an Admiral of the Nebraska Navy.

In 1973, Stoll received the Jefferson award, the highest honor the National Weather Service could then bestow on him. He summed up his philosophy that every person owes some free service to his country by saying:

"Service is the rent you pay for the space you occupy as you go through life."

In 1975, Stoll became the first recipient of the National Weather Service's newest accolade for its volunteer weather observers—the Edward H. Stoll Award—fittingly named for a man who has practiced what he preached.●

HISPANICS HAVE TO WORK CLOSELY WITH BLACKS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. LELAND. Mr. Speaker, BOB GARCIA, my distinguished colleague from New York, recently wrote an article which appeared in the New York Times. The article is a very perceptive report on the importance of cooperation between our black and Hispanic communities as we confront and attempt to solve the common problems that plague these distinctive communities.

Congressman GARCIA and I cochair the Black/Hispanic National Democratic Coalition which was recently established in an attempt to deal with these common problems on the national level and to give some coherent direction to cooperative efforts on the grassroot level throughout this country.

I commend this article to my colleagues of the House and I insert it in the RECORD:

[From the New York Times, May 30, 1980]

HISPANICS HAVE TO WORK CLOSELY WITH BLACKS

(By Robert Garcia)

WASHINGTON.—Blacks and people of Hispanic descent are natural allies. They share the bitter experience of poverty and powerlessness. The needs of both groups are strikingly similar: protection from discriminatory practices, better educational and employment opportunities, improved housing and health-care services. Since both groups disproportionately shoulder the hardships imposed by cutbacks in domestic spending, the arguments for black and Hispanic cooperation are compelling.

However, there is one issue that has the potential to bedevil relations between the two minorities: immigration and undocumented aliens. For example, it is clear that blacks' frustrations in Miami were aggravated by the recent surge in Cuban refugees. What can blacks and people of Hispanic background do to lessen the possibility of conflicts on this issue?

The Hispanic community is sympathetic to the influx of undocumented workers, most of whom come from Spanish-speaking America, but many blacks fear that this influx of undocumented Hispanic workers undermines their already precarious economic position. While studies need to be completed before it is possible to state categorically what the impact of the undocumented workers actually is, Hispanics have to be particularly sensitive about how blacks perceive the issue. Hispanics have to realize that the Haitian refugees in southern Florida are being discriminated against. We cannot allow the Federal Government to accept the new wave of Cuban refugees with one hand while deporting the Haitians already here with the other. Hispanics have to work closely with blacks to see that the Haitians are accorded the same treatment as the Cubans.

Hispanics and blacks also should begin to attack the fundamental causes of the illegal immigration into the United States: the extreme poverty of many of the nations rimming the Caribbean basin. If the United States does not substantially increase its effort to promote economic development and family planning in these countries, the pressures propelling emigration will become even more enormous.

In particular, Hispanic leaders can play a vital role in facilitating an agreement between the United States and Mexico that would establish a more realistic and mutually satisfactory regulation of the influx of Mexicans.

Hispanics have to begin working to establish a new consensus on immigration policy. We have to come to terms with the prospect that we may have to moderate our present laissez-faire attitude toward undocumented workers or run the risk of jeopardizing the prospects of close ties with the black community. Hispanics cannot afford to lose the good will of blacks, for only by joining forces will blacks and Hispanics ever have the power to reorient this country's national priorities so that they adequately reflect the needs of minorities.

If black and Hispanic leaders do not act on the premise that they are natural allies, they will condemn their respective communities to fight over this nation's crumbs.

There are several heartening examples of black and Hispanic leaders vigorously championing cooperation between the two minorities. The establishment of the black and Hispanic Democratic coalition in the House of Representatives is a testament to the recognition by the minority legislators of their mutual interests. The efforts of the black-led National Urban Coalition and the Hispanic-led National Council of La Raza to forge close links between the two groups are particularly encouraging.

One clear success story has been New York's black and Puerto Rican caucus, which is now in the position of being able to force major concessions from the New York State Assembly's Democratic leadership. The formation of similar black-Hispanic alliances on the state level could drastically alter the politics of California, Florida, Illinois and Texas.

Recently, black and Hispanic national leaders have been working overtime trying to prevent the wholesale gutting of social-welfare programs by Congress. We have been unable to forget, as some of our Congressional colleagues apparently have, the price our communities can pay for Federal neglect: conflagration.●

A TRIBUTE TO DONNA McLAIN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GOODLING. Mr. Speaker, yesterday I had an opportunity to spend 1½ hours in a high school assembly program scheduled to honor Donna McLain, daughter of Mr. and Mrs. Ronald McLain. Donna is a senior at Eastern High School in Wrightsville,

Pa. She has amassed a total of seven gold medals in cross-country and track, as well as two State silver and one State bronze. She has also won 11 gold medals in district competition and 11 gold medals in county competition. Donna also holds two gold medals in National Junior Olympics competition.

Other than her athletic accomplishments, she is also president of the senior class, president of the gym club, treasurer of the varsity E club, and has received a full scholarship to the University of Tennessee. Donna is truly an outstanding, personable young lady; and a real credit to her peers, her family, and her school. Perhaps one day we will read of Donna's international Olympic accomplishments, because she is very determined and dedicated. I am proud to salute one of America's outstanding teenagers.●

INTERNATIONAL TERRORISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, June 11, 1980, into the CONGRESSIONAL RECORD:

INTERNATIONAL TERRORISM

The illegal and inhumane seizure of 50 Americans in Iran has shown us that international terrorism is a force to be reckoned with in today's world. Politicians, diplomats, businessmen, tourists, and ordinary citizens continue to be targets of bombing, kidnapping, hijacking, ambush, and other forms of terrorist assault. The terrorists, whether they seek ransom or the release of prisoners as an immediate goal, are desperate people who believe that violence is necessary to achieve the political results they desire. By turning away from all peaceful means of redressing their grievances, the terrorists hope to dramatize their views and provoke represssion as a way to broaden their narrow base of support.

A glance at the statistics on international terrorism reveals reason enough for concern. At least 587 people were killed by terrorists worldwide in 1979, the highest figure on record. Twenty-six embassies or consulates were taken over by terrorists in the same year, and ten more were occupied in the first four months of 1980. American firms and their personnel suffered 74 terrorist attacks during 1978 and 1979. The list of recent terrorist tragedies is long and grim: 36 Israelis and nine assailants who commandeered their bus were killed when the bus exploded during a gun battle; the U.S. ambassador to Afghanistan was kidnapped and then killed as his captors fought with police; a member of the British royal family was blown up by a bomb as he sailed in his boat; two U.S. servicemen were shot to death as they walked on a street in Izmir, Turkey. Scarcely a week seems to pass without reports of events like these.

Several factors lie behind the rising tide of international terrorism. Some instances may be due to the growing identification of people with their own ethnic or national group, especially when that group has been persecuted by others. Increasing economic disparities are important factors, as are the unresolved conflicts that simmer in so many parts of the world. Still other causes are the emergence of "patron states" that condone or even encourage terrorists, the revolution in telecommunications, and the availability of the weapons necessary for basic terrorist operations. Some terrorism is simply a response to terrorism itself: groups dismayed by the inability of governments to control terrorism may decide to take matters into their own hands and "fight fire with fire."

Whether terrorism is effective in promoting political change is open to question. Some argue that while terrorists frequently acquire money, release prisoners, and gain publicity, they seldom recover lands, reunite peoples, or overthrow governments. Moreover, their ranks are often decimated in full-fledged confrontations with governments. Others say that terrorists have the odds with them. One study of hostage-taking showed that the terrorists involved avoided punishment 79 percent of the time, got all they demanded 29 percent of the time, and escaped unharmed 67 percent of the time even when no concession was made to them. Furthermore, more than one terrorist has secured recognition as a world leader. No matter what the successes or failures of terrorism, however, most experts think that it will intensify in the years ahead. The evidence of collaboration among terrorist groups is strong. Some groups may be upgrading their capabilities, and others organized around new causes may come forward. Operations may become more destructive as terrorists try to keep public attention, and countermeasures may provide less deterrence as terrorists learn how to circumvent them.

Steps against international terrorism have been taken at many levels. In the United States special committees have been set up to oversee anti-terrorist policy. Immigration and customs procedures have been tightened, and airport security has been strengthened. The federal government has provided more protection for American diplomats and businessmen abroad. Under present law, the President may take action against countries that harbor terrorists by suspending civil air transport links with them, cutting off their military and economic aid, controlling U.S. exports to them, and denying their exports duty-free entry into this country. Regional cooperation against terrorism is also helpful. For example, the police chiefs of 17 major European cities have discussed their anti-terrorist efforts, and members of the European Community have moved to implement an international convention on the suppression of terrorism. Helpful too was last year's adoption by the United Nations of an international accord calling on all nations to prosecute or extradite all hostage-takers without exception.

In my view, the terrorist incidents of the past months hold several lessons for us. First, our policy of resisting terrorist extortion is sound. It underscores our belief that there will be no peace if we capitulate to terrorist demands. Second, we must show all governments that it is in their interest to oppose terrorism. As long as terrorists enjoy official approval of any kind, they pose a threat to legitimate government everywhere. Third, our response to hostagetakers must be flexible since talk is sometimes just as effective as force. Flexibility allows us both to be firm and to save innocent lives. Fourth, where force is necessary we must be prepared to accept failure despite our confidence that we can succeed. No amount of training or planning can eliminate all possible pitfalls. Fifth, we must realize that terrorism thrives in a climate of social and economic injustice. The best antidote to terrorism may be the policy that helps correct elementary inequities over the long run. Finally, we must not overreact to terrorism. If we deprive our own citizens of their civil liberties or restrict the press' freedom to cover terrorist incidents, we may lose the war against terrorism even as we win a few battles.●

H.R. 7023

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HOPKINS. Mr. Speaker, today I am inserting in the RECORD the names of additional cosponsors to the bill H.R. 7023, which directs the National Institute of Arthritis, Metabolism, and Digestive Diseases to conduct a clinical study of the safety and efficacy of the drug dimethyl sulfoxide (DMSO) for use by patients with arthritis. This brings the total number of cosponsors for this bill to 84.

According to witnesses at a recent hearing conducted by the Select Committee on Aging, DMSO is a promising and very low-cost medication which is effective in relieving pain, inflammation and swelling. DMSO offers a ray of hope to our Nation's 31 million arthritis sufferers, who experience the chronic pain of a crippling disease for which there is no known cure. Each year, millions of them are lured abroad to clinics which promise DMSO to arthritis victims—but often deliver much more dangerous and costly remedies.

Unfortunately, because DMSO is so cheaply produced and consists of such a common molecule that it is considered unpatentable, little progress is being made toward securing FDA approval of DMSO. By taking this step, and mandating clinical trials be conducted by the National Institute of Arthritis, we may be able to help make a low-cost and effective pain reliever available to millions who are now in pain.

Pursuant to Clause 4 of rule XXII of the rules of the House of Representatives, the following sponsors are hereby added to H.R. 7023.

1. Representative Ullman
2. Representative Guarini
3. Representative Garcia
4. Representative Bedell
5. Representative Railsback
6. Representative Gray
7. Representative Weaver
8. Representative Grisham
9. Representative Mikulski
10. Representative Hubbard
11. Representative C. Collins
12. Representative Fenwick
13. Representative Stokes
14. Representative Symms
15. Representative Snowe
16. Representative Perkins
17. Representative Carter
18. Representative Snyder
19. Representative Luken

20. Representative M. Edwards
21. Representative Scheuer
22. Representative D. Crane
23. Representative Latta
24. Representative Rousselot
25. Representative Lewis
26. Representative Jeffries
27. Representative Daschle
28. Representative Devine
29. Representative Lee
30. Representative Campbell
31. Representative Beard
32. Representative Derwinski
33. Representative Bafalis
34. Representative Lent
35. Representative Regula
36. Representative Porter
37. Representative Hagedorn
38. Representative English
39. Representative Lederer

LARRY J. HOPKINS.●

THE ROLE OF GOVERNMENT IN THE EIGHTIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GILMAN. Mr. Speaker, a few days ago I was pleased to share with my colleagues the winning essay and the second and third place winners in a contest I conducted in the 26th Congressional District of New York on the subject of the role of Government in the eighties.

Because of the interest shown in these essays, I am pleased to share the writings of the honorable mention winners.

The essays follow:

THE ROLE OF GOVERNMENT IN THE EIGHTIES

(By Hugh Brady, Pearl River High School, honorable mention winner)

The role of government in the 1980's will have a major impact on our lives and generations to come. Our economy, the energy sources of the future, and the security of the world will weigh heavily upon the decisions that the United States Government will make in the 1980's.

Of major concern to most of the world is the condition of the United States economy. The government will play an important role in strengthening our economy, and one of the most important means to achieve that goal will be to reduce our dependency on imported oil. In order to do that, the government will have to play a major role in the financing and research of alternative energy sources.

Most of the important decisions regarding alternative energy sources will be made by the government. The government will have to pass laws dealing with the environmental risks that some of these energy sources pose. Generations to come will be greatly influenced by the decisions our government will make.

Future generations will also be influenced by the decisions our government will make in terms of foreign policy. The United States will play an important peacemaker role in the Middle East, as well as try to improve relations between itself, Russia and China.

The United States Government will have the most influential and important role in the world in the 1980's. The policies and decisions it makes in economics will affect the way the world lives, the finding of alternative energy sources will have a great impact on the future, and its foreign policy will play a major role in the security of the whole world.

THE ROLE OF GOVERNMENT IN THE EIGHTIES

(By Joanne Bea, Port Jervis High School, honorable mention winner)

The role or I should say roles that the government plays are a very important part, and I would say especially now in the Eighties. Government has a lot of very important decisions to make with all the problems we are facing today.

The Eighties have even started bad with the Iran Crisis and the problem with drafting women. This, of course, gets thrown at the government. I know that the government's job is to handle this, but I feel that they will certainly have their hands full in this new decade with the possibility of war on hand.

The government has many, many tricky problems to solve. Whatever they choose to do, they are hurting someone, which cannot be helped. They are not God, but they are expected to act as such.

This decade the government has the problem of a possible war to solve, which is getting closer to becoming a reality. Another war can easily destroy the entire world and the government has this lying heavily on their shoulders, along with everything else.

I feel that government should do what they feel is right. With all the pressures they have, this is hard to do, but they have performed a well-done job so far. So I am pretty confident that the Eighties will be just as good as any other decade.

I, for one, am grateful for their hard work and dedication and applaud them for their job thus far.

THE ROLE OF GOVERNMENT IN THE EIGHTIES

(By Marta Molins, Clarkstown South High School, honorable mention winner)

The beginning of the 1980's will bring the dawn of a new role for the government of the United States. During the 1970's the general attitude of Americans toward their government was apathetic. After the Watergate scandal most people lost their faith in government, and with it, their interest. Big business took over and kept government officials in office. The people, who didn't care enough to see what was going on, let it continue. But, now people are awakening and they are once again becoming involved in the government. The citizens are speaking out for what they want and money-makers will no longer rule our country.

The Presidential election will prove to be a turning point. The new President will have many changes to make. He will now have to answer to the people. The people, in return, will obey the government. This basic feeling of being involved in government will control the people, it is the people who will ultimately control the government.

If the government can keep that approach, as I feel it will, the 1980's will be a decade of stronger governmental control. But, unlike the circumstances in the novel, *1984*, by George Orwell, people will retain their freedom. But, they will freely choose to support their government, because the government will be working for them.

The 1980's will be a time when all governments will need the support of their citizens. With tension mounting in the Middle East there is an impending threat of war. People in many parts of the world are beginning to get restless.

During a time of war people must be willing to make enormous sacrifices. The government must concentrate all efforts on its enemies, not its citizens. So in the 80's, the people must be, and will be willing to make that sacrifice and become the government of the 1980's. The government will control the decade of the 1980's because the people of the 1980's will support it.

THE ROLE OF GOVERNMENT IN THE EIGHTIES

(By Jesse Newman, Port Jervis High School, honorable mention winner)

The first thing the government will need to do in the eighties is to see to national defense. To rebuild America's armed forces to equal or better Russia's.

Next, the role of our government in this decade will be a mediator's between disputing groups whose interests differ. The government will have to be a referee in any of the fights started by opposing groups and stop the fights for reasons of danger to the country if they are not stopped. The government takes the side of the general population or else it dictates to one side or another, which is dangerous.

To me it seems that the eighties will be decisive as to space technology, and if this will be so the government will have to take steps to make sure that this country will not be second.

Just as separation of power of the three branches of the Federal Government must remain clear and distinct, so must the division of power on 3 levels. The tendency in recent years of the Federal, state, and local, to interfere in each other's jurisdiction should be avoided. No level of government can take on all responsibilities alone. One man cannot be allowed to act as a whole government. Many of these things will have to be redefined in the 1980's.

The role of the U.S. Government during the 1980's should be to form on alliance with Israel to put an end to the Russian-Arab advance. The Russians want to Cubanize the Middle East. Israel shares with America respect for freedom and the rule of law. Israel actively opposes Russian advances in the area designed to control most of the world's energy.

THE ROLE OF GOVERNMENT IN THE EIGHTIES

(By Edward C. Miller, Nyack High School, honorable mention winner)

The role of government in the eighties is simply to make our wonderful country, the U.S.A., prosperous again! Before we try to solve world problems, the government should intensify its energies exclusively in our own country to regain our sound economy, pride, and respect.

The major role of government in the eighties is to have an all out war on oil, not Russia. If our country hits rock bottom, Russian will walk all over us without firing a shot. The government must do all it can to rid our country of its dependence on foreign oil.

Efficiency in the use of our natural resources is the key to prosperity, independence from O.P.E.C., and reduced inflation. The government should initiate strict regulations on our automobiles and homes to quickly bring them up to the maximum level of fuel efficiency. Harsh taxes, such as the Windfall Profits Tax, would help deter car owners from driving while simultaneously encourage car manufacturers to increase the mileage ratings of their cars. Mass transit should be updated and implemented since it is the cheapest way to transport people. All energy programs must be gener-

ously supported by the government. Conservation should be made our national policy.

Presently business is being choked out of existence by bureaucracy and taxes. The government should simplify the system and provide incentives for business to expand and hire more people.

The role of the government (and the rest of Americans in the U.S.A.) is to communicate and work very hard together, because if we don't, we may find ourselves tied up in a very frustrating situation—the depression of the eighties.●

SENIOR CITIZENS HARD HIT BY INFLATION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. MURTHA. Mr. Speaker, no one has been harder hit by inflation than the older American living on a small, fixed income.

Congress must focus on economic hot spots, areas particularly suffering from the inflation-recession squeeze, such as the housing and auto industries, steelworkers, miners, and the aged.

Some specific economic steps for the retired include:

One. Eliminate the social security earnings ceiling on outside income for social security recipients—the 1982 limit will be $6,000—so more older Americans can supplement their social security.

Two. In figuring the annual social security cost-of-living increase, use an older Americans economic index that more accurately reflects their special costs.

Three. Provide tax credits to employers to hire older Americans, so there are more full- and part-time job opportunities.

Four. Improve the low-income energy assistance program so more low-income retired persons are protected against skyrocketing fuel bills.

Five. Create incentives for local governments to drop nuisance taxes on retired citizens.

Coupled with the general attack on inflation and recession, such steps can remove the fears of economic poverty from millions of senior citizens.●

THE OTEC ALTERNATIVE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. OTTINGER. Mr. Speaker, there is increasing interest in all forms of renewable energy as we as a Nation assess our energy future in light of the escalating cost of fossil fuels. Ocean thermal energy conversion (OTEC) ranks among those renewable energy options worthy of current consideration and exploration.

In remarks recently presented at the Seventh Ocean Energy Conference, Congressman DON FUQUA, chairman of the Committee on Science and Technology, praised the work already completed by the private sector toward OTEC technology development and outlined the legislative proposals before Congress for the future demonstration of OTEC.

I want to commend Chairman FUQUA for his leadership in spearheading the Science Committee's initiative in this area. And I would recommend the text of his remarks to my colleagues as important reading to examine the diverse possibilities of using an old environment in many new ways:

REMARKS BY HON. DON FUQUA

I am very pleased to be here today to participate in this year's convocation. Although the Ocean Energy Conference is an annual event, this year seems to be of special significance because ocean energy development is at an important crossroads with exciting prospects for the future.

Through perserverance and dedication the private sector has pursued a path of innovative development to reach the present state-of-the-art. They are to be congratulated.

Through commitment and concern Senators Matsunaga and Inouye and Congressman Studds have developed legislative proposals which collectively could promote the demonstration, licensing and financing of OTEC facilities.

As many of you are aware, the Committee on Science and Technology has just conducted a one day OTEC workshop to begin its initiative. The workshop brought together the principal participants from industry, the administration and Congress in an effort to develop a consensus among them for the most acceptable legislative approach to insure the establishment of a strong program for OTEC which will lead to an early demonstration of OTEC technology. This information was intended to serve as the basis for fashioning a clean bill to be considered by the Science Committee's Subcommittee on Energy Development and Applications. We felt that workshop session was particularly important at this juncture to reconcile different opinions within the OTEC community as to the best approach. In addition, the workshop brought forth some frank and candid discussion from all participants about other improvements needed in the OTEC effort which cannot be solved by legislation.

Some of the major conclusions of the workshop session were as follows:

1. There is an urgent need for the Federal Government to move forward quickly and demonstrate a commitment to the early commercialization of OTEC and the development of a viable industry.

2. In order to carry the technology from this demonstration stage to eventual commercialization, the private sector needs a combination of reasonable incentives, both financial and legal, as outlined in the legislation sponsored by Senator Inouye and Congressman Studds.

3. Multiple industry participation in the pilot plant phase and the establishment of a competitive OTEC supplier industry are essential to meet our objectives.

4. An open planning and advisory process in which all parties interested in OTEC development can participate will be vital to appropriately plan and implement the program activities in the final agreed-upon legislation.

The workshop participants generally agreed that both pieces of current legislation, the RD&D and financing-licensing bills, should move forward in this Congress with only minor modifications.

Based on these conclusions, I have introduced a clean bill, H.R. 7474, on ocean energy development, incorporating these minor changes. I am hopeful that the schedule of events will be moved very quickly.

On June 5, Congressman Ottinger's Subcommittee will hold a hearing on our new bill with plans to move directly into subcommittee mark-up following the hearing. Although the schedule will be tight, I hope to arrange full committee mark-up for June 10. If we are successful to this point, my intention is to request the House leadership to schedule the bill for floor action under Suspension of Rules at the earliest time possible. I am optimistic about our prospects for success.

If our bill for a strengthened OTEC program emerges from the House, I will work to encourage an early Conference Committee meeting with key Senate Members.

These legislative objectives will establish a framework for large-scale demonstration of the technology as we begin to assess the results that come in from the OTEC 1 facility. A strong leadership role on the part of DOE will be especially critical at this time to give the program direction.

The long-term perspective for ocean energy is as exciting as it is diverse. Any discussion of long-range possibilities, however, will also stir up the tired debate of centralized versus decentralized energy production. Let me make it clear at the outset that I do not believe this debate is even relevant. To my mind, we do not have the luxury of choosing one to the exclusion of the other. We should be open-minded and flexible enough to accommodate a combination of energy alternatives without philosophical bias. Our judgment should rather be spent on which energy technology can be most efficiently and appropriately used in a given situation.

In assessing energy technologies in general, one cannot help but be impressed by the uniqueness of the ocean thermal alternative. The renewable nature of the basic resource affords us the comfort of planning on not just a dependable source but a permanent source, on not just an intermittent source but an uninterrupted source. Given this assurance, we can then develop not only the apparent applications for ocean energy but also explore other innovative applications.

For centuries man has used the oceans for both food and commerce. But Homer said, "Ocean, who is the source of all". We are just beginning to understand the vastness of that implication—although I think it would be accurate to say that Homer's context of "all" was much more limited than our own.

We will begin the demonstration of ocean energy use in the two most evident directions, the generation of electricity for use by coastal and island communities and the generation of electricity to produce an energy intensive product on board a grazing OTEC facility.

To address the first, generation of base-load electrical power and its transmission to an islands or coastal population, we can immediately identify areas of application such as the Gulf Coast of Florida, the state of Hawaii and the islands of Guam and Puerto Rico. It would be short-sighted, however, to assume that the domestic utilization of the technology in this manner would necessarily be its broadest value. The prospect of exporting OTEC hardware to developing countries is not only enticing from a balance of

payments prospect but most essential in helping developing-world nations establish a posture of energy independence.

The second avenue of demonstration, producing an energy intensive commodity on board a grazing OTEC plant, is restricted only by the limits of our imagination. Ammonia is perhaps the most promising initial product envisioned for manufacture on an OTEC vessel. Since the current production of ammonia requires depletion of our supply of natural gas and because ammonia is valued highly for numerous residential, agricultural and industrial uses, it is an appropriate candidate for our first attempt. The primary use of ammonia in the U.S. is, at present, for fertilizer which makes possible our bountiful yields of corn, wheat and other foodstocks.

Perhaps even more important in the long-term is the potential for utilizing ammonia in fuel cells to produce electricity. Several companies are already working on this fuel cell development. When the process is perfected it could possibly be used to meet energy needs on both extremes of the power market spectrum. In large population centers, peak-load requirements could be fulfilled by an ammonia/fuel cell process, while in rural communities the distribution and storage of ammonia for fertilizer would make it readily available for use in fuel cells to generate power to customers in remote geographical areas.

Further down the road one can envision the use of OTEC energy for deep ocean mining. This is an area of particular interest because of growing concern over a materials short-fall in the coming decade. We all know that varied and abundant supplies of minerals have been a significant factor in America's industrial growth. We will need a continuing domestic supply of these resources to assure the health of our industrial base. This supply has become increasingly important because many third world nations are recognizing the political pressure of withdrawing a particularly scarce mineral from the world market. This places any nation with limited domestic supplies in an extremely vulnerable position.

The sea offers an attractive alternative as our landside reserves of important minerals continue to be drawn down and both environmental and political constraints limit access to those that do remain.

We are all painfully aware of the global energy dilemma and I believe if we are not prudent in our planning now we will be faced with a similar dilemma regarding basic materials in the years to come.

Ocean energy is an international resource in the broadest sense. Both its development and its use can be a major global cooperative effort. Currently France and Japan have done admirable initial work. If we cooperate with other nations in furthering the technology development, it can only mean earlier commercial utilization for us all.

It seems to me, however, that we are just beginning to understand and explore the potential of the oceans. The more we learn, the greater and more diverse the possibilities appear.

Those of you who have been pioneers in ocean energy are plotting new voyages for us in an old and familiar environment. You have fashioned new tools and vessels. You have given us a unique and important perspective of a resource common and constant to us all.

Those of us who are committed to help you share your enthusiasm and wish you well.●

REVIVING INNOVATION AND PRODUCTIVITY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BROWN of California. Mr. Speaker, in the March 27, 1980 issue of Electronics magazine, an editorial highlighted the 1980, Institute of Electrical and Electronics Engineers (IEEE) Conference on U.S. Technological Policy. The IEEE is an organization of over 180,000 engineers and scientists in electrical engineering and allied fields dedicated to promoting engineering and scientific endeavors.

The IEEE conference topic, "Global Competition in the 1980's," was very timely, occurring during a period when America is experiencing a loss of world leadership in innovation and productivity. The president of IEEE, Leo Young, suggests a holistic, long-term approach toward solving this problem.

I agree with Leo Young about the need for a holistic approach, and I have introduced H.R. 6910, the National Technology Foundation Act of 1980. H.R. 6910 is a vehicle that can be used to promote discussion of alternatives for effectively organizing the efforts of Federal Government to facilitate technology development in America. I plan to hold hearings on the bill in the Subcommittee on Science, Research, and Technology.

The editorial follows:

A GOOD PLACE TO START THE COUNTERATTACK

The drumbeat grows louder: the U.S. is in danger of losing its preeminence as the world's leader in electronic technology and productivity. There is no doubt that there is a growing problem, but thus far solutions have been mostly of the shoot-from-the-hip variety generated by anger and frustration.

However, Leo Young, president of the Institute of Electrical and Electronics Engineers, has broached a plan that could be the first controlled step toward an orderly countereffort. Speaking last month at the IEEE 1980 Conference on U.S. Technological Policy, a meeting subtitled "Global Competition in the 1980s," Young urged a "holistic, long-term approach," starting with a presidential commission empaneled to study the engineering profession as a whole. Such a study would include the supply of engineers, the "quality and scope" of their education, innovation and productivity in industry, the professional needs of engineers, and, perhaps most important, "the possibility of a focal point for engineering in government—perhaps even a cabinet-level position."

Technology must be recognized as a national priority, says Young, and after that, engineering must receive the kind of special consideration from the Federal government that is accorded medicine, law, science and agriculture. A White House request for an evaluation of engineering and science education, due in July from the Department of Education and the National Science Foundation, is not enough, Young says, for education is only part of the problem. The White House is expected to take no action on Young's program until it receives that evaluation.

Young's initiative is an idea whose time has come. He is on target when he says that technology too often has been used as a whipping boy, whereas "greatness will be restored to this country only as engineers transform the findings of scientists into technological solutions."

WORKING ON AMERICA'S WEAKNESSES

At the same meeting, Hans M. Mark, secretary of the Air Force, lamented what he called a general retreat in the U.S. during 1945-1970 from the intensive development and application of new technology that characterized the nation from 1860 through World War II. "We had found a way to pass through the gate to a world where the 'quality of life' would be enshrined as the highest good and no entry fee would be required," he says. In the 1960s, Mark adds, the vogue words were "service economy" and "post-industrial society." The inevitable result was a weakening of America's productive ability. Now, it is time to "reindustrialize" the U.S. or become what Prof. Amitai Etzioni of Columbia University characterizes as a "siesta society"—one in which basic productive industry gets short shrift, with the result that nothing works very well.

What must be done? Mark maintains that, to make a conscious national effort at technology development aimed at reindustrialization and modernization of the industrial plant, we first must start with people: make it attractive for young Americans to go into technical and engineering fields. Then, we must lead with our traditional technological strengths—aviation, electronics, synthetics, and so on—while striving to develop new ones where we have serious problems. Young's plan offers a good way.●

CONTINUE FUNDING FOR DIABETES RESEARCH

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GRISHAM. Mr. Speaker, last week I had the pleasure of receiving a most unusual form of correspondence—a 20-foot scroll was delivered to my office by Mrs. Cristine Ford, the president of the Greater Long Beach Area Chapter of the Juvenile Diabetes Foundation. This scroll contained the messages of the fifth graders of Rancho Santa Gertrudes School on Gallatin Road in Downey, Calif., and was signed by David Bradford, Deeann Alvarado, Gil Nava, Tina Polselli, Nam Lee, Pedro Padilla, Tiffany Theodore, Jacque Martin, Shellena Gjerde, John Peterson, Tina Ford, Ashlyn Pentoney, Kelle Saunders, Paul Attyah, Teresa Montero, Johnell Poulsen, Christy Mayfield, Ronald Kim, Anessa Koh, Nerfen Escobar, Katrina Toussieng, Chris Baumann, Jayson Bernstien, Chris Flicker, Mike Flauben, Lisa Garcia, Diane Burgos, Jesse Martel, Sophie Anton, Gina Castillo, Ceser Brambila, Jose DelToro, Sean Kroener, James Hawes, Cindee Lund, Steve Jackson, Jorge Solis, Denny Ng, Anna Valenzuela, Sandra Carrillo, Brenda Aguilera, Christy Mayfield, Nancy Trimble, Sean McConnell, and Kristy Hatfield. The messages of these

youngsters expressed their deep concern that Congress continue and increase the funding of diabetes research. I was deeply moved by this demonstration of their commitment to such a worthwhile cause, and I would like to assure each and every one of them that I share that commitment.●

THE THIRD WORLD—U.S. OPPORTUNITY FOR SURVIVAL

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. DIXON. Mr. Speaker, declining economic conditions necessitate that we utilize all of our technological and diplomatic savvy to solidify our relations with the developing world and preserve our natural resources. Douglas J. Bennet, Jr., Administrator for the Agency for International Development, expounded upon this subject matter in his remarks before the National Council of Community World Affairs Organization. Mr. Bennet delineated the importance of consolidating efforts by the Third World and the United States to solve the many complex problems which we will face in the future. I would like to share Mr. Bennet's remarks with my colleagues:

NEW YORK, *May 23, 1980.*

THE THIRD WORLD: U.S. OPPORTUNITIES FOR SURVIVAL

(By Douglas J. Bennet, Jr., Administrator, Agency for International Development)

Today, anyone who watches the evening news is exposed constantly to the Third World—a Third World in turmoil. And the question is no longer whether the Third World matters to America, but whether and how we can cope with the changes occurring there.

Fifty-three Americans held hostage in Iran can amply testify to the reality of this turmoil, for they are experiencing the fallout of a development process gone awry. And they know only part of the story. For if one looks at what has happened around the world since November 4, the day they were captured, one is forced to wonder how those hostages will ever recognize the world into which they will one day—hopefully soon—reemerge.

In the months since November 4, the Soviets have invaded and taken over Afghanistan and changed the way in which much of the Third World—not to mention the world as a whole—regards the Soviet Union. In the Caribbean Basin, Cuba's revolution has soured, launching tens of thousands of its citizens in an awesome flotilla to freedom and economic opportunity in the United States. They join thousands of Haitians who are also seeking greater opportunity and liberty on our shores. Liberia, a staunch friend of America in Africa, has had its own revolution. In Zimbabwe, just to confound the skeptics, war gave way to peace, a free democratic election, and to an apparently moderate government pragmatically committed to rebuilding that country.

We can all think of other turbulent situations—in Cambodia, Uganda, Chad, El Salvador, and Nicaragua.

And we cannot assume that these events are aberrations. There is no reason whatsoever to believe that the next six months—or six years—will be any calmer than the last six months.

Nor will we simply be observers of this Third World turbulence. We will be affected directly. Interdependence—which is one name for what is happening today in Key West and Miami Beach—is a demonstrated reality. Those people arriving in boats are here to become Americans because the human rights and economic development performance in their own countries is grossly inadequate. There are millions more who live in similar situations, and who will be coming to our country in the years ahead.

Every gasoline-using driver in America engages in this interdependence daily. So do increasing numbers of American workers and businessmen. Third World countries are the largest and fastest growing customers for U.S. exports. Our Third World markets are growing fifty percent faster than our industrial country markets. One-third of our wheat, cotton, and rice, and some forty percent of our manufactured goods exports are sold to Third World countries. Well over a million jobs depend on those exports. Thirty percent of our raw material imports are from the Third World: Virtually all our tin and rubber, most of our bauxite and cobalt, and nearly half of our petroleum.

In ways undreamed of by imperialists and revolutionaries a generation ago, what happens in one part of the world now intimately and directly affects other parts. What Third World countries do affects us; what we do affects them. The basic issues in U.S.-Third World relations—trade, migration, financial adjustment, economic development, use of global commons, etc.—are increasingly urgent, to us and to them.

So the issue before us and them—all of us together—is whether we can manage our mutual affairs successfully, so that we can serve our increasingly close mutual interests.

The Brandt Commission on International Development Issues called its recently published report, "North-South, A Program for Survival"—and they mean it. Chaired by Willy Brandt, who won a Nobel Peace Prize for his contributions to East-West relations, and composed of a blue ribbon, yet diverse, group of international leaders, the Commission concluded that for the 1980s North-South relations are the "great social challenge of our time. We want to emphasize," Brandt reported, "our belief that the two decades ahead of us may be fateful for mankind."

Survival. Fateful. The turbulent events of the past few months attest that this is not hyperbole. The Brandt Commission further asserts that today's economic crises, far from providing excuses for avoiding action, provide added reason to accelerate action. "It is precisely in this time of crisis," says Brandt, "that basic world issues must be faced and bold initiatives taken."

Can the United States respond? Assuming that our people are now awakened, concerned, and yet uncertain about the new turbulence around us, can we say to them: "Don't be alarmed. There are opportunities for us in this turbulence, as well as danger. We *can* protect our interests. An interdependent world can be better for everyone. We *are* prepared to address the challenge." That challenge is no less urgent, in terms of American self-interest, than maintaining nuclear deterrence or strengthening our alliances.

In responding to short term crises, our experience with Nicaragua illustrates both the opportunities and the difficulties. Because of our insistence on basic human rights, we were on the right side of the revolution in Nicaragua. Because we had previously succeeded in turning the Canal over to the Panamanians, we were already viewed throughout Latin America as having renounced imperialism. In Nicaragua today, there is a good chance for a pluralistic society with a strong private sector. And yet after nine months the United States still has not been able to come up with a promised $75 million in assistance to back up our very obvious interests, because of institutional rigidities which have prevented Congress from acting.

We have been more successful in El Salvador and Honduras. In both countries we have been able to speed our development assistance and project planning to visibly demonstrate that progressive policies can be implemented to benefit poor people. In El Salvador, with AID assistance, a beleagured moderate government has fended off both rightist and leftist attacks largely on the strength of an agrarian reform that puts land in the hands of the tillers. Honduras, threatened by turbulence in surrounding countries, has used our aid both to help poor people and to give the government the confidence to conduct free and democratic elections. In newly independent Zimbabwe, we were the first country officially to open an embassy, and our prompt development aid serves not only to help in post-war recovery but to demonstrate our backing for peaceful solutions and democratic processes.

Because we stand for human rights . . . because of the Soviet Union's flagrant trampling on the aspirations of independent Afghan people . . . because we have improved our relationships with black Africa . . . because Castro's authoritarian state is floundering in the Caribbean . . . because we have demonstrated over 30 years our commitment to helping these countries with economic development, which is what counts most to them . . . because we have the resources if we will use them . . . the United States has the opportunity to identify itself with the cause of progress and equity in the Third World now. These are opportunities we must seize.

While we cope with short term crises, we cannot ignore longer term, quieter crises:

—The globe's population will increase by half in the next two decades and for some poor countries will double unless we do now what we know must be done to stop it.

—Hunger will spread, unless we do what we already know how to do to grow more food around the world.

—Deforestation will create further irreparable losses in the world's productive resource base, as people push out farther and farther looking for fuel, farmland, and pasture; we know what to do to reverse this disintegration of our environment.

—Energy shortages and oil costs, which are substantially disrupting our own society, can easily bankrupt Third World countries and disrupt the global financial structure—unless we can recycle petrodollars through those struggling economies.

There are two very important points to understand about these longer term crises:

—First, they are manageable. Based on what we know today, we do not have to walk into a Malthusian trap. We know, for example, that dramatic fertility reductions are possible where governments decide to make a family planning option available to their people, and where the people themselves—particularly women when they are given the opportunity to earn even a meager cash income—decide that their own prospects are better with fewer children.

—Second, whatever help may come from the industrial world (and I will talk about foreign assistance in a minute), the largest part of the development task is, and must be, the responsibility of Third World nations themselves. Their governments are the only ones that can elicit the active engagement of their people by giving them a stake in their societies. Their governments are the ones that determine how resources are to be distributed—fairly, or unfairly. Their governments are the ones that determine whether farmers receive a fair price for growing food, or whether they are squeezed into subsistence by efforts to keep food prices down for city dwellers. It is they who determine whether rigid ideology or fair-minded pragmatism is more likely to produce economic development and social justice for their people.

For those who have the impression that the Third World remains stalled in poverty, there are hopeful facts to keep in mind. Indeed, overall gains in Third World development have been remarkable. Average life expectancy has increased from 35 to 50 years. In the past 25 years, primary school enrollment has quadrupled and secondary school enrollment has increased ninefold. The percentage of adults in low-income countries who can read and write rose from 10 percent to 24 percent between 1960 and 1974 alone. India has just survived its worst drought in a century on the strength of its own home-grown reserves, and the World Bank is now predicting—believe it or not—that India, given current consumption patterns, will not have a food grain gap for the next 20 years. Population growth rates have dropped dramatically in a number of countries. Smallpox has been eradicated.

Third World nations are increasingly able to borrow in private capital markets for development projects. Brazil's per capita income has jumped from $300 to $1400 in recent years, enough to qualify it as a middle-income, and no longer a poor country overall. Taiwan's per capita income has increased from $100 in 1950 to $1750 in 1979, and it is distributed equitably. Literacy in Taiwan has increased from 54 percent to 82 percent, and despite a 50-percent increase in population, soaring farm production has permitted self-sufficiency in food. Similar progress can be reported from other countries in Asia and Latin America.

The down side is that we need 2.6 million more hectares of trees planted each year to stay even with fuel needs between now and 2000. We need to increase food production by 50 percent—at a total investment cost of about $100 billion—to meet demand at present levels of consumption by 2000; and if we are successful in raising incomes, present consumption levels will not be enough. And none of this counts the costs of urbanization, industrial development, health, and education.

Foreign aid is obviously an important contributing factor in the development process. It represents a transfer of resources and technical know-how that can allow a recipient country's own resources to come into play. Except for the countries that can find substantial oil or other mineral resources to convert into investment and consumption imports, foreign assistance represents the only chance for breaking out of the cycle of poverty.

The case for foreign assistance should not be so hard to make. Twenty-five years ago, South Korea, devastated by war, was considered a basket case. Its economy was in ruins; it had no natural resources; its annual per capita income was $50 a year. Today, partly as a result of U.S. economic aid, Korea's economy is booming, however uncertain the political outlook may be. Average per capita yearly income is $1500. Fortune magazine lists nine South Korean firms in the world's top 500 businesses. The U.S. provided a total of $3 billion in economic assistance to Korea over the last 25 years. In 1978-79 alone, American farm exports to South Korea were $1.4 billion.

Development does take time. On the other hand, many of today's Third World growth rates are considerably higher than were ours at comparable levels of development. And in some countries, the need for concessional assistance is decreasing.

When the United States started assisting Korea, we were virtually alone as a donor. Today we are still the world's largest donor, but all the industrialized countries, except for Italy and Finland, and many OPEC donors, contribute substantially more of their gross national product to development than we do.

To meet the basic development needs of the poorest countries of Asia and Africa by the end of the century, the Brandt Commission projects a requirement of $4 billion in additional annual concessional assistance from the entire donor community. Let's suppose the United States offered to contribute one-quarter of this amount, or $1 billion, and challenged others to put up the other $3 billion. That would mean an annual increase in our overall foreign assistance budget request of 11.5 percent, or an amount equal to one-fifth of 1 percent of our entire federal budget. And it could make a difference in deciding whether people in this world have enough to eat and stay healthy and whether their countries—and ours—can adjust to this turbulent world.

The United States can play the important leadership role it takes. We've done it before and have succeeded more than we realize. We know how to achieve development: how to grow more food, how to manage population growth, environmental degradation, and energy requirements, and we know the importance of equity and of participation. We have an aid agency with expert missions in 71 countries, an asset which is unique among donors. We have the largest number of private voluntary organizations concerned with development, and a generous U.S. public that contributes through them over and above what we contribute through out tax dollars. We have pioneered with our Peace Corps. There are about 6,000 Peace Corps men and women in the field today. There are more than 80,000 Americans who have had Peace Corps experience and who represent a resource of development knowledge and of Third World sensitivity that exists nowhere else in the industrialized world. The U.S. should not only be first in funds but first in developmental leadership.

I have talked mostly about our bilateral relationship with Third World countries, and suggested that this is a relationship which the United States is especially well equipped to handle constructively. I feel no less hopeful about our opportunities to play a constructive and beneficial role in multilateral forums and institutions.

Because the problems of development cannot be resolved bilaterally, we rely very heavily on international institutions. The United Nations agencies have made a considerable contribution and are adapting themselves to the new needs of the times. The International Monetary Fund (IMF) has shown encouraging flexibility in assisting low-income countries to strengthen their economic policies and to cope with the soaring costs of vital imports. UNICEF, WHO (World Health Organization), FAO (Food and Agricultural Organization), and others have contributed enormously to ameliorating the problems faced by children and others in health and in agriculture. The ILO (International Labor Organization) served as the catalyst for giving international respectability to the concept of meeting basic human needs. The UNDP (United Nations Development Program), of course, serves as the major U.N. arm for development.

Beyond these, the political forums of the United Nations are increasingly important to development. For the turbulence we have been experiencing over the past several months demonstrates the interrelationship between economic and social conditions on the one hand, and political instability on the other.

There is more we can do, for example, to bring to bear on development the resources of the deep seabed and to devise methods of automatic international taxation. To do so, we need to unleash our creativity and muster our political will.

Within the U.N. framework, as outside it, we share many mutual interests with the Third World—human rights, economic opportunity, social justice, and peace.

We need to support our sometimes maligned U.N. institutions, not only because they're "the best we've got", but because they have done a lot both through the political forums they provide and through their development arms.

The case has never been stronger than it is today for the United States to exert the leadership that is needed. If the Brandt Commission is correct—and I am convinced it is—nothing less than our survival is at stake.●

IRRELEVANT WEEK

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BADHAM. Mr. Speaker, the annual Irrelevant Week in Newport Beach, Calif., is upon us again and it is my duty to report to this honorable body that for the first time in 5 years, there is what many might consider grievous news.

Grievous because in all preceding years, when the last man drafted by the National Football League was brought to Newport Beach to be honored, if it can be called that, it was almost with the assurance each year that he never would make the team which had drafted him.

However, there were ominous signs last year when the Irrelevant Week player, a wide receiver, managed to get into two preseason games before he was cut. Fortunately, the record was unsullied because he failed to catch a pass. Of course, none was thrown to him.

This year the last player drafted stood a good chance of upholding the fine tradition of Irrelevant Week, but he messed up the system by signing with a Canadian football team and the next-to-last player became the Irrelevant Week honoree.

This year the honor goes to Kevin Scanlon, who has been drafted by the Los Angeles Rams, also known as the

Anaheim Rams, at least in some circles.

While Scanlon had an outstanding record at the University of Arkansas, his task of making the big team is formidable. After all, the Rams went to the Super Bowl this last January on the combined arms of Pat Haden, Vince Ferragamo, Jeff Rutledge, and Bob Lee, all of whom are back and well for 1980.

Four quarterbacks were needed because two, Haden and Ferragamo, were injured at various times during the year and put on the injured reserve list. So in order to make the squad, or play in even one Rams game, Scanlon has to climb over the backs of four rather talented signal callers.

But Scanlon is not without credentials. He completed 66 percent of his passes last year at Arkansas and was named the Associated Press offensive player of the year in the Southwest Conference. He was the unanimous choice as the league's top quarterback, throwing for 92 completions, 1,212 yards, and 9 touchdowns with only 6 of his 139 passes intercepted.

Indeed, Arkansas was picked to finish sixth at the start of 1979 in the Southwest Conference because of questions about the quarterbacking, but did so well that the team was rated sixth by the Associated Press and seventh by United Press International.

I submit to my colleagues in the House that Irrelevant Week could become a casualty this year and the whole concept placed on the injured reserve list, if not cut, if Scanlon makes the team.

Irrelevant Week, of course, is celebrated to honor those who did not finish first, or second, or third or in the top 10, to make the point that there are people and institutions in this great land who should be recognized for what they are.

Kevin Scanlon is one of nine brothers and sisters in an obviously prolific household, with all of the offspring having first names beginning with the letter K—Karen, Kim, Kathy, Karol, Kerwin, Kelly, Kieran, and Kristopher.

In sports parlance, K stands for knockout in boxing and K stands for strikeout in baseball. I sincerely hope that neither happens to Kevin.●

SIXTIETH ANNIVERSARY—PEACE TREATY OF TRIANON

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. RITTER. Mr. Speaker, last week I was honored to have been invited to speak before leaders and members of the American Hungarian community here in Washington on the occasion of the 60th anniversary of the signing of the peace treaty of Trianon.

I would like to repeat some excerpts from the remarks I delivered on that very special occasion last week, as a tribute to the American Hungarian Federation, its membership, and leadership, as well as to all Hungarian Americans, including the many thousands who live in the Lehigh Valley of Pennsylvania.

The text of the speech follows:

ADDRESS BY U.S. REPRESENTATIVE DON RITTER (PA.) ON THE 60TH ANNIVERSARY OF THE PEACE TREATY OF TRIANON

Mr. President, distinguished colleagues, guests, ladies and gentlemen: It's a deep honor for me to be with you today on this solomn yet special occasion. I deeply admire the work that you have done as leaders of the American Hungarian Community. You've been tireless in your determination to bring the Hungarian people's quest for justice and freedom to our leaders and to the American people.

My father came to this country from Hungary to seek a new life and a new destiny here. I've been in Congress 17 months, and the first thing I did after taking office last year was launch an idea to encourage Hungarians and other ethnic Americans in my District to help me carry out my congressional tasks. I set up a Citizens Ethnic Advisory Council, which includes strong representation from the Hungarian-American community.

One of the greatest successes of that Advisory Council came last November. More than 500 people came together for a massive commemoration and celebration of the 1956 Hungarian Revolution. I can barely describe the emotion of that day, other than to say it was one of the proudest moments of my service in the U.S. Congress.

Breathing that kind of spirit from our ethnic communities into our U.S. leadership is vital. I've called for more ethnic input into U.S. foreign policy, and I'll continue to do so.

The occasion which brings us together today is a somber one: The 60th anniversary of the infamous Peace Treaty of Trianon which cut the Kingdom of Hungary into four parts. Instead of the multinational Hungarian Kingdom which promoted cultural development of its nationalities, Central Europe became the homeland of many multinational states, each professing to be a nation state and oppressing its national minorities.

Today, from the perspective of 60 years later, we see that the injustices so keenly felt by the proud Hungarian people are still with us.

Over four million Hungarians still remain outside Hungary in the Carpathian Basin. Romania alone has 2.5 million in Transylvania, an ethnic group too large to digest and too large to liquidate despite Romanian attempts at cultural suppression. Even the U.S.S.R. now boasts of a Hungarian population as the Carpatho-Ukraine was forcibly taken from Czechoslovakia in 1945 with its mixed Hungarian-Ruthenian population.

The United States always had reservations about the Treaty and sympathy for the national minorities. President Wilson insisted originally on plebiscites which would have redrawn the frontiers in favor of Hungary. He favored the retention of several frontier areas by Hungary. And the U.S. Senate refused to ratify the Peace Treaty of Trianon.

In 1946, the American delegation to the Paris Peace Conference suggested the return of the frontier areas on the Hungarian-Romanian border to Hungary, an idea that was vetoed by the Soviet Union.

Today, the problem of national minorities remains with us in Central Europe, particularly the Hungarian-Romanian problem in Transylvania and the nationality problems within Yugoslavia. The Hungarian minority in Romania is badly mistreated.

When we look at the Hungarian people's plight, we recall the fragility and hypocrisy of the Helsinki Declaration on Security and Cooperation of Europe of 1975.

That Declaration guaranteed the human rights and the cultural rights of the peoples of Europe. But what do we see today? Heightened repression in the U.S.S.R., East Germany and Czechoslovakia which bears upon Russians, Ukrainians, Baltics, Hungarians, Germans, Czechs and Slovaks alike. Continued repression in Romania. Signs of tension and disintegration under the collective leadership in Yugoslavia following the death of Marshal Tito. A deteriorating economic situation in Poland and, to a lesser degree, in Hungary, were the undercurrent of national opposition to tyranny still retains some of the gains made in the expression of thought during the past two decades.

We see the Hungarian minority mistreated in Romania, sharing the heavy burden of repression in Czechoslovakia, worrying about its future in Yugoslavia and remaining silent in the frontier regions of the Soviet Union. All under the rule of enforced Marxism-Leninism.

Today I pay tribute to all those who have stood against oppression, Communist dictatorship and loss of freedom. The freedom fighters of Hungary of 1956 have shown the world the courage and valor that alone can resist and conquer Communist oppression. The silent but tenacious Hungarians in the successor states, despite pressure, denationalization attempts and oppression, remain true to their language and culture.

Finally, the people of Hungary try to recover their national culture and tradition despite the straitjacket of enforced Communism. Countless Hungarians today put their conscience above the grim political reality. Like these brave sons and daughters of Hungary, you, as leaders of the American Hungarian community and the American Hungarian Federation, have carried high the torch of freedom. You cherish the liberty of this country as deeply as you pray for the freedom of your ancestral nation. Please be assured this is one U.S. Congressman who joins you in your determination that the Hungarian people inside and outside the borders of Hungary will some day know both freedom and justice. Ishten ald meg a magyar.●

THE SPIRIT OF HELSINKI—1980

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HARRIS. Mr. Speaker, another year has passed and the Soviets are still playing games with the lives of Yakov Rachlenko, his recent bride, and his mother, Vina Belkina. Even when the emigration figures were reasonable, Yakov and Vina Belkina were being told time and time again—no visas. Now that emigration figures are almost nonexistent, their chances of

being reunited with their family in Israel become slimmer and slimmer.

Russian authorities restrict emigration just as they restrict other freedoms. Their fear, of course, is that the Soviet system essentially could not withstand the impact of giving its citizens any type of choice.

Refuseniks who are caught up in this terrible situation need our help and encouragement. They must be reassured that while the Soviet authorities continue to suppress human rights within their borders, the United States will intensify its national commitment to them and to other oppressed peoples of the Soviet Union.●

THE OTHER REFUGEES

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SAWYER. Mr. Speaker, the severe emergency situation which the United States is now faced with following the recent admission of more than 60,000 Cuban refugees clearly indicates the United States failed to adopt a comprehensive immigration and refugee policy as part of the Refugee Act of 1980, which became law earlier this year.

The basic policy question remains unanswered: Can the United States continue to offer unlimited asylum to the millions of people around the world who want to leave their own countries and come here?

During congressional consideration of the Refugee Act, an amendment was offered to count refugees against an overall immigration ceiling which recognizes that the United States must demand other countries assume their fair share of the refugee burden. A recent article by Washington Post columnist Clayton Fritchey discusses this concept as part of the answer to the growing worldwide refugee crisis.

The article follows:

THE OTHER REFUGEES

The hard-earned lesson of the Cuban refugee phenomenon is that it cannot be resolved independent of Washington's immigration policy in general. or without regard for America's obligations to a multitude of refugees from other countries.

In an understandable but ill-advised burst of sympathy, President Carter welcomed the Cubans with "open arms" (construed as a blanket invitation), but he has since discovered that he was not reflecting U.S. public opinion. The latest national polls show that Americans, by more than 3 to 1, regard the Cuban influx as "bad" for the country.

While that doesn't necessarily mean the public is indifferent to the plight of the Cubans, it does show that there is a widespread (and well-founded) feeling that a problem as vast and global as the disposition of refugees cannot be handled effectively on an emotional, ad hoc basis, as with Cuba.

More than 3,000 refugees a day have been pouring into Florida, with the total already exceeding 60,000. If they kept on coming at that rate, there would be a million within a year. Anything remotely like that would simply wreck the carefully drawn plans of Congress to deal with the overall refugee problem in an orderly, non-discriminatory way.

"The integrity of the immigration system itself is being threatened," warns an experienced congressional staff expert. "You've got 13 or 14 million refugees worldwide, out of which you've got to select a couple of hundred thousand for admission to the U.S."

The State Department reports that it gets four million visa applications a year from people who want to immigrate to the United States. The upshot is that there is a long wait, even in some preference categories. If, as seems to be the case, many of the Cubans are economic rather than political refugees, should they be accepted ahead of millions of others who have been waiting a long time to come to the United States through the normal immigration system?

In an effort to update the system, Congress recently passed the Refugee Act of 1980. Signed by Carter on March 17, it sets an annual limit of 270,000 on ordinary immigrants. It also authorizes admission of 50,000 refugees a year, although the president, after consultation with Congress, may raise the ceiling for "special humanitarian" reasons.

The new law establishes for the first time precise procedures for admitting and resettling refugees, but the rules have been largely ignored in the frenzied flood from Cuba, which caught the government by surprise. Apparently, the White House now intends to bypass the law (and consultation with Congress) by treating the Cubans as applicants for "asylum" rather than as refugees, but this will surely raise new questions on Capitol Hill.

Roger Conner, director of the Federation for American Immigration Reform, thinks the President should set a definite overall annual ceiling for all refugees. Then, he says, "if Carter wishes to admit more Cubans, he would have to admit fewer people from Southeast Asia, the Soviet Union, Mexico or wherever."

When Conner was asked if there is a special case for those Cuban refugees who want to be reunited with their families in the United States, his answer was: "If a Mexican-American rented a truck, drove to Mexico, picked up all his relatives and drove back across the border, we'd impound the vehicle and imprison him for smuggling. Try to explain to Mexican-Americans the difference between that and what the Cubans in Miami are doing."

It is said that the Cubans landing in Florida are "voting with their feet," but the same can be said of millions of other refugees around the world who also have been fleeing poverty and repression. There are six million to eight million illegal aliens in the United States, mostly impoverished Mexicans who literally voted with their feet when they slipped across the American border.

There are now over seven million U.S. citizens out of work, with 700,000 losing their jobs just last month. Hence, it is hardly surprising that the public does not welcome a chaotic avalanche of refugees. Nevertheless, Americans need not feel defensive about this, for we have accepted more immigrants and refugees this year than the rest of the free world combined.

Moreover, most Cubans, on balance, are better off than the would-be refugees in neighboring countries of the Caribbean and Central America, where poverty, disease, illiteracy, repression and internal strife are more extreme than in Castro's domain.

If our government is genuinely concerned with the welfare of the Cubans, it could quickly improve their standard of living by lifting the harsh trade embargo we have imposed on the island for almost 20 years. Although the embargo was aimed at Castro, the end result has been to punish not him, but his helpless constituents.

As Senator George McGovern has pointed out, "It does not make sense for us to trade with the two biggest communist countries—China and Russia—while claiming it would be dangerous to trade with a tiny island such as Cuba."

Like many others, the senator wonders if the "current confusion over the flood of Cuban refugees" could not have been prevented if the United States had joined most of the other major powers in maintaining regular diplomatic and trade relations with Cuba.●

DO NOT LET THE ZEALOTS KILL SOLAR ENERGY OPTIONS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. WYDLER. Mr. Speaker, it is worth noting that the GAO has come forward with a very timely report on the progress of one element of the solar energy program. The report is "Federal Demonstrations of Solar Heating and Cooling on Commercial Buildings Have Not Been Very Effective." I think this report is important, not only in communicating the realities of the status of solar heating and cooling technology, but in raising certain other important issues about the Federal solar program. I believe that the solar heating and cooling demonstration activity was pushed hard by the solar advocates within and outside the Congress, but this was done all out of proportion to the maturity of the technology and its real potential for commercialization. GAO points out that the program included many high-risk projects and thus it should have been characterized as a technical test program and not a commercial demonstration of solar heating and cooling. I believe that the GAO evaluation of the $44 million spent on 238 projects is convincing evidence that the program was essentially a failure.

I hope my colleagues will look carefully at the recommendations of the GAO to the DOE on the subject of corrective action. I should also remind my colleagues of the fact that HUD was substantially involved in this solar heating and cooling activity. As a conferee on the synfuels bill, I can only hope that the HUD role in the solar and conservation banks proves to be more successful than in the solar and heating demonstration. The banks will provide hundreds of millions in subsidies for solar schemes, many of which are not yet available in proven commercial systems. Mr. Speaker, I am afraid the solar advocates pushing

these technologies may be the worst enemies the solar program has inside and outside DOE. The summary of the GAO report follows:

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS: FEDERAL DEMONSTRATIONS OF SOLAR HEATING AND COOLING ON COMMERCIAL BUILDINGS HAVE NOT BEEN VERY EFFECTIVE

DIGEST

GAO reviewed the Department of Energy's program for demonstrating solar heating and cooling on commercial buildings and found that—

Most projects funded under the program have not demonstrated that solar heating and cooling are practical,

Data dissemination has not been very successful, and

The extent the program has aided in developing a viable solar industry is unknown.

MOST PROJECTS HAVE NOT DEMONSTRATED PRACTICALITY

As of July 1979, the Federal Government had spent over $44 million on 238 solar projects on commercial buildings. While these projects have provided invaluable hands-on experience for builders, installers, and others integrally involved with the program, most of the projects funded have not demonstrated that solar heating and cooling of buildings are practical—many of the projects were not operating properly and most projects were not cost effective.

Very few commercial demonstration projects were operating as designed. As of June 1979, only 104 of the 238 projects funded had been constructed and each project's related solar system started up. Of the 104 projects, 55 (or 53 percent) were either down, partially operating, or were being tested. Additionally, neither the Department of Energy nor the project owner knew how much energy many solar systems were contributing. Of those with data available, many were not providing the expected energy.

Most projects funded under the program are not economically viable. GAO's analyses showed that most projects were not expected to pay for themselves within the 3 to 5 years generally required by industry, and most projects had expected energy costs several times greater than the most expensive alternative fuel.

The program's failure to demonstrate practicality was largely attributed to the Department's lack of a definition of practicality, the absence of a strategy for supporting projects meeting that definition, and the Department's failure to emphasize cost-effective systems in choosing projects for support. Another factor was the Department's funding of projects based on sketchy design data contained in project proposals.

DATA DISSEMINATION HAS NOT BEEN VERY SUCCESSFUL

The Department of Energy has established a data dissemination program to provide reliable, objective information to enable individuals and organizations to make decisions on the purchase and use of solar heating and cooling equipment. The data dissemination program cost for commercial demonstrations, through fiscal year 1979, exceeded $13 million. The benefits from this program thus far have been limited. Site data collection and analysis have been relatively slow, with only a few sites actually providing reportable data. Some sites will probably have no data collected. Additionally, it is doubtful that the information collected and disseminated primarily through the Department's Technical Information Center at Oak Ridge, Tennessee, is reaching much of the target audience.

EXTENT THE PROGRAM HAS AIDED IN DEVELOPING A VIABLE SOLAR INDUSTRY UNKNOWN

The Department of Energy had not translated its definition of what constitutes a viable solar industry into specific measurable goals by which it could measure the industry's progress and develop strategies for stimulating the industry.

While the industry has grown considerably and the Department has implied in hearings and program documents that its program is generating private buying, GAO's analysis indicated the Department does not know what effects its program is having. GAO believes it is doubtful that the demonstration projects have stimulated much additional buying because most projects did not show solar energy systems to be practical.

RECOMMENDATIONS TO THE SECRETARY OF ENERGY

Because most solar projects on commercial buildings were not demonstrating that solar heating and cooling are practical and because of the large number of projects with operational problems which can serve as disincentives to the widespread use of solar energy, the Secretary of Energy should:

Evaluate all solar demonstration projects on commercial buildings to identify the magnitude of each project's problems, what it would take to correct the problems, and the likelihood that the project will show solar to be practical. Action should be taken to correct the problems identified.

Take specific actions to increase the likelihood of funding projects which demonstrate solar to be practical, thereby encouraging more use of solar heating and cooling.

To improve data dissemination, the Secretary of Energy should:

Devise a means to determine the amount of energy being provided by each demonstration project. Such information is critical to evaluating the system's practicality and will also add meaning to manually collected data.

Direct the Technical Information Center to expand its criteria for adding groups to its mailing list to ensure that more industry user groups are reached.

Place greater emphasis on making user groups aware of the availability of data produced from demonstration projects.

Because the Department of Energy does not know whether its program is aiding in developing a viable solar industry, the Secretary of Energy should develop appropriate measurements to gauge the impact of its solar demonstrations on commercial buildings, and, if appropriate, develop alternative strategies or options, including legislative proposals, for encouraging the widespread use of solar on commercial buildings. The Secretary should present the options with probable costs and impacts to the Congress for its consideration in funding further solar programs.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Even with improvements to the program, GAO questions whether the demonstrations will promote widespread use of solar. In carrying out GAO's recommendations, the Secretary of Energy may be developing and reporting to the Congress alternative strategies for encouraging widespread use of solar heating and cooling of commercial buildings and for developing a viable solar industry. To the extent such strategies include new legislative proposals, the Congress will have to carefully weigh the costs and associated impacts of each such proposal in order to decide which are best for achieving the program's intended effect.

AGENCY COMMENTS

In its comments the Department of Energy agreed with GAO's recommendations with one qualification. In the Department's opinion, GAO's criticism of the economic viability of the demonstration projects failed to take into account the intent of the Congress when it passed the Solar Heating and Cooling Demonstration Act of 1974. GAO, however, disagrees with the Department's interpretation of legislative intent.

The Department also suggested three additional recommendations concerning the premature nature of the demonstrations. GAO believes it has adequately covered the thrust of two of these recommendations and disagrees with the merits of the third.●

PRIMING THE SMALL BUSINESS PUMP: INITIATIVES FOR REGIONAL ACTION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. EDGAR. Mr. Speaker, on June 5, I had the opportunity to speak at a conference on "Solutions for Problems in Smaller Businesses" sponsored by the Smaller Manufacturers Council. I accepted the invitation to speak at this conference because of my firm commitment to small business as the cornerstone of our Nation's economy. I include my remarks for the CONGRESSIONAL RECORD:

PRIMING THE SMALL BUSINESS PUMP: INITIATIVES FOR REGIONAL ACTION

I am happy to be with all of you today for at least two reasons. First, I'm always excited to address a gathering of small-business men and women. It is largely your collective ingenuity and enterprise that have powered the engine of American growth and prosperity. Those of us in Northern states should be particularly appreciative, simply because small manufacturers have been the bedrock of this region's industrial strength.

Second, because I am here as chairman of the Northeast-Midwest Congressional Coalition, I would like to invite you into the fold of those who believe our region's economic future and security hinge on greater cooperation between business, labor, and government. These economically troubling times demand no less.

As you know better than anyone else, America's prosperity is not always spread equally across our society. Nor, for that matter, are our economic problems. Our congressional coalition, in seeking to revitalize the economies of states in the Northeast and Midwest, has learned all too painfully that when the nation's economy begins a downslide, we feel the adverse effects first . . . and are the last to recover from their toll.

Likewise, small manufacturers in America are the most sensitive to national economic conditions. While you have the most to gain from prosperity, you also have the most to lose from a recession. And that's why small businesses, particularly those in the Northeast and Midwest, today have ample cause to be concerned. There is no more harmful damper on business growth than economic uncertainty. When the economic forecasts

look gloomy, who can blame businesses in our region for acting with a good deal of hesitancy?

In late 1976, following an earlier recession, some of us in Congress became concerned that the tables of prosperity in the United States were turning away from the Northeast and Midwest. In short, America's traditional industrial heartland had begun an economic tailspin. While the main villain was a national recession, our worry was that some fundamental shifts in the economy were somehow leaving states in our region behind. Our region's economic growth had slowed dramatically, and in some places, there was virtual stagnation.

So a number of us formed the Northeast-Midwest Congressional Coalition, which today has 213 members—Democratic and Republican—representing states from Maine to Maryland to Minnesota. We have been saying, rather energetically I think, that the different regions of the nation have different needs, problems, and potential contributions, and that federal policy should be responsive to those differences.

I am here today to suggest the need for regional action in developing solutions to the platter of problems which face our nation's small businesses. We must face up to the fact that federal neglect of the problems of small business has hurt the Northeast and Midwest far more than other sections of the nation. Over the last four years, the Coalition has waged a kind of "guerrilla warfare" to help rescue our region from massive economic problems. We have learned that regional competition—solidarity, if you will—can make a big difference in Congress. But while we have been successful in educating and legislating, much remains to be done.

I hope that many of you have had a chance to read the detailed report to the president recently issued by the White House Commission on Small Business. It correctly identifies at least two problems that have fundamentally weakened our nation's—and region's—economy.

First there are problems of deterioration. We must regenerate our renewable resources, we must renovate our aging plant and equipment, and we must restore our leadership in world markets.

And there are problems of lethargy. As the commission's report said, "We must stoke the embers of competition and revitalize our innovative genius."

I believe the reason for the neglect of our nation's small businesses arises not so much from any sort of hostility, but from indifference. Our work plainly is cut out for us, and that work is doubly important in the Northeast-Midwest region.

The Coalition's research has found that nearly 90 percent of the nation's population growth between 1970 and 1978 was outside the Northeast-Midwest region. Our 18 States lost nearly two and a half million residents and nearly three-quarters of a million manufacturing jobs during the same period.

These losses, plain and simple, have had devastating effects on our region's economy. They affect everything from job opportunities to the distribution of federal funds for social programs; from the quality of life in our communities to representation in Congress.

Without delay, all of us—including members of Congress—must recognize that fostering the growth of small businesses represents a large part of the answer to our economic problems. As David Birch's pioneering studies at the Massachusetts Institute of Technology have shown, small businesses provide nearly nine out of every ten new jobs in the nation's private sector. So this is a lesson we cannot afford to overlook as we reshape federal policy to be more responsive to this region.

Several years ago, many of us believed that there was some sort of mass industrial exodus to the Sunbelt. But, as David Birch has shown, businesses have not really been closing up—lock, stock, and barrel—and moving to the South or West. The so-called "death rates" of firms have been about the same in all parts of the nation.

To find what really has been at the root of the problem, we should look to business births and expansions. When entrepreneurs choose to start up a new enterprise, they more frequently are looking to the South and West. And when businesses expand their operations, the same holds true.

Why should that be?

It is, I think, because of our indifference to the needs of small businesses. We have fallen short in providing suitable climates for a flourishing small-business economy in our region. Last year, in South Carolina, I saw first-hand how state and local government "greases the wheels" for business growth and expansion. It is a top priority there. Northeastern and Midwestern states must make it a top priority as well.

As we all know, the region's industrial centers are in deep trouble. According to Money magazine, for example the 10 U.S. cities with the worst job-growth prospects through 1985 are all older industrial centers of the Northeast and Midwest. The 10 with the best prospects for job growth are all in the Sunbelt.

We must do more than wring our hands in frustration. There must be an across-the-board effort toward revitalization.

In the last two years, our coalition in the House of Representatives has successfully fought for some important tax initiatives—first steps in the effort to breathe new life into urban America.

A new 10 percent investment tax credit for rehabilitation is encouraging firms to stay—and expand—in our cities. In this way, the tax system now helps favor renovation rather than relocation.

And a new targeted jobs tax credit supported by our coalition is helping relieve structural, or chronic, unemployment, by providing businesses with a tax advantage for hiring members of disadvantaged target groups.

In these and other ways, small enterprises have been helping to revive urban areas and provide communities with the strength and stability to weather the economic turmoil brought on by high unemployment and recession. So we ought to be rewarding small businesses in these efforts, not penalizing them.

Small businesses must work harder to survive. But because of their small size, they often face substantial obstacles to growth. As a result, we must constantly try to strip away some of these obstacles—roadblocks, really. For as long as they are in place, our region's productivity and potential for growth will be shackled.

For several years now, the Coalition has spent a good deal of time and energy seeking to change the procurement policies of the federal government. We believe that federal department and agencies ought to use their enormous buying power to stimulate economic growth in the sectors and communities where such growth can do the most good. The nation's procurement policies ought to be aimed not only at getting the government the goods and services it needs at competitive prices, but in getting the "biggest bang for the buck" in terms of economic stimulation.

In this respect, we've been among the most vocal advocates for the procurement set-aside programs. We've tried, in this watchdog role, to make our bark heard throughout the federal government. The bureaucracy has been altogether too sluggish in meeting set-aside goals for small businesses and for firms in high-unemployment, or labor surplus, areas. These goals will be meaningless until at least two constituencies—those in the private sector and members of Congress—become more active in monitoring compliance with set-aside goals and demanding higher standards of performance.

In the last two years, one of the Coalition's prime legislative goals has been the repeal of the Maybank amendment to the defense appropriations bill. For more than a quarter of a century, this little-known amendment has prevented the Pentagon from targeting some of its purchases of nonstrategic goods and services to private companies in high-unemployment areas.

In other words, the Pentagon is exempted from a policy which applies to all other government departments and agencies. We support repeal of the Maybank amendment because we believe the Defense Department should diversify its pool of contractors and suppliers, and because such targeting could create many more new private-sector jobs in the areas that need them the most. And, as Harry Truman believed when he first signed the executive order creating this targeting policy, our nation's military preparedness is enhanced by a broader industrial base—a base that can be more quickly mobilized for production in the event of a national emergency.

Last year, our effort to repeal the Maybank amendment—and return to a goverment policy President Truman set forth in economic times similar to those we face today—fell short by only thirteen votes. This year, with your help, we can get the Maybank amendment repealed and open up some of the Pentagon's purchasing power to private firms located in high-unemployment areas, the kind of areas that dot all of Pennsylvania.

Right here in our state, we've been trying to keep open one of the Pentagon's major purchasing offices—the Defense Contract Administration Services Region headquarters, or DCASR. The Defense Department wanted to move this office—the most efficient one in the nation—to a suburban location near Atlanta, Georgia.

As many of you know, this DCASR office serves nearly 6,000 firms, many of them small businesses, in the surrounding region. At our request, the General Accounting Office looked into the situation and recently issued a study documenting millions of dollars in savings to the government from keeping the office in Philadelphia. Those findings, coupled with the administration's urban policy of locating federal facilities (wherever possible) in urban areas, gives us a good shot at keeping needed jobs and business in Pennsylvania and the neighboring states. And, if the DCASR office is kept open, many of our state's businesses will not be disadvantaged by higher communication and transportation costs.

Let me note that this nation is not only in a new decade, it is in the midst of a national election year. We have a political debate unparalleled in recent years, and it presents a remarkable opportunity. It's really our obligation to help shape the dialogue and debate, to go beyond the style of the candidates and make them face up to the future of American small business. What are their real commitments, and how would the nation's small businesses fare under their respective administrations?

And I hope you will look closely at the issues most directly tied to the economic future of the Northeast-Midwest region. Our "shopping lists," so to speak, ought to contain many of the same items.

Collectively, those of us here must be the watchdogs—the watchdogs against empty rhetoric and empty promises to the nation's small businesses. We must hold the candidate who prevails accountable. If we don't, no one else will.

And more important, we must be prepared to keep those questions raised throughout the course of the campaigns, including the platform deliberations, to let all candidates know that the problems and needs of small businesses must be addressed and that there is an active, informed constituency out there.

In closing, there's one caveat . . . we must not depend too much on the promises of candidates and the ability of one president to put our region and its small businesses back on the road to full vitality and prosperity. There's much that can be done in Congress, in state legislatures, and in municipalities all across the region to strengthen and reshape our commitment to the small-business community. Rather than waiting for change to "trickle down," we can generate change from the bottom up.

I've outlined a few of my concerns about the future of the nation's small businesses, particularly those in the Northeast and Midwest. I believe the opportunity for real and meaningful change exists, and I am hopeful that we can seize that opportunity as we head into the 1980s. Small business must once again be a full partner in the nation's economic growth.●

TRIBUTE TO JOHN M. GOLDEN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GIAIMO. Mr. Speaker, on June 4, 1980, John M. Golden of New Haven, Conn., died at the age of 84. John M. Golden was for more than 40 years the Democratic political leader of the New Haven area and for many years the Democratic National Committeeman from the State of Connecticut. John Golden was the person most responsible for encouraging and aiding my political career. He was my friend, my adviser, and my political mentor.

The outlines of John Golden's story are well-known. Born in Old Saybrook, Conn., a resident of New Haven for most of his life, he became active in the Democratic Party some 60 years ago and went on to become a ward chairman, town chairman, and national committeeman. It is one of the ironies of politics that this sagacious leader who helped to elect Presidents, as well as candidates for lesser offices, held elective office himself for a very brief period.

John left the imprint of his character on the social, religious, cultural, and political life of his community and nation; all of which have been enriched by his presence and activities. His humanity touched all peoples of all races, religions, and national origin.

John Golden was a giant in our community. He will be missed by us all.

I had the privilege of delivering the eulogy at John Golden's funeral Mass in New Haven last Saturday, and I ask unanimous consent to insert the text of the eulogy at this point in the RECORD. I believe it expresses how we in the New Haven community felt about John M. Golden.

Every community has its giants. Ours was John Golden, and oh what a man he was. Outstanding Catholic layman, benefactor, politician, and businessman, John Golden in his lifetime profoundly influenced events in our town and in the lives of its people.

Who among us was not touched in some manner by John? Who among us has not been enriched by contact with him? Who among us can ever forget him?

One of the joys of my life is that John Golden was one of my dearest friends. He was my most important sponsor and adviser at a very critical point in my young life. He helped and advised me in so many ways in the early fifties just after I had lost my own beloved father. He encouraged me to seek a major political career, and I can say unequivocally that without John Golden I would never have been your Congressman these past 22 years. Throughout the years I had the honor and benefit of John's support and, as recently as the early 1970's shortly before he became ill, he nominated me for Congress in the Wallingford Convention.

John was a kind, considerate, and compassionate man who felt deeply about his fellow man, understood the suffering and ambitions of his fellow man, and spent his entire life trying to alleviate the one and advance the other. That is what led him to politics, an art he practiced with consummate skill and extraordinary results. It is not an overstatement to say that John Golden was responsible for making more political and professional careers than any other local citizen in memory. The names of those whose careers he boosted into political orbit are well known to us: Mayor John Murphy, Mayor Dick Lee, Congressman and Judge Jim Shanley, Congressman Jim Geelan, Sheriff J. Edward Slavin, Governor and Senator ABE RIBICOFF, Gov. John Dempsey, and many more.

John was Mr. Democrat to us all, irrespective of political parties. He was a warm, understanding leader who was guided as much by his heart as by his head.

Above all, John had a beautiful sense of humility and a lovely touch of modesty—clearly the result of his intense religious faith.

John walked easily between the worlds of national political figures and local ward workers.

He remained unchanged and unspoiled by those historic relationships. I recall on so many occasions when he would return to us in his hotel suite after an important strategy meeting with national figures just to be with his boys from New Haven, at ease with his own, treasuring their companionship so much more.

John had a lifelong devotion and love for Camp Palmer, the summer camp for needy youngsters, which he founded and supported almost single-handedly for many years. He felt deeply about these young people lacking the opportunity to enjoy a summer in the healthy outdoors. He saw to it that they got it, and I believe that many a boy's life was turned around for the better by the heartening experience at Camp Palmer.

Other beneficiaries of his love and generosity, of course, were the Knights of St. Patrick, whose annual St. Patrick's Day dinner is one of this community's most important social events; St. Raphael's Hospital, which always retained his interest and his devotion and his assistance; and, of course, his beloved Albertus Magnus College. There were many other areas of interest in John's full and rich life—interests of a political or civic or cultural nature.

But to really understand John you had to know and realize the predominant role which the church played in his life.

He loved God passionately. He loved Holy Mother Church in the same manner. No one will ever know how much he did for the church. The number of young priests and nuns and not so young priests and nuns who were the beneficiaries of John Golden's assistance will never be known. He wanted it that way; his modesty and humility demanded it. But those of us who watched him closely throughout the decades suspect that his assistance was limitless.

John Golden, above all things, was the committed Catholic layman.

But John left the imprint of his character on the entire community. His humanity touched all peoples of all races, religions, and national origin—long before it was mandated by law or fashionable to do so. He did it because he was the true Christian gentleman. He truly understood the great commandment of loving God and your fellow man.

John Golden was a beautiful person. To know him was to know a legend. To have had his friendship is an honor and privilege which you and I will cherish for all the rest of our days.

I mourn his passing, of course, as does every one here. But we console ourselves knowing that he rests easily now. His work is over—his travail has come to an end. And Heaven in all its glory and happiness is a bit happier today because John Golden has arrived.

I extend my deepest affection and love to his loving and loyal wife Alice

and to Margaret and Frances, his devoted daughters.

We are so sorry to lose him, but we are so happy to have known him.●

ON EXCELLENCE IN EDUCATION

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SHELBY. Mr. Speaker, as many of us stand before graduating classes of high school and college seniors this year, having been called upon to speak a few memorable words of wisdom with which to send them on their way, we can find inspiration from some remarks given recently in my hometown of Tuscaloosa, Ala.

Dr. Richard Thigpen, a longtime friend who currently serves as the esteemed vice president for academic affairs, University of Alabama, offered some meaningful comments on the value of excellence in education before a Tuscaloosa audience recently. While I cannot reproduce here today his speech in its entirety, I urge my colleagues to ponder an especially pertinent passage which is as follows:

In Paul's Epistle to the Romans, he wrote, "Give tribute to those to whom tribute is due, honor to whom honor is due." Today, I am following Paul's admonition. I am here to pay tribute and give honor to those young people of this country who—through their scholarship, their leadership, their service and other achievements—have brought distinction to themselves, their teachers and parents, and more importantly to the enterprise of "education" and "human learning."

Indeed, it is the latter—the enterprise of education and learning—which I want to talk to them and to you about briefly today. And the simple question is, "Why do we honor 'excellence' in learning and education?" The problem with that question, as with the enterprise itself, is that we are so close to it, and it looms so large with us, that we often fail to really "see" what it is and involves.

Once I was in Chicago on business—university business; and I decided to "see" the famous Sears Tower, the largest building in the world. So, I took a cab from my hotel, and then walked to the entrance of that gargantuan structure. Yet, when I stared up at the building, all I could see was a sheer wall that seemed to stretch up to the clouds. So, to get a better perspective, I began to back away from the building; and I backed away and backed away. Yet, it was only when I took another cab and went miles away—in fact, almost back to my hotel—that I really could "see" the structure as it really was.

Many times we are like that . . . in all our work and endeavors, but most certainly in education; we're standing to close to really "see" it. So, today, as we pay tribute—well-deserved tribute—to those young people of this country who have achieved in scholarship, leadership, and service—I suggest we "back away" for a few moments, and ask the question . . . "Why honor and pay tribute to 'excellence' in learning . . . in education'?"

1. PROBLEM SOLVING

First, we pay tribute to "excellence" in education because it provides us with people and ideas to solve problems. George R. Kirkpatrick once said, "Nature gave man two ends—one to sit on and one to think with. Ever since then, man's successes or failures have been dependent on the one he uses most." That statement speaks not only to the value of "learning" but to the practical value of using what we learn. It was, after all, learning that drove mankind from the Dark Ages; it was learning that brought medicine from the realm of magic to the science of healing; it was learning that brought engineering from the pyramids to the exploration of space. It was learning that turned the desert into cropland and made the seas into the field which will feed the world tomorrow. And today, it is learning that makes the exploration of the human mind a humane endeavor for human well-being. Moreover, it is learning that will, practically speaking, determine our future in this state, our growing sunbelt region and the nation. More every day, too, we are made aware that this earth is a place of limited resources; and as those resources become more limited, there will be more—not less—problems to solve. Problem solving, too, has always been the key to our civilization; and the only real key to problem solving is in "learning."

Secondly, we also pay tribute to "excellence" in education, and learning, because it provides us with people who bring creativity to the world. That doesn't mean that you honorees should be artists or musicians, poets or philosophers. It does mean, however, that you use your creative genius—your own special talents—to add something to this world.

Creativity, after all, is the fire of life in any profession, in any human effort. (In fact, I don't believe you could be a good—or at least a happy and good—garbage truck driver without creativity.) The genius of Albert Einstein was creative genius; the genius of von Braun was creative genius; the genius of Abraham Lincoln, Thomas Jefferson, and George Washington Carver was a creative genius; the genius of "Bear Bryant" is a creative genius.

So, in honoring "excellence" in learning, we also honor individual creativity; and without creativity, we add little to the world.

A third reason we honor "excellence" in education is because it provides our world with "values" which preserve the quality of our lives.

It is easy to speak of "problem solving" and "creativity" as outcomes of the learning process. It is somewhat more nebulous (and I might add, in some cases, heretical) to speak of value as resulting from education and learning. But I support that contention, for two reasons:

First of all, I think we can never accept the premise that education is an "amoral" enterprise. Granted, the role of education, certainly in our universities, is not to indoctrinate, not to proselytize specific beliefs with evangelical fervor. Yet, at the same time, we all recognize that in this world there is the good and bad; there is the noble and the base; there is the humane and the selfish. And it is education's job to allow the full range of human values to be laid bare, so that students—so that our society—may see those values and have their own capacity to judge.

Events of recent years suggest to me that education may not have taken this role as seriously as it should. For among out graduates, we sometimes find: lawyers who may not have a sense of justice; doctors who may not have compassion; engineers who may not have a concept of the quality of life; and writers who may have little sense of the human condition.

And if this nation is to maintain a collective "character"—as we always have prided ourselves—and not become a moral grab-bag, we must recommit ourselves to a "moral" role for education. We must, so that generations to come will have an ability to judge, and to discriminate and to make sound value judgments.

A second reason I would argue for "values" in education is that, in the last analysis, all learning is "humanistic" * * * it prepares people for "life" as well as "work." Many of you honorees may aspire to be accountants, or mathematicians, or engineers, or scientists. You may see those professions as completely removed from the human circumstance, from what, academically, we call the "humanities." But if you do, in my opinion, you make a mistake about learning. For 99.9 percent of the courses taught at the University of Alabama—or anywhere—are about "people," the way they live, the way they govern themselves, or the ways in which they order their world and their knowledge.

Simply stated, there are "two" reasons for pursuing education: to improve your own condition, or to improve that of others. Either is noble enough to warrant your efforts; but by pursuing the latter—by helping others and preparing yourself to help others—you may find the greatest benefit for "yourself."

If education loses sight of that—of the impact of our enterprise on the human condition and on "values"—then our schools and colleges, themselves, may no longer be worthy of honor.

Fourth, and finally, we pay tribute to "excellence" in education because it provides our world with those who will "lead" us to a better tomorrow.

Leadership has been defined as many things to many people. But the definition I prefer is by George W. Curtis, eminent orator and scholar. He said, "Leadership is not servility to the mob; it is not giving vehement voice to popular frenzy, that makes a leader. That makes a demagogue. Leadership is the power of kindling in others a sympathy and trust which will eagerly follow." In other words, a leader thinks and moves ahead of the crowd but always in a way which inspires others to follow. It is thinking so as to make others think; feeling so as to make others feel that makes a leader; it is, in sum, bringing out the best in ourselves and in other people.

That ability to influence and motivate others, to help them think great thoughts, to help them share your hopes and dreams, is the single most important job of leaders. And ironically—or not so ironically—that may also be the single most important job of "education."

CONCLUSION

So, in conclusion, let me again congratulate each and every honoree on the distinction you have achieved—in leadership, scholarship, and service. Let me also remind that occasions such as this are not only important for what they do, but for what they mean * * * in this case for the enterprise of education and learning. And that enterprise—grounded as it is in human problem solving, in creativity, in the inculcation of values, and the development of leadership—is, like each of you today, worthy of our tribute, worthy of our honor.

So, as in Paul's Epistle to the Romans, let us today "give tribute to those whom tribute is due, honor to whom honor is due."

Dr. Thigpen's remarks are indeed words of wisdom which are definitely inspirational to both students and adults and worth passing on to any audience.●

COLOR TV IMPORT AGREEMENTS SHOULD BE EXTENDED

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. QUILLEN. Mr. Speaker, I have today sent letters to President Carter and Ambassador Askew urging them to support a 3-year extension of the orderly marketing agreements with Japan, Taiwan, and Korea to assist the American color television industry to restore its competitive health. I hope my colleagues will also urge the President and our trade Ambassador to support this necessary extension of the import relief scheduled to expire this month.

The 1977 import relief program for the American color television industry must be extended for an additional 3 years, as the law allows. After the July 1977 orderly marketing agreement became effective with Japan, Taiwan and Korea continued to flood the American market with color television sets. Since agreements were not reached with Taiwan and Korea until February of 1979, the three-country program has actually provided only 17 months of relief.

The flood of imports from the Far East has already destroyed the American black-and-white television industry. Without an extension of these three agreements, our declining color television industry faces a similar fate. Direct employment in this industry has fallen from 42,000 in 1972, to 26,000 in 1979. Including employment in allied industries, there has been a loss of 40,000 jobs since 1972. There were 25 American-owned companies 20 years ago. Today there are six.

Meanwhile, imports have flooded the American market. From 1972 to 1976, imports doubled from 1.3 million sets to 2.8 million sets. The orderly marketing agreements have provided some relief to our domestic television industry, but they have not been detrimental to our total economy or to the American consumer. In fact, color television prices are lower today than they were in 1976.

The International Trade Commission has recommended an extension of the orderly marketing agreements with Taiwan and Korea, but not with Japan. This would be a mistake. The 3-year extension should be applicable for all three agreements in order to achieve the desired results. The past 17 months have been beneficial, but an additional 3 years as allowed by the law is necessary to give the American color television industry a fighting chance to survive.●

IN HONOR OF WILLARD SWEEDER ON HIS RETIREMENT

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. LUKEN. Mr. Speaker, the education of our Nation's children has never been more important than it is today. We have just finished a difficult decade in which inflationary pressures, a maturing population, and technological changes have presented our schools and educators with new problems and new challenges. Increasingly, the burden of coping with these new challenges has come to depend on the dedication and resourcefulness of its administrators.

One such dedicated administrator is Willard Sweeder, who is retiring as principal of Oak Hills High School. During his 40 years of service to Oak Hills, Mr. Sweeder has witnessed the changes in education that have occurred since the pre-World War II era. During that time, the Oak Hills School District has grown from a collection of small, fragmented schools to its present enrollment of over 8,300 students. Mr. Sweeder, principal at the high school since 1967, has in his charge 2,300 high school students, a figure which included 500 students in one of the area's finest vocational education programs.

Mr. Sweeder's friends and colleagues characterize him as a man of intense loyalty to the students, faculty, and parents of Oak Hills. He is known as a forceful man, as well as an innovator who will explore many avenues leading to a solution. He will not hesitate to make decisions or to enforce them.

While students throughout his tenure have benefited from his able leadership, his last months at Oak Hills have been especially successful. The district passed its first tax levy in 10 years, thanks in large part to Mr. Sweeder's leadership and drive. And the Oak Hills Highlanders baseball team just recently returned from the State baseball tournament as the State champions.

On the occasion of his retirement from education and the Oak Hills schools, I wish to join his family, students, friends, and colleagues in expressing to Willard Sweeder our gratitude for all he has done, and to extend my warmest wishes for the future.●

WILLIAM J. ALLEN

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HOPKINS. Mr. Speaker, I would like at this time to share with my colleagues the following verse:

There is no nobler occupation,
Nor one of more value to the state,
Than that of the person
Who teaches the rising generation.

Mr. Speaker, those words were written by a Roman named Cicero many thousands of years ago. But they were brought to life by a Lexingtonian named Bill Allen during the last 31 years.

Bill has long been among the best known and most respected educators in a community which takes great pride in its commitment to quality education. As Bill moves from education to some new field of endeavor, his colleagues will miss him, generations of students will remember him, and his family and friends will be justifiably proud of him.

For my part, I would simply say: "Well done, Bill!" and include in the RECORD at this point a recent article from the Lexington Herald highlighting Bill Allen's last day as principal of Tates Creek Elementary School:

[From the Lexington Herald, May 29, 1980]

TATES CREEK ELEMENTARY TEACHERS, PUPILS GIVE FOND FAREWELL TO WILLIAM J. ALLEN

(By Jennifer Hewlett)

For 17 years, William J. Allen has served as Tates Creek Elementary School's television repairman, resident practical joker, "pepper-upper" and last, but not least, principal.

He's been a jack of all trades, as teachers and students put it.

Wednesday, the final day of classes this academic year for Fayette County students, was also the last day of school for Allen. The 54-year-old principal, who came to Tates Creek Elementary when it first opened its doors in 1963, has decided to retire.

Students and teachers held a special program for Allen in the school's gym, which was recently named the William J. Allen Gymnasium, to make the day one he would never forget.

"This is a really special day for Mr. Allen and all of us," sixth-grade teacher Martha Cochran said as the students filed into the gym for the program. "We're going to show him just how much he means to us."

The principal with the curly white hair strolled into the room just as his admirers began singing "For He's A Jolly Good Fellow."

He sat down in a large yellow wicker chair that was placed on the stage just for him, and listened and watched while each class performed its own special parting message.

Second-graders held up large blue cards—each bearing a letter in Allen's name—and recited a poem.

"W is for his willingness to work on our TVs," they said.

"I is for his interest in his birds, dogs and his bees.

"Double L is for the double dose of love he has for us.

"I is for his impatience as he waits for the late bus.

"A is for his ambition to have the best for us.

"M is for the messages just before the bell.

"J is for the jokes he always loves to tell.

"A is for Allen, the new name for our gym.

"Double L is for the double dose of love we have for him.

"E is for the excitement he shared with us each December.

"N is for the nice thoughts we'll all have to remember."

Allen tapped a rolled-up document—a special memento prepared by first graders—against his hand and tried to smile during each performance. But by the time the sixth-graders came to the stage to sing their own words to the theme song of The Muppet Movie, the principal could no longer hold back his tears.

"I won't be able to say very much up here . . .," he said at the end of the program. "I love every one of you."

He hugged five little girls who were sitting on the edge of the stage, sobbing away. "Don't cry," he said. "You all will get me going again."

Tates Creek teachers also expressed sadness about Allen's departure.

"His finest quality is the way he stands behind his teachers," said first-grade teacher Caroline Oplas.

Fifth-grade teacher Barbara Head described Allen as an optimist. "He can see humor on a dark day," she said.

Among those who will miss Allen the most is Mary Lowe, a third-grade teacher who has been the butt of many of the principal's practical jokes throughout the years.

She recalled the day she got entangled in wire that he had strung throughout her classroom and the time he hid her car.

"One day I told him I needed a new pencil sharpener. I found out he had taken the insides out of (the old pencil sharpener) so it didn't work," she said.

"We just love him," Ms. Lowe said. "He's been like our family."

Allen, a native of Bullitt County, said he decided to retire from education because it was time for a change in his life.

He has spent 31 years as an educator—27 of them as a principal at schools in Kentucky and Indiana.

Dr. Ken Kron will be the new principal at Tates Creek Elementary.

Allen said he hasn't made definite future plans. His immediate plans are to take a vacation in Florida.

"I like to boat, sail, fish and hunt. I might do some part-time work," he said. "I'll do something. I'm not going to just sit on my seat."

Allen took some things home with him to remind him of his days at Tates Creek Elementary. Among them is a note he received several years ago from a parent who "didn't want her daughter taking 'jim' with no clothes on."

"I've gotten a lot of funny notes from parents," he said.●

COASTAL ZONE MANAGEMENT IMPROVEMENT ACT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. STUDDS. Mr. Speaker, today I wish to call my colleagues' attention to the Coastal Zone Management Improvement Act of 1980, a bill which continues our national interest in and commitment to the wise use and management of our coastal resources.

In 1972, Congress passed the CZM Act (CZMA) which stated clearly for the first time that it was in the national interest to preserve, protect, and where possible develop the coastal resources of our Nation. We reaffirmed this commitment in 1976 by amending and reauthorizing the CZMA. We are now, once again, faced with this opportunity and challenge.

Recently, the Committee on Merchant Marine and Fisheries favorably reported to the House the Coastal Zone Management Improvement Act of 1980, H.R. 6979. I introduced this bill as a response to the apprehensions and recommendations expressed in a series of local and regional hearings held throughout the Nation to investigate the effectiveness of the CZM program. The testimony we received in these hearings and the information that we have gathered over the past year has led me to conclude, quite simply, that a failure by the Congress to reauthorize the CZM Act would constitute a major setback in our efforts to protect our coastal environment.

H.R. 6979 maintains and strengthens the basic concepts of the original act, while incorporating several new provisions to enhance the implementation and enforcement of the CZMA. The bill clarifies our national coastal policy, requires States to adequately address national concerns in coastal management and provides clearer procedures for State management program evaluation. H.R. 6979 also contains a new coastal resource improvements section to assist the States in providing public access to coastal areas and in redeveloping underutilized urban waterfront and port resources. State participation in the CZM program remains strictly voluntary, yet the bill reaffirms the necessity of protecting and preserving our finite coastal resources. These modifications and new provisions to the CZMA should serve as a further incentive to all the coastal States to join in this program which is so essential to the future of our coasts.

By the end of this year, it is expected that 26 of the 35 eligible States will have approved management programs. Many of our States have been involved in long and arduous battles over the effective management of their coastal zones and their decision about whether to continue to engage in these battles depends largely on the nature of the message they receive from the Congress. They are not merely looking for an increase in authorizations—indeed our legislation does not increase the net authorization level—but they are looking for a strong signal from Congress that it truly is in the national interest to protect our unique coastal resources.

In the days to come, H.R. 6979 will be before you for your consideration. The protection and development of our coastal resources is not merely a parochial concern, but one which affects us all. Inherent in coastal management is an awareness that the richness and bounty of our coasts is a natural resource that deserves to be protected for all people from all sections of our country. It is incumbent upon us all in the "Year of the Coast" to reconfirm our national commitment to the wise use and management of our coastal areas.●

SERVICES CONTRACT MESS: WHO GETS UNCLE SAM'S BUSINESS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. DERWINSKI. Mr. Speaker, Les Fettig, a former administrator for the Office of Federal Procurement Policy in the Office of Management and Budget, writes with clarity and insight on H.R. 4717, the much trumpeted but misdirected bill dealing with Federal services contracts. As Fettig points out, the claims made for the bill do not square with reality. It would not result in Government economy. As a matter of fact, it would effectively reverse the concept of the personnel ceiling established in the 1978 Civil Service Reform Act. For the benefit of colleagues who may have been misled by the headlines generated by H.R. 4717, I recommend Fettig's article which appeared in the June issue of Government Executive:

SERVICES CONTRACT MESS: WHO GETS UNCLE SAM'S BUSINESS

Beware. Your household may have been captured by a "shadow family."

How? Well, just think. We rely on private businesses to do our shopping, buy our clothes, service our cars, paint our homes. And, moreover, we solicit the independent advice of private experts—consultants—for our medical, legal and banking information.

The net result? Could it be that your family's "almost being run by consultants;" that our vital family needs are held captive to uniformly greedy and incompetent business men and women; that perhaps we should try to do everything ourselves—or rely on government to do it all?

That's about where you're left if you follow the logic of Congressman Herbert E. Harris II (D-Va) and Senator David Pryor (D-Ark) when they lead the chorus attacking villainous government contractors—"consultants"—who create a "shadow government."

Harris has also been pushing new legislation—H.R. 4717—which, if enacted, would make you give up your sons and daughters if your family DIDN'T do it yourselves. Under the Harris bill, Federal managers would automatically lose their civil service personnel allotments if they contracted out with private firms. This, obviously, is not a pleasant prospect for Federal managers—or for private company employees whose jobs are now threatened.

What's at stake are the political fortunes of rivalrous union leaders and politicians. More important, the financial fortunes and job security of the workers—both civil servants and private sector wage earners—are caught up in this struggle.

Sadly, this latest political theater is also tearing down some hard-won management reforms put into effect only last year to give taxpayers better economy and to give Federal workers better job protection.

IDEOLOGICAL CURRENTS

This issue over Government contracting masks a contest between larger forces marshalled along deeply divided ideological lines.

On the right, Ronald Reagan and some Libertarian Party candidates would like to "privatize government," replacing monopolistic Government service activity with competitive private firms.

On the left, Harris has aligned himself with those who favor more direct—and indirect—Government activity to meet the needs of the public.

Against that backdrop, both sides see gains to be made by shifting the balance of Federal spending between contract and "in-house" activity.

The Federal Government contracts for something over $110 billion worth of goods and services each year, purchasing everything from pencils to weapons systems, janitorial services to consultant reports.

"In house," Uncle Sam itself owns and operates over 21,000 separate commercial and industrial activities, using civil servants for everything from shipbuilding to running R&D laboratories and laundries.

Historically, the U.S. economy evolved around private enterprise, although the Federal Government's share of economic activity has gradually grown to about 22% of the Gross National Product, a bench-mark of growing concern. Even Senator Kennedy was quoted as supporting a lessened Federal role, down to the 18.9% projected in President Carter's out-year hopes for 1983. With some notable exceptions—such as arsenals during wartime and in energy—the U.S. has never had much of a tradition of relying on Government owned and operated "public" enterprise, as do some other socialist democracies like Sweden and Great Britain.

Not surprisingly, then, the Federal Government has pretty much relied on the private sector for needed goods and services, a policy formally on the books since Lyndon Johnson's Administration. Much like the average family consumer, the Government has generally tried to shop around in the marketplace before establishing its own in-house commercial or industrial activity.

Just as with a typical consumer also, the Government always recognized exceptions where a "do-it-yourself" approach made better sense, such as when costs were way out of line.

All that sounds simple enough. But there has been a big problem with Government contracting-out decisions. The common sense of relying on the private sector except in certain cases were pretty much left at that.

As a result, agency decisions on where to put the work bordered on the whimsical, as often owing to a department head's personal tastes as to good economics or any consistent guidelines of propriety—and leaving Harris and Pryor plenty of "horror stories" to trumpet.

Some Government officials leaned towards an "empire building" approach with visions of large ranks of civil servants justifying higher supervisory ratings and pay. Others, faced with artificial hiring limits imposed by the "bloated bureaucracy" advocates—or just not wanting to be bothered managing people—were only too happy to put the work out on contract, cost and propriety be damned.

This random state of affairs persisted for so long that even the Mad Hatter would have been hard pressed to invent any common logic behind spurious decisions made in identical circumstances, sometimes within the same agency.

PARANOIA AND WEEPING

Suffering most through it all were the workers—and not just civil servants. Private company employees, too, would find themselves abruptly threatened with the loss of their jobs by aberrant contracting decisions which had about as much predictability as a tornado.

Federal employees justifiably turned paranoid over leaks to local papers that the Air Force, say, was about to turn over their jobs to private contractors. Private company employees literally wept at Congressional field hearings because the work they had built whole careers around was rumored to be slated for in-house NASA employees.

This was no way to run a Government—and it was no way to treat the workers, public or private.

The Carter Administration spent two full years reconstructing the rules for contracting out, led by a statutory arm of the Office of Management and Budget, the Office of Federal Procurement Policy (OFPP).

After exhaustive rounds of public notice and negotiation with all affected parties, a new OMB Circular A-76 went into effect on May 1, 1979, containing many "firsts" designed to bring some badly needed stability and equity to these decisions. Under the new regulations, now being adopted—

Each agency must compile, for the first time, a complete list of all ongoing contracts and in-house commercial operations. Each one must then be scheduled in advance for review sometime over the next five years—no surprises—to test where the work properly belongs.

A new listing of "governmental functions" automatically reserves certain work for government performance—including activities related to discretionary use of government authority, monetary transactions and entitlements, and in-house core capabilities needed even if the private sector could do it all and do it more cheaply—things like independent research and testing capability.

For less sensitive kinds of work, a rigorous cost comparison must be made, taking into account all factors in a standardized manner for the first time. A comprehensive "Cost Comparison Handbook" was also issued after several rounds of public review.

Cost comparison factors include a blatant bias to guard against the turmoil of abolishing Federal jobs. Not unless a private company can perform the non-sensitive work at least 10% more cheaply will a conversion of ongoing government operations be made.

In the event there is a conversion, Federal workers are nevertheless given new protections by (1) a legal requirement, cleared by the Justice Department, that they have first rights to the contract jobs; (2) first priority for other Federal openings, if they prefer; and (3) Government-paid retraining, should they desire.

Arbitrary ceilings on the number of allowed Federal workers must give way if the agency can show, by the book, that the work should be done in-house but not enough slots are available. OMB will process these cases annually during the budget preparation process.

For brand new work, where no Federal jobs are at stake, the private sector gets the bias. Not unless a government-run operation can beat the industry by at least 10% in personnel costs and 25% on plant and equipment will the government go through the added expense of starting up another commercial or industrial business.

SQUEEZING ECONOMIES

The new rules have already begun to be successful in turning the trick of both getting Government to operate more economically and protecting Federal employees.

In 1979, the metal refining operation of the Government's New York assay office was scheduled for conversion to contract operation. OFPP intervened because contract costs had not been based on firm bids, as the new rules require. The result? The in-house operation was reorganized and trimmed down to project a 25% productivity improvement and staff reduction from 250 down to 192—all through natural attrition, not a single lay-off.

In another case, the Air Force decided to convert an in-house laundry to a contract based on a $30,000 cost saving estimate. The General Accounting Office, called in to review the case, said the Air Force calculations were incorrect. Actual savings were about $387,000. Of the 26 Federal employees affected, one retired, two others found other outside jobs and the rest were offered other positions on the base.

REACTIONS

For awhile, it looked like the new system was secure. Don Mace, writing in the Federal Times said,

"When Fettig became OFPP director, he faced one of the toughest jobs in Government. He had to gain the confidence of warring factions—federal unions and contractors.

"Judging from interviews with both industrial and union representatives, he has been successful.

"A private sector official representing a dozen large contractors said that he was pleased with Fettig's approach which allowed each interested party a chance to present his views in person."

Kenneth T. Blaylock, President of the 300,000-member American Federation of Government Employees (AFGE), said in congressional testimony "that OFPP, on balance, has brought about some real and needed improvements in this area. Our views have been listened to and considered carefully, even though they are not always fully accepted."

But things didn't stay calm for long. Blaylock, who originally played a major and constructive role in winning the new protections for his membership, almost lost his election for the union presidency in 1978. And with his rival, Royal Sims, AFGE national vice president for Pennsylvania, whipping up Senator John Heinz (R-Pa) and Rep. Doug Walgren (D-Pa) to join the contracting-out charge of "shadow government," Blaylock hasn't had many kind things to say lately about the Administration package he had earlier endorsed.

The chic "shadow government" sophistry also built steam when former HEW Secretary Joe Califano grabbed off some headlines in congressional testimony. He added up all the money HEW dispenses—including Social Security checks—divided that by an average salary and found, presto, Uncle Sam must be supporting an enormous "shadow workforce."

With the subject picking up plenty of ink in the Washington Post and other newspapers, Congressman Herb Harris wasn't far behind. A Harris newsletter to his constituents, many of them Federal employees, disclosed the "shocking" revelation that "$150 billion annually" was creating "a shadow Government composed of an estimated 8 million outside contract employees—almost four times the number of fulltime Federal employees."

Using Califano's carnival accounting system, Harris didn't say whether he meant to nationalize Boeing and Weyerhaeuser and Scripto or whether the airplanes, paper

and pencils bought by the Government should be newly produced by civil servants in Federal arsenals. The emotional headline was simply, "Federal Contracting Costs Taxpayers Billions."

Ever vigilant, neither Harris nor his Civil Service Subcommittee staff even bothered to respond to invitations for comment during the two years spent by the Administration building the new controls. Instead, Harris has pushed new legislation with a new twist that Federal managers would have to give up employee slots if they contracted out—and claiming he would save $10 billion.

Needless to say, the media and legislative bunglings have been something less than helpful to agency managers already struggling to put the Administration's new A-72 rules into effect. If even a few activities wind up being done more economically and even a handful of workers enjoy new protections, we should probably be grateful.

This contracting-out issue, like so many in Government today, doesn't lend itself to grandiose oversimplification of "bloated bureaucracy" or "shadow Government." That's all fine for generating some headlines and a righteous sense of indignation among people who don't know better—but of very little help in building needed Government economies or job protections for the people who need them badly.

And, sadly, it is the workers who are made the political patsies. Private sector unions whose members depend on Government jobs have been quiet. Why? The AFL-CIO feels the public unions, like Blaylock's and Jerry Wurf's American Federation of State, County and Municipal Employees (AFSCME) are the growth stocks for organized labor to build their union dues—they get the upper hand.

And Federal workers, galvanized by being kicked once too often by the Carter Administration, fall into the willing arms of sideshow politicians and rivalrous union leaders practiced in reciting all the words a jilted lover wants to hear. If the setting were a TV soap opera, we'd all "tsk" knowingly.

So the next time you're tempted to repeat the exasperated questions, "Why can't government get it's act together?" and "Why does the waste go on?", stop and reflect for a moment.

Perhaps the contracting-out issue will give you some not so amusing answers.●

ADDRESS BY PRESIDENT HARRY S. TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SKELTON. Mr. Speaker, recently the original handwritten document of a speech delivered by the late President Harry S. Truman on the 75th anniversary of Wentworth Military Academy in Lexington, Mo., on November 14, 1954, was located. His speech, at that time, spoke about the need for education, training, and leadership, and how they affect military policy and the safety and freedom of our country and the world.

Although this speech is 25 years old, the advice given then is appropriate in today's world.

I commend the reading of this speech by President Truman to members of this body:

ADDRESS BY PRESIDENT HARRY TRUMAN ON THE OCCASION OF THE 75TH ANNIVERSARY OF THE WENTWORTH MILITARY ACADEMY, LEXINGTON, MO., NOVEMBER 14, 1954

It is a very great pleasure to be with you today to help celebrate the 75th birthday of Wentworth. Yours is a great school and it has been an asset to the Middle West.

Lexington is a grand old town with much history in connection with the opening of the great west.

I am always glad to come to this community because of its relationship to the county where I live.

I shall talk to you today about education, training and leadership, particularly as it affects military policy and the safety and freedom of the country and the world.

In 1792 George Washington, President of the United States, asked Congress to start a military training program for the safety of the country. He was not successful in obtaining it.

President after President has made the same request. We have made progress but we still have not integrated universal trainign programs.

Our Government is founded on the principle of the consent of the governed. We believe that government is the servant of the individual and not his master. Jefferson like Washington and Hamilton was well aware that a strong military establishment was vital to the preservation of our liberty. All these early patriot leaders knew that effective military forces are not possible without proper training and able leadership. They all remembered Washington's struggle for men and leaders to win the Revolution.

But there were men in those early 1800's who said that a strong national defense would cost too much, that we could not afford it, and that we should find some magic formula for achieving security without having to pay for it. That point of view is echoed today.

The spirit of our people has never been warlike. Our ancestors came to this country to find peace and freedom. That is what we have always wanted. That is what we want now.

But there is a great difference between being peaceful and being passive. It's impossible to have world peace unless we are able and willing to stand up for our rights and the rights of the free world.

We know now after long experience that we cannot have lasting peace unless we work actively and rigorously to bring about conditions of freedom and justice in the whole world. The free countries can, by proper and adequate defense measures, make it clear that aggression will be doomed to failure. The free nations by economic and political means can build up their strength so as to be safe from communist infiltration and subversion.

If we are to succeed in maintaining a free world we must have steady nerves and stout hearts. There is no magic or quick solution.

We have the powerful moral forces, we have liberty and justice as our code. We must have military strength to back them up.

The welfare of the nation and the world is in the hands of its young men. They must attain the knowledge and ability to carry on.

We must remain strong not because we plan or want to impose our views upon the world by force or do battle with any nation. We must remain strong in order to retain the leadership which the world expects of us. With all our resources, we must exercise that leadership on behalf of a world of peace and harmony among all nations and all peoples. That is not only our moral duty; it is a firm obligation which we have undertaken as a member of the United Nations. This obligation requires training and leadership along with a first class education.

Institutions such as this great school give young men lessons in leadership training and the fundamentals of a good education. These good schools bring out leadership talents to (sic).

Do you know what constitutes a leader? It is a man or a woman who can persuade people to do what they should do without being persuaded—and frequently they are against it.

A leader must also have the ability to persuade people to do what they do not want to do and like it. This can be done by hardwork if the leader is intelligent, energetic and honestly believes that what he advocates is right.

Never before in the history of the world has a great nation followed the path which we followed after the German and Japanese surrenders in 1945. We helped to rehabilitate the defeated countries just as we did our allies.

Never in the history of the world had that happened before. It comes very nearly being the Golden Rule on a world basis.

Young men and young women study your history, study the great leaders in history and try to live by the Ten Commandments and the Sermon on the Mount.

You will be happy, you will make others happy and the country will be safe for the future.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on Wednesday, May 21. Had I been present, I would have voted as follows:

Rollcall No. 249, "yes."
Rollcall No. 250, "no."
Rollcall No. 251, "yes."●

FARM FAMILY LIFE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I would like to bring to the attention of my colleagues an essay by Mr. Forrest Bradley which appeared in the May 31, 1980, edition of Farmland News. Titled "Our Best Hope for a Better Tomorrow: The Farmer's Son," the essay draws an intimate picture of farm family life and the uniquely close relationship between a young man and his parents.

Having been raised on a farm myself, I have a special appreciation for the traditions and values instilled by a farmer on his son. I also know well the struggles and growing pains of a young man as he strives to meet the demands of this lifestyle. Agriculture is not an easy profession, but it can be a most rewarding one. I am forever grateful for having had the advantages of a rural upbringing, and I see this attitude reflected more and more each day in others.

The text of Mr. Bradley's essay follows, and I believe it offers a rare in-

sight into a way of life of which I am proud to have been a part:

OUR BEST HOPE FOR A BETTER TOMORROW: THE FARMER'S SON

A farmer's son is the living symbol of his father's dreams. From the time he first clambered over his Dad's old tractor, he has been flesh-and-blood proof of his family's love for the soil. As he worked on the farm, at small chores and then as a regular "hand," he has been a willing student for the lessons his Dad learned the hard way. Oh, sure—there were times when he questioned his Dad's wisdom. Like every young man reaching for understanding in a chaotic and confusing world, there were times when he resisted good advice.

But now, grown to manhood, his energetic and disciplined habits are a secret source of pride for his Dad. And when he turns to his father and says, "Dad, I appreciate all you've done for me!"—the sparkle that comes to his Dad's eyes combines with a small tear to make all the world look brighter.

A farmer's son is a special joy to his Mom. The lasting bond that forms between a son and his mother is doubly strong for the boy who grows up on a farm. His Mom is the one who helped him gain his first appreciation for the animals and birds and all of God's living things. Mom was there to offer subtle guidance to a young boy in search of manhood. And Mom could do just about anything. She could comfort him when he was ill, bake his favorite cake for that special day and help him when the homework got long and the time short. A farmer's son is the reflection of his mother's virtue and of her dedication. The love he learned from her example steadies him in his life's journey.

A farmer's son is the one best and surest hope for a troubled world. Around the globe, it is the farmers' sons who feed mankind. Yes—a farmer's son is the assurance we have that tomorrow will be a reality. A farmer's son is the hope for a world that faces the prospect of too little for so many on a crowded globe. Politicians may take him for granted and the public may groan when they go to market, but it is the farmer's son who makes it possible to choose among an abundance never before seen in this world.

Yes, the farmer's son is as true V.I.P.—he is Versatile, Important and Productive. He struggles with wind and storm and meets the challenge of a searing sun or a raging flood. He knows the value of hard work and the pleasure of well-earned rest. He has infinite faith that tomorrow will somehow be all right—a faith that he learned from his Mom and Dad. As long as we have the farmer's son, we are assured of a better tomorrow.●

TRIBUTE TO DOROTHY W. PITTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. DELLUMS. Mr. Speaker, on May 7, 1980, Dorothy W. Pitts celebrated her 40th class reunion at Howard University of Washington, D.C. Ms. Pitts has made outstanding contributions to our community in the Eighth Congressional District. I ask my colleagues to join me in commending and congratulating her, and I wish to share with you a brief acknowledgement of her contribution and accomplishments significant to humankind.

Dorothy W. Pitts has devoted her entire adult life to her community. She is a recognized leader and champion for youth, adults, and particularly the aged. Her primary interest is to improve the life of the senior citizen. As a result of her sincere commitment to the aged, she is known nationally as a specialist regarding the unique concerns and problems of the elderly.

Ms. Pitts has held and holds many distinguished positions associated with her service to humankind; they include:

Chief of Division on Aging, City of Berkeley, 1978.

Founder of the Board of Directors for the Northern California Caucus on Black Aged.

Second Vice-President and Chairperson of Economics Development Committee of Progressive Women, Inc.

Chairperson of the Committee on Elderly Women for California State House Conference on Aging.

Member, Berkeley Bay Area Alumni Chapter Delta Sigma Theta Sorority.

Former President of the University YWCA.

Member, National Council of Negro Women.

Member, East Bay Area Club of National Association of Negro Business and Professional Women's Club, Inc.

Founder, Black Women Organized for Political Action.

Member, Le Moyne, Onen College Alumni Association.

Member, Howard University Alumni Association.

Mr. Speaker, I sincerely admire Ms. Pitts for her courage, strength, and sensitivity. In these times of tremendous hardship, chaos, and uncertainty, it is impossible to measure the value of Ms. Pitts to California and the entire Nation. "She's always there when needed," is a phrase oftentimes used to describe her value to the community she serves. I must add that she fulfills her commitments without expecting or taking rewards for the tedious tasks she undertakes for all in need of her services.

At the moment Ms. Pitts is actively working on methods to bridge existing gaps between youth and the aged. Ms. Pitts seriously feels that by bridging this gap a better understanding between youth and the aged will develop and a restructuring of the family unit will eventually emerge.

My colleagues and I pay tribute to a human being whose actions, if imitated by others, would bring about a better world. A world of compassion, caring, and honesty would be ours, for Ms. Pitts has truely shown by her deeds to be worthy of this tribute. Although many have sacrificed time, energy, and material goods for the advancement of humankind, all to often their contributions are not recognized until too late. Therefore, it is my intentions to make the Nation and the world aware of the work of a unique human being, Ms. Pitts, in hopes that her spirit will spread and eventually foster a better understanding among all people. It is through the efforts of people like Dorothy W. Pitts that hope for the world is retained and dreams of a "world of peace" are fostered. I salute you, Ms. Dorothy W. Pitts, a fighter for all humankind.

Therefore I ask my colleagues, to please join me in paying tribute to a member of a rare breed—the crusaders for justice, freedom, and equality for all people.

Ms. Pitts, you are deeply appreciated for all you have done for so many.●

ITALIAN NATIONAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. RODINO. Mr. Speaker, the citizens of Italy celebrated the 34th anniversary of the founding of the Italian Republic last week, and I want to pay tribute to them on this special occasion. The relatively short history of this democratic nation and our ally solidly attests to the courage, fortitude, and wisdom of the Italian people.

In the aftermath of World War II, Italians were determined to rebuild their devastated country under a republican form of government. For over three decades, Italy has passed many tests of its democracy, including poor economic conditions, social unrest, and domestic terrorism. Italy has met these challenges with renewed commitment to its democratic principles.

The transformation of Italy in the past 34 years complements the history of a society which constitutes the genesis of Western civilization. After a 3,000-year history, Italy's new republic has retained the traditional Italian concern for human values and the search for knowledge. The cultural contributions of the Italian people are too numerous to list, but names such as Da Vinci, Michelangelo, Titian, Verdi, and Puccini in the arts, and Galileo, Marconi, and Fermi in the sciences give some indication of the Italian dedication to improving human existence.

Mr. Speaker, I am privileged to count myself among the millions of Americans of Italian origin who have woven the rich fabric of their heritage into the tapestry of American life.

I ask my fellow Americans to join me in honoring the Italian Republic on its birthday and to salute its people as our allies and friends.●

THE ADMINISTRATION'S VIEWS ON FEDERAL RECLAMATION LAWS AND PROGRAMS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. UDALL. Mr. Speaker, on Tuesday, June 10, the Interior and Insular Affairs Committee began marking up H.R. 6520, a bill to revise requirements under the Federal reclamation laws. Because each and every aspect of this bill from acreage limitations to the statement of purpose of the reclamation program is surrounded by controversy and debate, I thought that this newspaper statement by Secretary of the Interior Cecil Andrus would be helpful and informative to all the Members of the House:

THE ADMINISTRATION ON WESTERN WATER

In its Wednesday editorial, "Farms, water and the West," The Star deplored what is called "populist bombast" and ridiculed the Carter administration's drive for a law that would restrict federally subsidized project water to family-sized farms owned by people who work the land themselves.

We are quite willing to go along part way with those who believe the 160-acre limit in the Reclamation Act of 1902 should be increased. We will compromise on a larger figure, as long as there is a real and reasonable limit. We have suggested a limit of 960 acres. But we cannot compromise on a basic principle, and we think your readers deserve to know why.

The central issue is not all that complicated. Shall this special federal subsidy, which was designed to promote family farms, worth hundreds of dollars per acre, be limited to working farmers, or should a major part of it be allowed to go to a small group of large land owners, some of which are corporate, absentee and on the Fortune 500 list? Should the average taxpayer foot the bill for this obvious inequity?

Please understand that nobody is threatening to confiscate private land; the only question is how much of that land should be watered with federal support. Some 85 percent of the land we are discussing lies in several California valleys where crops may be grown the year around. Because of past inconsistencies in administering the 1902 law, there are now some very large holdings receiving federal project water, although the law's intent was to provide better opportunity for family farmers in the West.

Is family farming on a modest-sized piece of irrigated land a romantic dream in 1980, based on notions long out of date? Not according to a group of studies recently conducted by the Interior and Agricultural Departments.

The experts found that more than 96 percent of all farm operations in the Reclamation program contain 640 acres or less, and that more than 97 percent are within the 960-acre limit. An overwhelming majority of individual farm owners in the program own 160 acres or less—91 percent, in fact. And more than 97 percent of the farm operators already live within 50 miles of their farms. So the concept is working and working well.

The Star says, in effect, "What's the fuss, then?" The answer should be clear. It is simply unfair for the remaining small percentage of large and absentee operators to use this kind of federal subsidy to get even richer. Because water supplies are, and always will be, finite, the result is that smaller, independent farmers who would like to get into the program are shut out.

In an era when, the pollsters tell us, Americans tend to be cynical about government programs and how fairly they are being administered, these points need to be considered.

Consider this figure, if you will: About 3 percent of the land owners are irrigating 31 percent of the land in the program.

Granted, bigness is not evil in and of itself. Certain other kinds of subsidies to large business operations may well be justified on their individual merits. But the Reclamation program is unique. It is limited to the arid and semi-arid parts of the West. It affects only 25 percent of the farms in that region—only 1 percent of all farmland, nationwide. It was designed to help establish farming communities based on owner-operated farms, and to broaden opportunities for ordinary people who are willing to work hard enough.

The Star editorial asserted that economies of scale outweigh other factors. But the Interior-Agriculture studies showed that bigger operations are not necessarily more efficient—in fact, that in the great majority of cases maximum efficiency in this program is achieved on farms of 600 acres or less, and in many cases much less. Please remember that 640 acres is a square mile—not a little operation by any standard. People who work their own land have an incentive to look harder for ways to improve efficiency.

The bill passed by the Senate, and the one before the House Interior Committee, are simply unacceptable in their present form. They contain no residency requirement that owner-irrigators must live on or near their land. The House version would allow virtually unlimited leasing, which gives large land owners a loophole big enough to drive a tractor through.

Both bills contain special exemptions by which some of the richest areas are exempted from any limitations on acreage to be irrigated by federal project water. Both bills, but particularly the House bill, contain serious inconsistencies and drafting defects which make it nearly impossible to administer. The bills would allow further inroads of bigness at the expense of the average farmer.

This administration supports legislation to clarify and strengthen the program, not to weaken and confuse it. We want to protect the hardworking 97 percent rather than promote the interests of the privileged 3 percent. If that is populism or romanticism, then we need to redefine a lot of basic assumptions in this country of ours.●

MOTHER TERESA OF CALCUTTA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. MAZZOLI. Mr. Speaker, if there is anyone alive who understands the worth and the profound value of human life, it is Mother Teresa of Calcutta, the winner of the 1979 Nobel Peace Prize.

Mother Teresa works among the poorest of the poor. She ministers only to the abandoned, the diseased, the dying.

If there were any merit to the argument that abortion is the correct way to control the world's population of unwanted, unloved, and defective humans, Mother Teresa would surely embrace such an argument.

The last thing this sainted woman and her growing band of followers need are more clients.

But, of course, abortion is a heinous and morally bankrupt act, and Sister Teresa condemns it for the abomination it is.

Mother Teresa minces no words as the following news item from the New York Times of June 8 illustrates:

MOTHER TERESA, IN BERLIN, BITTERLY ASSAILS ABORTION

WEST BERLIN, June 7.— Mother Teresa of Calcutta, winner of the 1979 Nobel Peace Prize, bitterly condemned abortion today, saying it amounted to murder.

"Abortion is nothing but pure murder; it is not an answer to anything," the 69-year-old Albanian-born nun said at a news conference in West Berlin, where she was guest of honor at a five-day gathering of nearly 100,000 Roman Catholics.

"Countries that allow abortion are poor countries and fear children," Mother Teresa said. She urged that the practice of adoption become easier and more widespread and said this provided a solution to the problem of unwanted children.

Mother Teresa, who was honored for her work among poor and orphaned children in India, made abortion the main theme of her acceptance speech when she received the prize.

Mr. Speaker, I say more power and long life to Mother Teresa. She is a beacon of strength, decency, and good for the troubled and morally lax world in which we live.●

YEAREND SPENDING WASTES BILLIONS

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HARRIS. Mr. Speaker, as chairman of the House Civil Service Subcommittee on Human Resources, I have been conducting a major investigation into wasteful Federal contracting and yearend spending sprees. The subcommittee's probe has revealed that funds appropriated for specific programs are not being rationally obligated to achieve the congressionally mandated objectives. Rather, the funds are being pushed out in the final weeks of the fiscal year on questionable contracts and grants.

Funds are being diverted from the purposes laid out by Congress, causing millions, perhaps billions, of dollars to be wasted on unnecessary projects and purchases during the last 2 months of the fiscal year. Federal agencies operate under a "use-it-or-lose-it" policy which reflects a fear that their budget will be cut the following year unless all funds are expended. Former Treasury Secretary Blumenthal testified that yearend spending amounts to agencies "literally pushing money out the door with a wheelbarrow."

If Congress is going to get serious about trimming Federal expenditures and balancing the budget, we must put

a lid on these wasteful yearend spending practices. I intend to offer a yearend spending amendment to the fiscal year 1981 appropriation bills which the House will begin considering later this month. My amendment would prohibit Federal agencies from spending more than 20 percent of their budget in the last 2 months of the fiscal year. A 20-percent limitation would send a clear message to every Federal agency that Congress will no longer tolerate wasteful yearend spending.

I am releasing a GAO report today which confirms serious yearend spending abuses at four major Federal agencies—HEW, EPA, Interior, and HUD—and endorses my yearend spending limitation as a step which will force better planning and contribute to more prudent contract and grant activity. According to GAO "wasteful yearend spending occurs when an agency finds itself near the close of the fiscal year with substantial amounts of unobligated funds. Treasury figures for fiscal year 1979 indicate that these four agencies spent considerably more than 20 percent of their budget in the last 2 months of the year; 47.2 percent at HUD, $16 billion; 41.7 percent at EPA, $2.26 billion; 22.9 percent at HEW, $14.3 billion; and 23.1 percent at Interior, $1.36 billion. Their expenditures in excess of 20 percent amounted to $12.46 billion.

In its review of yearend spending at these four agencies, GAO explained "waste occurs through the funding of low-priority projects, the stimulation of demand for unplanned, nice to have products or services, shortcutting the procurement process that lessens competition, or inadequate prerequisites for the negotiation of sole-source contracts."

In addition, the GAO found that "other mechanisms used to dispose of excess funds are premature funding of existing contracts beyond current period needs and the award of Small Business Act section 8(a) contracts months before a subcontractor, who will actually provide the supply or service, has been selected."

The GAO also maintained that HUD and HEW and "prerecorded future obligations in order to prevent funds from lapsing, give the appearance of greater achievement than actually transpired, or recognize potential liabilities that are at best speculative."

I feel strongly that this new GAO report provides further evidence that Federal agencies are ignoring OMB directives to curtail wasteful yearend spending. It's easy to be shocked by waste and pay lipservice to its elimination, but if Congress is going to control wasteful yearend spending, legislative action is needed. It's time to stop rewarding waste and inefficiency and provide firm direction and incentive by rewarding Federal agencies which are thrifty and return unused funds to the Treasury. Adopting my yearend spending amendments to the fiscal year 1980 appropriation bills will put agencies on notice that Congress is not going to tolerate this wasteful practice.

The text of the GAO report on yearend spending follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., June 5, 1980.

Hon. HERBERT E. HARRIS II,
Chairman, Subcommittee on Human Resources, House Post Office and Civil Service Committee, House of Representatives.

DEAR MR. CHAIRMAN: In accordance with your request we have performed a review of year-end procurements by four civilian agencies—Environmental Protection Agency (EPA), Department of Housing and Urban Development (HUD), Department of Health, Education, and Welfare (HEW), and Department of the Interior (DOI). These agencies were selected because they had some of the highest proportions of year-end procurement obligations. This is an interim status report briefly summarizing our findings.

We have previously testified before the Subcommittee on Legislation and National Security, House Committee on Government Operations on March 25, 1980, concerning the surge in year-end spending and possible ways of dealing with this problem. We also testified before your Subcommittee on May 8, 1980, concerning the special problem at HUD and its premature recording of obligations in its assisted housing program. HUD obligated about 49 percent of its 1978 obligations in September. The bulk of HUD's apparent year-end spending was not supported by actual contracts but rather by commitment and reservation documents, many of which were ultimately cancelled prior to executing a contract.

We also found that HUD awarded one-third of its Small Business Act, Section 8(a) contracts in the last month of the fiscal year. These awards provide a mechanism to spend excess funds even though the agency is unprepared to award a subcontract to the firm that will actually perform the contract. Section 8(a) awards are made to the Small Business Administration which acts as an intermediary, and it may be many months before a subcontract to perform the actual work is awarded.

Our review at EPA indicated that in both 1978 and 1979, over 30 percent of its funds were obligated in the last month of the year. A review of the contracts awarded by EPA's Research Triangle Park, North Carolina location, showed that although many shortcuts had been taken in connection with these year-end procurements, the justifications appeared to be adequate. Some of the justifications were complicated and required some explanation, but they seemed to reflect a definite need.

We found several EPA contracts where the year-end urgency to award a contract limited achievement of the objective sought by the award. An example follows.

A large, complicated contract awarded late in the fiscal year appeared to have been limited in its effectiveness because of either the rush to meet the deadlines or poor judgment by the program managers. We questioned the need to award this contract at this time and obligate $3.2 million where one of the major requirements for successful performance, the cooperation of a satisfactory host utility to demonstrate an innovation, had not been obtained. The agency official stated that this was consistent with other contracts for similar research. However, significant work had not started on this contract, and a host utility had not been located 12 months later, even though an additional $1.1 million had been provided as incremental funding.

Our work concerning the Department of Interior year-end spending surge was performed at the Denver Procurement Office of the Bureau of Mines (BOM), and at the Albuquerque area Office of the Bureau of Indian Affairs (BIA). We found many examples of shortcuts in the procurement process, e.g., failure to (a) announce in Commerce Business Daily (CBD), (b) prepare determinations and findings, (c) perform price or cost analysis, (d) prepare a memorandum of negotiation, (e) consider socio-economic matters and (f) make use of the master bidders list.

One example of how year-end money is expended is found in a BIA road grader procurement. In May 1979, a requisition for a single road grader was submitted. This was advertised in the CBD. In August 1979 a new IFB was issued for 1 grader plus 3 on option, if funds were available. Sometime during September 1979, BIA became aware it had funds available and calls were made to possible users to find out who wanted a road grader. On September 24, 1979, a contract was awarded for 8 road graders for $460,440 based on a bid for 4 road graders. On October 5, 1979, a modification added 3 more graders with contractor acceptance dated September 28, 1979. The contract is now for 11 graders at $633,105. Obligations for this amount are recorded in varying amounts to 12 different accounts, none of the accounts charged belong to the organizations receiving the graders and only a few of the accounts can be construed as having anything to do with road graders.

In our examination of the Department of Health, Education and Welfare (HEW), we reviewed year-end obligations and contracts at the Public Health Service (PHS), Social Security Administration (SSA), and the Office of Education (OE).

At SSA the bulk of the year-end spending surge occurred in the area of discretionary grants rather than in contracts and purchase orders. In the fourth quarter SSA expended 63.2 and 70.4 percent of its discretionary grants for fiscal years 1978 and 1979, respectively. Although we noted no problems in the evaluation and award of the grants, we did find two grants awarded after year-end that were recorded as obligations against the preceding year's appropriations. This occurred because SSA followed a policy of recording obligations based on an internal approved list of proposed grants. This policy was adopted because of the inability of program components to transmit the necessary documents to process grant awards prior to the close of the fiscal year. The agency's practice is improper and obligations so recorded are invalid.

The Public Health Service awarded 19 percent of the number of its contracts and 20 percent of its contract dollars in September 1979. Our examination of selected transactions as several subagencies of the PHS disclosed no significant deficiencies in the purpose of the year-end contracts or the manner in which they were awarded.

Our review at the HEW Office of Education (OE) showed, for fiscal year 1979, OE obligated $183.6 million for procurement. Sixty percent of the awards were in the fourth quarter and 47.6 percent was awarded in the last month of the fiscal year. A review of contracts awarded by OE showed some shortcuts in the awarding process and a lack of documentation of required information in some of the contract files. On the other hand, our review of OE grants for fiscal year 1979 showed a major improvement in year-end awards. In fiscal year 1978, OE awarded 76.9 percent of the total fiscal year awards in the final quarter versus 27.8 percent for that same quarter in 1979.

We found the Office of Education had an internal conflict over the award of certain year-end contracts that were ultimately signed by high agency officials. The Grant and Procurement Division (GPMD) refused to sign 18 contracts that were then eventually signed by high level agency officials on the last day of the fiscal year. This undermining of GPMD authority may result in incomplete files and unjustified sole-source contracts being awarded. The OE year-end surge also causes an overflow workload for GPMD and program offices' employees that resulted in high overtime costs for GPMD employees.

In summary, the reasons for these unbalanced expenditures by Federal agencies are myriad. Not all of the year-end surge in expenditures is avoidable or wasteful. Some year-end obligations are illusions in that they do not represent the actual expenditure of funds. It seems that certain agencies have pre-recorded future obligations in order to (a) prevent funds from lapsing, (b) give the appearance of greater achievement than has actually transpired, or (c) recognize potential liabilities that are at best speculative.

A certain amount of wasteful year-end spending occurs when an agency finds itself near the close of the fiscal year with substantial amounts of unobligated funds. Waste occurs through the funding of low priority projects, the stimulation of demand for unplanned "nice to have" products or services, shortcutting the procurement process that lessens competition, or inadequate prerequisites for the negotiation of sole-source contracts. Other mechanisms used to dispose of excess funds are premature funding of existing contracts beyond current period needs and the award of Small Business Act Section 8(a) contracts months before a subcontractor, who will actually provide the supply or service, has been selected.

We believe that much of the year-end procurement and grants are awarded for proper purposes, but the timing suggests poor planning. In this connection, several agencies have contended that the appropriation and apportionment process absorbs several of the early months of the fiscal year thus causing a bunching up of procurement at the end of the year. We do not believe this is a valid argument since most agencies can make reasonable estimates of appropriations that will be made available to them and can proceed with many of the preliminary tasks before the beginning of the fiscal year and in connection with projects of the highest priority.

In addition, we understand that there are many legislative proposals, including the one proposed by your Subcommittee, that would place limits on the percentage of total expenditures during the last several months of the fiscal year. While such measures will not in themselves prevent wasteful expenditures, we believe they will force better planning and contribute to more prudent contract and grant activity.

We expect to make a draft of our full report available to your Subcommittee before the end of this month.

Sincerely yours,

J. H. STOLAROW,
Director. ●

NATIONAL UNITY DAY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BROWN of Ohio. Mr. Speaker, several weeks ago one of my constituents, Mike Griffith of Caledonia, Ohio, presented to me an idea for a unique show of national unity in America which I want to share with my colleagues.

For several years, Mr. Griffith has been concerned that the former spirit of American unity and patriotism has been under erosion. I agree. The trials of our country over the past two decades have been great: The assassinations of a President and other prominent Americans, the devisiveness of Vietnam, Watergate, Abscam, and Koreagate, the civil rights, struggle, drugs and pornography invading our homes and schools, the pain of the worst inflation in recent history, the decline of our influence abroad and many other destructive forces have weakened the American spirit. During the Bicentennial of 1976 there were many exciting celebrations of American brotherhood and patriotic renewal throughout the Nation. I believe that most of us expected that in the years following, there would be a residual impact that would continue to breathe a renewed spirit into Americans that would shore up and rebuild some of the weakened foundations of our patriotic heritage.

Unfortunately, I agree with Mr. Griffith that much of our hope was short lived. Many of the expectations were only half realized. Some, because of the onslaught of inflation and further big government regulation on all of our lives, have actually taken a turn for the worse.

For the most part, much of any renewal of the American dream of individual freedom and initiative is going to have to be reshaped right here in Washington where the problems started in the first place. This has got to come through the reform of Government that will allow the real power in America to flow from Washington back to the citizens in the form of less burdensome taxation and Government regulation and an economy that can reduce the inflationary pressures that have too often been the result of Washington's fiscal mismanagement.

But Americans are also looking for ways in which they can show their own collective spirit of unity and purpose, and it is in one of these methods that Mr. Griffith raises his idea for a display of unity that would, literally, stretch across the breadth of the Nation.

Mr. Griffith proposes that a route across the Nation be selected that would stretch from the Atlantic coast to the Pacific. Plans would be outlined for Americans to line up along the route on a designated day, and when all are in place, grasp hands and express their brotherhood and patriotism for the few moments that would culminate the exercise. For these few moments Americans would be joined in one 3,000-mile human chain symbolizing our unity as a Nation and as a people.

Naturally, the logistics of such an exercise seem, at first, to be unmanageable. Mr. Griffith's calculations show that it would take a ribbon of 4 million Americans, standing side by side and reaching out to grasp the hands of the person on either side to create the unbroken chain from coast to coast. In the vast stretches of the Plains States, across the Rocky Mountains and the western deserts, a massive coordination effort would have to be undertaken to bring the right numbers of people together to complete the chain. Because of the time changes across the country, additional planning would have to be undertaken to assure that all of the people are in the right places at the right times.

But, this would be a people exercise, and we do know from experience such as the Bicentennial of 1976 that the citizens of this great land are capable of formulating and carrying out extraordinary accomplishments, even despite Government's sometimes oppressive frustrations. Maybe this would be one of those times.

Mr. Griffith has asked me to bring this proposal to the attention of my colleagues to see if there is any significant interest in joining his effort. I have included his recent letter to me, and also a list of the congressional districts through which the proposed human chain would run from the Atlantic to the Pacific coasts. If you think there would be interest within those districts—or even those from other areas—from service clubs, veterans organizations, scouts, chambers of commerce, et cetera, Mr. Griffith would appreciate hearing and he will contact those interested with additional information. The address is: Michael L. Griffith, chairman, National Unity Foundation, 5443 Timpson Road, Caledonia, Ohio 43314.

Mr. Griffith's letter and additional material follow:

NATIONAL UNITY FOUNDATION,
Caledonia, Ohio, May 16, 1980.

Re "National Unity Day" for "Hands Across the Nation."

Mr. CLARENCE J. BROWN,
House Office Building,
Washington, D.C.

DEAR SIR: In light of the unsettling events now occurring and those in our recent past, most notably our seemingly unresolvable dilemma with Iran, the pressure of Soviet troops in Afghanistan, alarming inflation and refugees by the score, it is gratifying to see a growing patriotism, more appropriately, a growing Americanism. We all shared in a pride of gold earned at the Winter Olympics in Lake Placid. We, the National Unity Foundation, feel now is the time when all Americans, be they black or white, athlete or farmer, blue collar or white collar, to expand that pride, not as onlookers or cheerers, but as participants; participants in a demonstration to the world of patriotism and a reawakening of American conscience and freedom.

We are proposing the organization of a day in which *all* people of this great Nation who wish to participate would form a line, hand in hand, and raise their voice in National pride and National unity. This unbroken line should occur most logically on July 4, 1981. We are further proposing that the line of unity would extend from the *Atlan-*

tic Ocean to the *Pacific* Ocean through the very heart of our home and country.

We realize the coordination and logistics of such an event are awesome, but as history has shown, we can rise to seemingly insurmountable heights of achievement as a Nation. Instead of demonstrating as individuals of special interest groups, we hope all Americans can join together as a start of a new era of American determination, pride, and dignity, demonstrating our hopes, beliefs, and enthusiasm for the future of The United States of America. Attached is a preliminary organizational outline and a proposed route. An estimated 4.5 to 5.5 million people would be involved.

Any suggestions and/or support that you could possibly provide to assist in making this day a reality would be valued most highly.

There is a voice in this land crying out. Let us all now stand up and answer it!

Yours very truly,

MICHAEL L. GRIFFITH,
Chairman.

Enclosure.

LIST OF CONGRESSIONAL DISTRICTS THROUGH WHICH PROPOSED HUMAN CHAIN WOULD RUN FROM ATLANTIC TO PACIFIC COASTS

State	District number	Representatives	Senators
Maryland	4	Marjorie S. Holt—R	Charles McC. Mathias, Jr.—R
	5	Gladys N. Spellman—D	Paul S. Sarbanes—D
	6	Beverly B. B. Byron—D	
	8	Michael D. Barnes—D	
District of Columbia	1	Walter E. Fauntroy—D	
Pennsylvania	9	Bud Shuster—R	Richard S. Schweiker—R
	12	John P. Murtha—D	Henry John Heinz III—R
	21	Don Bailey—D	
	22	Austin J. Murphy—D	
West Virginia	1	Robert H. Mollohan—D	Jennings Randolph—D
			Robert C. Byrd—D.
Ohio	3	Tony P. Hall—D	John H. Glenn, Jr.—D.
	7	Clarence J. Brown—R	Howard M. Metzenbaum—D.
	8	Thomas N. Kindness—R	
	10	Clarence E. Miller—R	
	12	Samuel L. Devine—R	
	15	Chalmers P. Wylie—R	
	18	Douglas Applegate—D	
Indiana	6	David W. Evans—D	Birch Bayh—D.
	7	John T. Myers—R	Richard G. Lugar—R.
	10	Philip R. Sharp—D	
	11	Andrew Jacobs, Jr.—D	
Illinois	22	Daniel B. Crane—R	Charles H. Percy—R.
	23	Charles M. Price—D	Adlai E. Stevenson—D.
	24	Paul Simon—D	
Missouri	1	William L. Clay—D	Thomas F. Eagleton—D.
	2	Robert A. Young—D	John C. Danforth—R.
	4	Ike Skelton—D	
	5	Richard Bolling—D	
	8	Richard H. Ichord—D	
	9	Harold L. Volkmer—D	
Kansas	1	Keith G. Sebelius—R	Robert J. Dole—R.
	2	James E. Jeffries—R	Nancy L. Kassebaum—R.
	3	Larry Winn, Jr.—R	
Colorado	1	Patricia Schroeder—D	Gary Hart—D.
	2	Timothy E. Wirth—D	William L. Armstrong—R.
	4	James P. Johnson—R	
	5	Kenneth B. Kramer—R	
Utah	1	Gunn McKay—D	Edwin J. Garn—R.
	2	David D. Marriott—R	Orrin G. Hatch—R.
Arizona	3	Bob Stump—D	Barry M. Goldwater—R.
			Dennis DeConcini—D.
Nevada	1	James D. Santini—D	Howard W. Cannon—D.
			Paul Laxalt—R.
California	37	Jerry Lewis—R	Alan Cranston—D.
	36	George E. Brown, Jr.—D	Samuel I. Hayakawa—R.
	40	Robert E. Badham—R	

PROPOSED ROUTE OF HUMAN CHAIN FROM ATLANTIC TO PACIFIC COASTS

State	Number of districts	Route	Miles
Maryland	4, 5, 8, 6	301, 50, 270	[1]150
District of Columbia	1	50, 270	
Pennsylvania	9, 12, 21, 22	70, 76	162
W. Virginia	1	70	15
Ohio	18, 10, 12, 15, 7, 3, 8	70	230
Indiana	10, 11, 6, 7	70	160
Illinois	22, 24, 23	70	162
Missouri	1, 2, 9, 8, 4, 5	70	240
Kansas	3, 2, 1	70	400
Colorado	5, 1, 2, 4	70	450
Utah	1, 2	70, 15	380
Arizona	3	15	30
Nevada	1	15	130
California	37, 36, 40	15	245
Total			2,754

[1] Includes the District of Columbia

Proposed: The National Unity Foundation—A Non-Profit Organization.

Purpose: To establish a day of National pride and unity for *all* citizens of the United States of America.

Funding: By donations from private citizens, groups, and organizations to cover operational expenses. (Media Campaign, etc.)

Organization: [The organization chart is not printed in the Record.]●

A TRIUMPHANT FAMILY BUSINESS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GOLDWATER. Mr. Speaker, in this era of difficult economic outlook, a firm in my 20th Congressional District of California is proving that with perseverance, foresight, and quality of product, a family-owned business can survive, and survive admirably.

Raznick & Sons, with Aaron Raznick at the helm of his Woodland Hills, Calif., company, is celebrating its 50th year of business. He and his family and employees have received national awards for his construction at Harbor Walk, the Encino Medical Towers, and the Forest Hills Building, among others. His buildings have incorporated the latest energy-saving technologies, and Mr. Raznick was a pioneer in the concept of open space and environmental beautification. He and his firm have much to be proud of, and I join all those who are happy indeed to wish Raznick & Sons a very joyous anniversary.●

BUSINESS AND THE HUMANITIES: A JOINT VENTURE IN INDIANA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BRADEMAS. Mr. Speaker, I have been impressed with the cooperation between the Indiana Committee for the Humanities and the business community in my home State of Indiana.

The following article, from the March 1980 issue of the magazine, Indiana Business & Industry, discusses this partnership; and I insert the article in the RECORD:

BUSINESS AND THE HUMANITIES: A JOINT VENTURE

(By Mark Rozeen)

Fall, 1978. Notre Dame University, South Bend. Twenty corporate executives attend a special seminar. The subject: Business ethics. The preparation: Each executive is asked to select an ethical problem he or she actually faced while in business. Every executive, in addition, is asked to bring a junior executive to the seminar—someone who, in the course of a promising business career, might face a similar ethical problem.

Joining the senior and junior executives are professors of business, philosophers and religious leaders. The goal: Through a "case study" of actual life experiences, university teachers are to be given a more realistic and pragmatic picture of give-and-take in the modern business world. At the same time, business leaders are to be encouraged to view their work in a larger social context.

The Notre Dame seminar was a humanities project sponsored by the business school and the department of philosphy. It was made possible through a grant from the Indiana Committee for the Humanities.

Who is this Indiana Committee for the Humanities that gives grants to explore the ethical problems faced by business executives?

In 1965, a new federal agency, the National Endowment for the Humanities, was created by Congress. The National Endowment for the Humanities was desiged to promote the study of history, philosophy, literature, ethics, jurisprudence, comparative religion, archaeology and other subjects in the liberal arts and social sciences—just as the National Endowment for the Arts was charged

with stimulating drama, dance, painting, music and the like.

But by the early 1970s many people began to wonder if the National Endowment for the Humanities was truly national. To some, it seemed "elitist," supporting primarily esoteric projects conducted by academic researchers in just a handful of universities, mostly on the East and West coasts. Critics asked some hard questions: "Are the humanities only found in the ivory tower? Are books and lectures the only vehicles for discovery, expression and exchange of ideas? Are New York and California culturally more important than North Dakota and Indiana?"

The answer was a resounding "no!" In the first years of the 1970s, the National Endowment for the Humanities reaffirmed its commitment to serving all the people by giving grants to independent committees for the humanities in all 50 states. The Indiana Committee for the Humanities, formed in 1972, was one of the first state humanities committees.

The Indiana committee is not simply a child of federal parents. Partnership between the public and private sectors was the midwife in the birth of the new organization. The National Endowment for the Humanities employed a simple truth in funding the Indiana effort: The people of Indiana know the Hoosier state better than the bureaucrats in Washington. If the goal of the state committee is to serve Indiana residents, then Hoosiers should decide how the money is spent.

So—seven years ago, the Indiana Committee for the Humanities was established as an independent, non-profit organization. It is truly an *Indiana* committee for the humanities. It is not the Indiana office of the National Endowment for the Humanities: the committee sets its own goals, guidelines, policies and priorities. The Indiana committee applies to the National Endowment for the Humanities for a block grant, some $400,000 each year, which is, in turn, regranted by the Indiana committee to other non-profit groups throughout the state.

These federal funds are only part of the story, however. Support from within the Hoosier state is equally important to the Indiana committee. Significantly, it is not a state agency in any way supported by tax dollars allocated by the Indiana General Assembly. Instead, the applicants for funds from the committee are asked to share the total cost of their projects. Every grant awarded by the Indiana committee for the Humanities is matched by an equivalent contribution of time, materials, services and funds from the local sponsor.

The committee, in addition, seeks donations from individuals, business and foundations to support general activities and specific projects. Every dollar contributed by an outside donor is matched by another dollar from the National Endowment for the Humanities' special "Gifts and Matching" program. Last year 75 donors contributed nearly $60,000 to the Indiana Committee for the Humanities. When matched, this $60,000 became $120,000 in new funds.

Partnership is the dominant theme of the committee membership as well. The Indiana Committee for the Humanities is governed by a board of 24 volunteers from throughout the Hoosier state. Half of the members are from universities and colleges, and half are business and community leaders.

Business people have always been at the forefront of the Indiana Committee for the Humanities. Virginia Ball, Muncie, was a founding member. Thomas Binford, Chairman, Indiana National Corporation, Indianapolis, is the current vice chairman of the committee. Muncie business executive Martin Schwartz is a past chairman of the Indiana group and founder of the Federation of Public Programs in the Humanities, the association of state humanities committees from around the nation.

Other committee board members include Elizabeth Blumberg, Terre Haute, who is also on the board of Blue Cross/Blue Shield of Indiana; Ian Rolland, chairman, Lincoln National Corporation, Fort Wayne; and Judith Head, president, Legislex, Columbus.

Partnership is also a criteria for awarding grants. The Indiana Committee for the Humanities is not interested in pure research, the development of college courses, scholastic publication and university fellowships. Rather, the bottom line for the committee is a blend of the university and the general community. Each humanities project involves both academics and the adult out-of-school public in the planning and presentation of programs; projects just by and for people on campus are not supported by the committee. The goal is to stimulate events where university and community come together for an open exchange of ideas.

But what kind of project does the Indiana Committee for the Humanities support?

Not surprisingly, the committee has a special interest in Indiana subjects. Over one-third of the projects it funds explore Hoosier history and folklore. Indiana's cultural past is an integral part of its identity as a state. This unique heritage provides a spectrum of colors which must be added to any picture of life in Indiana.

For example—three small Indiana communities, Frankfort, Jasper and Sullivan, have been awarded funds to hire full-time historians to live and work in their towns for purposes of doing research and making public presentations. Another small town, Rushville, is updating its county history through oral interviews with senior citizens about life in the 1920s and 30s. In Fort Wayne, civic groups have banded together to discuss historic preservation, while ethnic groups in northwestern Indiana are exploring the cultural diversity of the Calumet region.

Television, radio and film are especially suited to focus on Indiana life and lore. A statewide radio series is aired weekly on nearly 30 commercial and public stations. Each program employs drama, news reports, interviews, documentaries, music and historical enactments to illustrate past and present Hoosier culture. A similar statewide project is under way through a network of Public Broadcasting Service television stations. In Evansville, a young film maker is producing a movie about the heritage, traditions and values which help shape the music of a popular bluegrass music group, and home-grown Indiana folk music is being examined in a Fort Wayne radio series. "Indiana Hoedown."

History and culture are important parts of the quality of Indiana life, but so are the current public-policy issues which confront Hoosiers each day. A group in Valparaiso is discussing the American criminal justice system and how it compares to the systems in other countries. In Indianapolis the Lawyers' Commission has focused upon the social and legal implications of violent crime. A Bloomington psychologist is conducting public programs about the elderly in American society. A coalition of civic and university groups in Upland and Marion are taking a hard look at the changing roles and expectations of women. Race relations have been scrutinized as well, both in an Indianapolis symposium on African/American relations and in retrospective looks at the 1954 "Brown *vs* Board of Education" desegregation decision by people in Terre Haute and Michigan City.

Significantly, many of these discussions of public issues directly involve the business community. A series on professional ethics in Greencastle, for example, complements the Notre Dame seminar on business ethics in South Bend. Community task forces designed to set priorities for urban growth in the 1980s have achieved widespread public involvement in Indianapolis and Fort Wayne. The residents of the Gary/Hammond area, together with the major industries in the region, are discussing the social and environmental effects of pollution. At the other end of the state the historical society in Madison is asking what, if anything, has happened to the American work ethic, and the Region 6 Indiana Vocational Technical College in Muncie is developing a series on the history and future of the automobile industry, which is the lifeblood of many central Indiana towns.

The Indiana Committee for the Humanities would like to sponsor more projects on Hoosier culture and history, critical public-policy issues and questions of interest to the business community. To find out how to apply for a grant, or simply to learn a bit more about the committee and its projects, write The Indiana Committee for the Humanities, 4200 Northwestern Ave., Indianapolis, Indiana 46208.●

H.R. 7535

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. FAZIO. Mr. Speaker, today I am introducing H.R. 7535 in an attempt to call attention to a problem that affects more than 10,000 teachers and administrators in our overseas dependent school system. Under current practice, teachers and administrators cannot accrue more than 75 days sick leave. No other group of Government employees has such a limitation applied to them. This provision has the effect of causing these employees to either use sick leave in excess of 75 days or lose it. Such a requirement is not only arbitrary but it also fosters inefficiency in the operation of the overseas school system by giving employees an incentive to use sick leave when they are not really ill. This causes the school system to function at less than full efficiency.

My bill addresses this problem by permitting an unlimited accrual of sick leave. The Department of Defense has estimated that no additional costs are required by enactment of this bill. Commonsense tells us that increased efficiency and higher morale will result. This bill can have an important positive effect on the functioning of our 10th largest school system. It will not result in any increased costs and will correct what amounts to an injustice for over 10,000 employees.●

TRIBUTE TO NICK BROOKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GILMAN. Mr. Speaker, in a lifetime, one is likely to come across some unforgettable people whose lives touch on ours in a special way, people who can change another life. There are two people in my 26th Congressional District in New York, from Newburgh, who have touched upon my life in such a special way. They are George and Gladys Brooks whose son, Nick, USN, has been missing in action in Laos since January 2, 1970. On May 18, Nick's parents remembered his 37th birthday. I know that I would care for Nick, as much as I care for George and Gladys, if ever I have the opportunity to meet him.

This year, we commemorated the 10th anniversary of Nick's capture during the Vietnam war. In 10 years our world has changed perceptibly, the war in southeast Asia has ended, a majority of servicemen serving in Vietnam have returned home to adjust to a very different world from the world they left. For some—for the families of our 2,500 missing in action—the war is a real in 1980 as it was a decade ago. These special families continue to search for the answers to the many questions they have about their missing sons and husbands; and their lives are filled with memories and possibilities. And yet, the days blend together in uncertainty, and the days become months, then years, then a decade.

Last year at the annual convention of the National League of Families, family members prayed that next year they would not be in Washington again, hoping that there would be no need to return to another annual meeting, another vigil at the White House or another memorial of hope. And yet, the answers have not come—although there are many, many clues—not this year at least. In fact we will see the same families at this year's meeting in June, and we will hope and pray that maybe this meeting will be the last.

Ironically, a month after Nick's 10th anniversary, Mr. and Mrs. Brooks received a letter from the Navy stating that a finding had been made that their son had been presumed killed in action. This is ironic because Nick's status review, which took place in the fall of 1978, had resulted in a majority opinion that Nick was still alive—two out of three hearing officers having been opposed to classifying Nick as dead. In fact, there is evidence which indicates that Nick was captured by the enemy on January 2, 1970, tied to a tree and thereafter escaped. His whereabouts were never completely determined—and yet the presumptive finding of death was delivered, despite the absence of new and substantive information in support of that conclusion.

And Nick, if he is still alive, does not know that there are some who remember him every day and pray for his return. I have worn his bracelet for years, and will continue to wear it until we resolve the issue of our missing in action—the least we can do to keep their memory alive.

From all we know about him, Nick Brooks was an all-American boy—involved in all the activities which American kids are involved in. But Nick was no ordinary boy. He soon established a reputation of excellence, as evidenced by his award from the Naval Academy at Annapolis for freshman excellence. Nick was a valuable and treasured asset to his family, to the Navy, and to our Nation.

Even though we are not certain what has happened to all of our missing in action, we do know that Nick did resist his capture. There are reports which indicated that Nick did fight for his life, escaped from the enemy, and exhibited a real will to live. Beyond the shadow of a doubt, Nick wanted desperately to live, to return home, to continue his excellence unemcumbered. I am saddened to think that we had to share his excellence with an enemy. How proud we would be to have him here in our midst right now—a family member who has come home.

I hope that the family of Nick Brooks and the families of all of our missing in action will find some consolation and hope in the fact that there are some of us in the Congress who will continue to press for the return of our Americans from Vietnam and Laos, and also will continue to revere their memories and pray for their well-being and survival, if they are alive.

Happy birthday, Nick Brooks, wherever you are.●

HOUSING AND COMMUNITY DEVELOPMENT ACT—H.R. 7262

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GOLDWATER. Mr. Speaker, I would like to take time this afternoon to bring to my colleagues' attention an extremely important issue we will be considering later this week in the Housing and Community Development Act, H.R. 7262. The particular element of the bill I refer to is the 2-year extension of the implementation of the Department of Energy/Housing and Urban Development building energy performance standards (BEPS), section 315 of the bill.

These standards, as proposed by DOE, would assign energy consumption budgets to all new buildings designed and constructed after the BEPS take effect. These budgets are designated energy consumption figures on 1,000 Btu (British thermal unit) per square foot per year basis. The proposed standards also assign standard building operating conditions, a complex standard evaluation technique (based upon computer simulation) and a fuel use weighting factor concept. Any building not designed to meet these budgets would be liable for Federal sanctions of prohibition of access to any Federal financing; FDIC, FHA, FmHA, VA, and so forth; pending congressional approval.

This 2-year extension is critical to the adoption of rational performance standards for energy-efficient buildings. It is broadly supported by virtually all phases of the design, construction, and building trades industries, a coalition of over 1 million contractors, engineers, homebuilders, businessmen, manufacturers, material suppliers, commercial building owners and managers, industrial and office park developers, State building code officials, and utility companies. Members of this group comprise the leaders in all our districts. I know you must have received a great deal of correspondence from them on this issue as I have. I urge you to read it carefully.

Not only is the private sector virtually unanimously in support of the extension, on May 30, 1980, the President's Council on Wage and Price Stability recommended that "DOE and Congress reassess the desirability of BEPS and consider replacing it with other conservation programs or, at the very least, postpone its effective date."

Also on April 30, 1980, the National Institute of Building Sciences, the body established by Congress to provide current information on the design and construction industry, published a report recommending that "promulgation of BEPS should be deferred until the technical and structural deficiencies in the proposed standards have been corrected and the manner in which they will be implemented has been determined * * *." NIBS further recommends that DOE "develop a BEPS implementation strategy and program that will minimize administrative costs and disruption of the normal building regulatory process at the State and local levels."

As it stands today, no implementation strategy has been developed and no accurate projections exist on the administrative costs associated with the program. Additionally, the impact of increased housing costs, design liability, and fuel use policy remain unanswered. However, despite these very big variables, a small segment of the industry remains firmly and vocally opposed to the extension.

It appears that the primary supporters of immediate implementation of BEPS are those groups slated to be prime benefactors of the program. The American Institute of Architects, for example, received over $6 million in research money to develop parts of the standards through their research arm. As a result of this involvement, the proposed BEPS require design certifications by qualified design professionals—primarily architects—to evidence compliance with the rules.

The American Gas Association, and gas utility companies at large, strongly support immediate implementation. This is no surprise given the fact that the BEPS weighting factors favor the use of natural gas in all building types, in all climates by a factor of 3 to 1.

In addition, the Consumer Energy Council of America has received DOE moneys to conduct an analysis of BEPS' impact on homeownership and consumers in general. Even though CECA defined numerous deficiencies in the standards, they remain supportive of promulgating a flawed regulation. They are a large recipient of intervenor funding to lobby DOE on behalf of the proposed standards.

Chief among the many flaws in the November 1979, DOE notice of proposed rulemaking are:

1. The use of "weighting factors" to influence the type of fuel incorporated into a new building design. The proposed weighting factors severely discriminate against the use of electricity for heating and cooling (even if generated by renewable sources such as hydroelectric) while encouraging increased reliance on natural gas and oil as fuel sources. This is clearly contrary to our national goal of reducing reliance on foreign energy supplies.

2. The BEPS proposal is extremely complex and suggests the use of expensive computer analyses to determine compliance with the established budget levels. Estimates are that a single computer test could cost from $300 to $6,000, depending upon the building type or size.

3. Educational programs for designers, contractors, code officials, inspectors and others will be needed to train those who will use the standards. The change from prescriptive to performance standards may disrupt the construction industry for an unpredictable period of time.

4. Liability issues for design professionals who are asked to "certify" compliance with BEPS have gone unresolved. If actual energy consumption differs from what the architect "certifies", legal action may result.

Mr. Speaker, these are just a number of the problems existing with the BEPS program. I suggest to my colleagues that we not listen to the special interests on this issue and rationally consider the only real alternative we have: The 2-year extension of the program. Congress instigated the concept of performance standards for energy consumption. I believe that we have a responsibility to make them work.●

TRUCK DEREGULATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. COLLINS of Texas. Mr. Speaker, deregulation of the trucking industry will not mean more goods will be transported. It could lead to higher prices and less service for the average consumer.

Look at the record of Merchants Motor Lines based in Abilene, Tex. Merchants delivers goods in Texas and the Southwest. According to their president, Mr. Richard F. Bacon, Merchants' ratio of inbound to outbound tonnage for 15 Texas cities for the month of March 1980, shows the imbalance which faces the trucking business.

THE RATIO OF INBOUND TO OUTBOUND—BASED ON MARCH, 1980 TONNAGE

Abilene	4-1.
Amarillo	2.42-1.
Beaumont	1.20-1.
Big Spring	1.25-1.
El Paso	1.97-1.
Lubbock	3.68-1.
Midland	9.26-1.
Odessa	1.96-1.
Pampa	1.71-1.
San Angelo	4.57-1.
San Antonio	2.77-1.
Waco	1.86-1.
Wichita Falls	1.42-1.
Dallas[1]	1-4.20.
Fort Worth	1-4.44.

[1]In March alone, this is an imbalance of 63,177,850 pounds.

This company serves 600 communities daily in Texas of which 50 are strictly inbound consumer. These include Mineral Wells, Weatherford, Breckenridge, Albany, Snyder, Sweetwater, Roby, Rotan, Pecos, and Monahans. The inbound to outbound ratio for these smaller cities is closer to 10 to 1.

Obviously, if trucking is deregulated, major carriers will only go from large market to large market. Who will serve Cisco, Ranger, Toyah, or Van Horn? These smaller cities will definitely be the losers. The regulated carriers already have empty backhauls just as the private trucks have. Change in regulations would only intensify and make worse the present negative operation. Under deregulation, many of America's small towns and cities will not be serviced by the trucking firms.

Deregulation risks serious damage of the general commodity trucking industry. If we eliminate collective ratemaking the larger shippers would have an unfair advantage over small- and medium-sized shippers. The big companies could demand price and service breaks from trucking businesses dealing with high-volume shipping contracts.

Of added importance is the fact that continued regulation of the trucking industry remains one of our major tools in the fight against inflation. Remember, the costs of moving freight by regulated motor carriers have increased much less than the average price for consumer goods and services. Between 1967 and early 1979, the escalating cost of these general products, as measured by the Consumer Price Index, rose almost 28 points higher than those of regulated freight service.

We have all had cause for reconsideration of deregulation after the airlines experience. When airlines were deregulated the air rates were increased, service was cut back and the major airlines had serious financial losses.

Some regulation for balance is needed. We have rules to drive on the right side of the road; if you turn left, you should turn from the left-hand lane; you stop at red lights; you do not pass when you lack adequate view. By the same thinking, we need minimum, but adequate, regulation of route structure.●

HOUSE CONCURRENT RESOLUTION 323

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. BIAGGI. Mr. Speaker, I was proud earlier today to join in a unanimous vote in favor of House Concurrent Resolution 323. This resolution commends the American military personnel who participated in the attempt to rescue the hostages in Iran. This mission although ultimately unsuccessful was not doomed because of the personnel involved; rather the combination of unforeseen circumstances and breakdown of equipment.

The fact is, the American public remains united in support of the safe release of our hostages. It is shameful that the Government of Iran, in open and continued defiance of international law continues to hold our hostages.

As we consider this resolution, and its commendation of those who survived the military mission, let us also pay a special tribute to the eight Americans who lost their lives in this mission. They were true veterans in the fight for freedom—the freedom which has been denied to our hostages for more than 210 days.

I am especially supportive of the provisions in this resolution which call on our Government to freeze Iranian assets and make them available to American claimants for damages against Iran and the hostages, their families, the survivors of persons killed during the rescue operation and those injured during the operation and their families.

Finally, Mr. Speaker, it is appropriate during the course of our considering this legislation that we pay tribute to the President, our Commander in

Chief for his unwavering efforts to gain the safe release of our hostages. This crisis has been an enormous test of wills and ours has proven to be calm and strong. The rescue mission according to those who saw it in detail was brilliant. The failure of the mission should not be a signal to abandon other rescue missions. The American people in their unity behind the release of the hostages will be supportive of all reasonable rescue efforts.

The Nation owes our servicemen who participated in this mission a special thanks. Hopefully House Concurrent Resolution 323 is one step in that direction.●

PEACE AND JUSTICE IN IRELAND

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. MAVROULES. Mr. Speaker, on Saturday, June 7, my esteemed colleague and good friend, MARIO BIAGGI, spoke before the Ancient Order of Hibernians and Ladies Auxiliary in Peabody, Mass. I took great pride in introducing this remarkable individual who has been in the vanguard of bringing to light the gross abuses of human rights in Northern Ireland. MARIO BIAGGI is to be commended for his commitment to this worthy cause, and I would like to take this opportunity to insert the text of Mr. BIAGGI's remarks.

The following is the text of the speech of the Honorable MARIO BIAGGI, chairman of the Ad Hoc Congressional Committee for Irish Affairs, before the Massachusetts State Board of the Ancient Order of Hibernians and Ladies Auxiliary.

I wish to thank my colleagues in Congress and good friend Nick Mavroules for his kind introduction.

Very few members who I have seen over 12 years in Congress have committed themselves as early and effectively as Nick has to the Irish question. He serves as one of the Executive Committee members of the Ad Hoc Congressional Committee on Irish Affairs which I am privileged to chair. He is there when the Committee needs him and the progress we have made is due to men of dedication like Nick Mavroules.

It is a pleasure for me to be here tonight to address the 89th Annual Dinner Dance of the Massachusetts State Board, Ancient Order of Hibernians and Ladies Auxiliary. It is always an honor to be in the greater Boston area which is the very rockbed of Irish-American political activism, especially with respect to the issue of peace and justice in Ireland.

I hold a special place in my heart for the Ancient Order of Hibernians and the Irish National Caucus, both of which are represented in great numbers here tonight. It was these two outstanding organizations, working together who were inspirations behind the creation of the Ad Hoc Committee, founded by me, on September 27, 1977. Your President, Gerry Sexton, has been a leader par excellence in this cause. I also wish to salute Jack Connelly, one of the most distinguished national leaders of the AOH as well as Dave Burke, similarly a national leader, and finally, Joe McHugh, local leader of the Irish National Caucus. I work very closely with the AOH and the Irish Caucus in Washington. You, the members of the AOH, are ably represented by Robert Bateman, your National Historian and official liaison between the AOH and the Ad Hoc Committee. As far as the Irish National Caucus is concerned, theirs is a commitment which is steady, effective and gaining increased national attention and visibility. Father Sean McManus and Rita Mullen of Belfast provide truly outstanding leadership in the pursuit of peace, justice and human rights for Ireland.

Let me briefly put into some perspective the significance of the Ad Hoc Congressional Committee for Irish Affairs. In our almost 33-month history, we have succeeded in one very broad, but critically important area—we have raised the Irish question from a position of relative obscurity to one which now enjoys and commands national and international attention. Nowhere is this more apparent than in the institution of Congress. When I first began to address the Irish question in 1969, I was one of perhaps three or four lonely voices in the wilderness. As the 1970's moved along, additional voices began to be heard and by the time 1976 came along, the Irish question had been catapulted into the Presidential campaign by virtue of a meeting held between candidate Jimmy Carter and the leadership of the Irish National Caucus.

By the time your past National President Jack Keane asked me to form a new Committee in Congress for Irish Affairs, the Irish question was receiving higher levels of attention in Congress. Therein lies one of the most important elements of the Ad Hoc Committee. It was able to take the burgeoning movement made up of individual members of Congress and provide a type of umbrella under which the unity of purpose could be established. The best indicator of the increased attention which the Irish question now enjoys in Washington is reflected in the size of the membership of the Ad Hoc Committee. We began initially with 30 members. Today we boast 132 Members of the House and Senate, making the Ad Hoc Committee the largest of its kind in Congress. Our members represent leaders from both the Democrat and Republican parties. Our members include the third most powerful Democrat in Congress, John Brademas, half a dozen Committee chairmen, including Peter Rodino of the House Judiciary Committee and leading Republicans, like Hamilton Fish of New York.

We have taken the Irish question to many forums in Washington and around the nation. The pages of the Congressional Record, a highly respected document read daily by thousands in this nation and by all foreign embassies in America have been filled in recent years with statements deploring violations of human rights, and violence in Northern Ireland. We have introduced a specific piece of legislation on the Irish question. House Concurrent Resolution 122 which I introduced last May, calls on the British government to embark on a new peace initiative for Northern Ireland which restores all lost human rights and promotes self-determination. This legislation is cosponsored by over 100 Members of Congress, a true testimonial to the support which exists in Congress on behalf of peace and justice for Ireland. Yet, despite this strong level of support, we are unable to get the House Foreign Affairs Committee to schedule hearings. I assure you tonight that this issue will be pursued until we are successful.

We intend to attach the Irish question to the platforms of both major political parties at their upcoming conventions. Testimony has already been presented at the Republican Party Platform hearings and I intend to deliver similar testimony before the Democratic Party platform later this year. Further, I am prepared to lead whatever effort is necessary on the floor of the convention to insure that a strong Irish plank is a key part of my Party's national platform.

I wish to discuss the status of a vitally important issue involving the Ad Hoc Congressional Committee for Irish Affairs. Last July 12, I went to the House floor with an amendment to the Department of State's annual budget bill. My amendment sought to prohibit the sale or export of any United States weapons to Great Britain for use in Northern Ireland. This followed disclosures that in January of 1979, the State Department had approved the sale of 3500 advanced United States weapons including .357 Magnum rifles to the Royal Ulster Constabulary, the main police force in Northern Ireland. This sale was approved notwithstanding the fact that the RUC had been charged by Amnesty International with human rights violations involving their treatment of prisoners and prison suspects. These charges were later confirmed by the British government appointed Bennett Commission.

My amendment was introduced because this sale was in clear violation of Section 502(b) of the Foreign Assistance Act which prohibits the sale or export of any United States weapons to any nation or organization which engages in a persistent pattern of human rights violations. My amendment led to a first time discussion on the House floor of the Irish question. For approximately one hour on July 12, myself and some 15 of my colleagues including Mr. Mavroules, spoke on the need to prevent future U.S. arms sales to the Royal Ulster Constabulary. The amendment led to a commitment by the House Foreign Affairs Committee Chairman that a full investigation and hearing would be held in the matter. This was done some two weeks later. Following the hearing, the Department of State announced on August 1, 1979, that they had suspended all pending and future sales or shipments of United States arms to the RUC pending "a full review of existing U.S. policy in Northern Ireland."

This was a truly significant victory for the Ad Hoc Committee and also for the integrity of United States foreign policy which has as its very cornerstone respect for human rights. The action brought outcrys from London and Dublin but these outcrys were accompanied by new found recognition that the Ad Hoc Committee was a force in the United States to be reckoned with.

Practically from the very first day that the suspension was invoked rumors have surfaced which state that the ban would be lifted. The rumors were especially prevalent in December right before British Prime Minister Margaret Thatcher paid an official State visit to the United States. Mrs. Thatcher did in fact come to the United States with designs on having the suspension lifted and the flow of arms resumed. She presented her case to President Carter in their December meeting and the President refused to lift the suspension on the grounds that the "review" had not been completed. The significance of the President's action must not be overlooked. President Carter by his actions demonstrated once again to the Irish American community that he was an advocate in the cause of

peace and human rights for Ireland. President Carter, in August of 1977, became the first American President ever to address the Irish question. In a national message, he called for peace for Ireland and offered, once peace was achieved, to join with other nations in providing economic assistance. His action in December was just as important, for he told the British government that our commitment to human rights is universal.

In recent weeks, there has been a new outbreak of rumor fever about the status of the arms sales. One of the most publicized of all rumors came from the Dublin based HIBERNIA newspaper which stated with certainty that a lifting of the suspension was imminent. In addition to rumors, a number of leading American newspapers in prominent editorials have called for a resumption of arms sales to the RUC. The New York Times, in an editorial dated May 28, claimed that the arms suspension "had no basis in law or logic" and should be lifted. In a letter to the editor, I responded by stating that "Guns should not be sold to police organizations which do not respect human rights." The Royal Ulster Constabulary, in addition to its past poor human rights records, has not improved in any reasonable fashion. In my letter I make reference to a report by one of Ireland's leading legal authorities, Mr. Rory O'Hanlon, in which he states that complaints of brutality by the RUC remain alarmingly high. My letter adds Our hope is that there will come a time when the RUC will again be able to receive United States arms. That time cannot and will not come until there are major improvements in their human rights record. This letter, I might point out, is awaiting publication in the Times.

In an effort to quell the rumors, I, along with 17 of my colleagues in the Ad Hoc Committee, wrote to the new Secretary of State, Mr. Muskie, to be given the current status of the arms suspension. I am happy to report that the Secretary has advised me that the suspension will continue and there are no plans for any change in the U.S. policy. The review is still ongoing and while this is the case, the suspension will stick.

Our efforts on behalf of suspending guns to the RUC stems in large part from the Ad Hoc Committee's strong aversion to violence of all varieties in Ireland. In some respects the institutional violence practiced by authorities in the North serves as a catalyst for the civilian violence. All violence is wrong and must be ended if there is to be any hope for peace. No one has sought to end violence in Ireland more than myself. I traveled to Belfast and Dublin in late 1978 to personally contact various political parties and paramilitary organizations to urge their participation in a peace forum to be sponsored by our Ad Hoc Committee in Washington. I sought to make as a precondition to participation that an across-the-board cease fire be agreed. Every major paramilitary organization but one greed and the effort almost succeeded.

Violence is still a major blight on the Ulster scene. Just this past week a leading Protestant Irish political leader was assassinated. The Ad Hoc Congressional Committee will continue to speak out against violence and will work to advance the cause of peace and justice.

The prospects for peace in Ireland are better in 1980 than they have been for some time. The government of Margaret Thatcher and especially the leadership of Lord Carrington have shown to the world an ability to tackle thorny issues and emerge with peace. This was best illustrated in their remarkable accomplishments in Rhodesia—now Zimbabwe. Here, the British brought all parties to the dispute including the guerrillas into the peace process and when an agreement emerged, it was endorsed by all, thus insuring its durability. I have repeatedly urged Prime Minister Thatcher to embark on a similar all parties conference in Ireland.

Optimism about future peace also exists because of the new and dynamic leadership in the Irish Republic's government. Prime Minister Charles Haughey has stated emphatically that he intends to make peace in Northern Ireland and unification of Ireland a key priority of his administration. This is a far better approach than that of his predecessor. I fully support Mr. Haughey's position that an Irish dimension must be made part of any negotiations involving the British government.

The recent meeting between Prime Ministers Thatcher and Haughey was a positive starting point and hopefully more meetings will be held. I maintain that the United States has a role to play in the peace process in Ireland. It is a role of a neutral broker. It is not a role under which we would offer and attempt to force a solution. The Ad Hoc Committee exists and will continue to exist to insure that the Irish question is addressed in an adequate fashion by the Congress and the Administration.

I close with the observation that the Irish American community has and will continue to play a critical role in the success of the Ad Hoc Committee. It was the grass roots efforts of the community which helped us acquire 130 Members. It should be the continued activism of the community which will result in the election of new pro-Irish Members of Congress. The Ad Hoc Committee is here to stay and with your continued support, we will achieve our main goal--peace for all of Ireland.●

NATIONAL PORT WEEK

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. MURPHY of New York. Mr. Speaker, I am pleased to announce that in the first week during which cosponsors were sought for House Joint Resolution 551, proclaiming "National Port Week," 58 Members have asked to have their names associated with this popular resolution. Chairman BIZZ JOHNSON of the Public Works and Transportation Committee and cochairman, with me, of the Congressional Port Caucus, joins me in urging other Members to cosponsor House Joint Resolution 551 so that the requisite number of sponsors is reached in time for the President to sign the proclamation. We thank those Members who have already responded with enthusiasm to the call to join in recognition of our Nation's ports.

Our colleagues who have associated themselves with House Joint Resolution 551 as cosponsors are:

1. Mr. Ambro.
2. Mr. Anderson of California.
3. Mr. Annunzio.
4. Mr. Archer.
5. Mr. Boner.
6. Mr. Breaux.
7. Mr. Clay.
8. Mr. Coelho.
9. Mr. de la Garza.
10. Mr. Dicks.
11. Mr. Donnelly.
12. Mr. Duncan of Oregon.
13. Mr. Edgar.
14. Mr. Emery.
15. Mr. Evans of Delaware.
16. Mr. Evans of the Virgin Islands.
17. Mr. Fazio.
18. Mr. Flippo.
19. Mr. Florio.
20. Mr. Giaimo.
21. Mr. Ginn.
22. Mr. Green.
23. Mrs. Holt.
24. Mr. Jones of North Carolina.
25. Mr. LaFalce.
26. Mr. Lagomarsino.
27. Mr. Lederer.
28. Mr. Lloyd.
29. Mr. Lungren.
30. Mr. Markey.
31. Ms. Mikulski.
32. Mr. Moakley.
33. Mr. Moore.
34. Mr. Murphy of Illinois.
35. Mr. Murphy of Pennsylvania.
36. Mr. Myers of Pennsylvania.
37. Mr. Nowak.
38. Mr. Oberstar.
39. Mr. Patten.
40. Mr. Pepper.
41. Mr. Rahall.
42. Mr. Richmond.
43. Mr. Roberts.
44. Mr. Roe.
45. Mr. Scheuer.
46. Mr. Shumway.
47. Mr. Solomon.
48. Mr. Stanton.
49. Mr. Traxler.
50. Mr. Van Deerlin.
51. Mr. Weaver.
52. Mr. Whitehurst.
53. Mr. Winn.
54. Mr. Wyatt.
55. Mr. Young of Alaska.
56. Mr. Young of Florida.
57. Mr. Young of Missouri.
58. Mr. Zeferetti.

JOHN M. MURPHY.●

ANYTHING YOU CAN DO THEY CAN DO, TOO

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GRASSLEY. Mr. Speaker, since the days of Greece and Rome, Western civilization has set a premium on physical perfection: Beauty and brawn are often rewarded with prestige and opportunity unknown by men and women of ordinary physical endowments.

Unfortunately, such a caste system tends to negate the dignity and worth of handicapped citizens, while stifling their freedom to pursue full, productive lives and maximize their potential. Such a loss impoverishes us all, for the lives of handicapped Americans frequently offer treasures which could greatly enhance a broad spectrum of this society and the world.

A message recently published by United Technologies in the Wall

Street Journal, eloquently addresses this issue. That message, as follows, should challenge the attitudes of all Americans, and help shape policies encouraged by this Congress:

ANYTHING YOU CAN DO THEY CAN DO, TOO

While you flex your muscles in front of your morning mirror and congratulate yourself on your nimble brain, consider this: The light over your mirror was perfected by a deaf man. While your morning radio plays, remember the hunchback who helped invent it. If you listen to contemporary music, you may hear an artist who is blind.

If you prefer classical, you may enjoy a symphony written by a composer who couldn't hear. The President who set an unbeatable American political record could hardly walk. A woman born unable to see, speak or hear, stands as a great achiever in American history. The handicapped can enrich our lives. Let's enrich theirs.●

BILL RASPBERRY'S ILLUSION OF BLACK PROGRESS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GRAY. Mr. Speaker, I would like to commend columnist William Raspberry for his article that appeared in the May 28 Washington Post focusing on the illusion of black progress toward social and racial equality in this country.

Mr. Raspberry points to the need for America to look beyond the illusion of significant progress toward racial equality. In my congressional district, for instance, the unemployment rate for black youths is approximately 60 percent. That is not an illusion; it is fact. Mr. Speaker, we in the Congress must intensify the focus of our programs and social conscience toward the black community, which is still catching the short end of the stick during these times of budgetary neglect. Or, we must face the bitter prospect of another Miami.

I offer Mr. Raspberry's article for the RECORD, in order to share with my colleagues this meaningful perception of the problems:

THE ILLUSION OF BLACK PROGRESS

(By William Raspberry)

There are some blacks for whom it is enough to remove the artificial barriers of race. After that, their entry into the American mainstream is virtually automatic.

There are other blacks for whom hardly anything would change if, by some magical stroke, racism disappeared from America.

Everybody knows this, of course. And yet hardly anyone is willing to say it. And because we don't say it, we wind up confused about how to deal with the explosive problems confronting the American society, confused about what the problem really is.

HEW Secretary Patricia Roberts Harris came close to talking about it during her Sunday appearance on ABC's "Issues and Answers," but at the last minute, even she veered away.

"I think that the white community believes, because of people like me, who are black [and] who have significant roles in determination of policy in this country, that we have solved the problems," Harris said. "But black people are angry about the assertion that they have everything they are entitled to and everthing they need. They don't."

Her frustration, widely shared, is over the fact that white America looks at the smart, well-educated, influential and successful blacks, whose numbers are growing, and wonders what the hell we are talking about when we discuss the "illusion of black progress."

Illusion? How many Cabinet secretaries, how many millionaires, how many journalists and judges and legislators and mayors do we have to have before we can acknowledge that the progress is genuine?

White people look at the growing number of Pat Harrises, for whom it was enough to remove the blatant barriers of racism, and wonder why we refuse to acknowledge our progress.

Pat Harris looks at our bottom-of-the-barrel poor, the powder keg that could explode in virtually any large American city, and wonders why white America fails to acknowledge the near-total absence of progress.

And astonishingly, we cannot bring ourselves to say that we're talking about two different groups of people. We speak of ourselves as a unity, and in some ways we are. But in other ways, we clearly aren't.

William Julius Wilson tried to say something like this in his controversial book, "The Declining Significance of Race." But his painstaking effort was attacked on the false ground that he was contending that race was no longer an important determinant of success in America.

Wilson, himself black, knows better. All he was trying to say is that race is a less significant barrier than it used to be and that the characteristics we describe as "class" are becoming more significant.

Maybe "class" is too loaded a concept to use in discussing black progress. But some way must be found to distinguish between the problems facing Pat Harris and the problems facing young, uneducated, hopeless, frustrated and bitter blacks in the big-city ghettos.

It serves no purpose, it seems to me, to contend that blacks are an economic unity, and it can do some harm, at least to the point of leading us to ineffectual remedies.

Affirmative action programs, for instance, can be very effective in increasing the rate of progress for blacks who already are doing reasonably well. Special admissions programs can increase the number of blacks in medical and law schools. But you have to be a college graduate to begin with. Similarly with special programs designed to increase the percentage of blacks in high-level government jobs, or in the Foreign Service, or on university faculties.

The purpose of these programs is to ensure that the racial barriers have in fact been removed.

But for that undigested lump of black Americans at the bottom of the barrel, removing racial barriers doesn't mean a thing. Why should the black grade-school dropout—jobless, skill-less and encumbered with a prison record—care that the percentage of black GS16's is increasing?

For him, racism is not a barrier subject to removal by fiat but a chronic disease that has sapped his ambition, stunted his education and left him a vocational cripple. Eliminate racism tomorrow, and he will remain as crippled as before. Pat Harris might sympathize with his plight, but she wouldn't hire him either.

And yet he represents the group that constitutes a threat to all of us and for whom solutions must be found. Rewarding ambition and drive is fairly easy, once the decision is made to do it. Instilling ambition and drive in the first place is a lot tougher.

And while we are trying to rehabilitate those people who have been crippled by the long-term effects of racism, we also have to find ways to stem the flow of new cripples into the pool.

That is a tough order, and it is made no easier by our refusal to acknowledge the problem for what it is.●

VOTE ON GAS TAX PROPOSAL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. FAZIO. Mr. Speaker, as you know, on Wednesday, June 4, the House passed House Joint Resolution 531. Unfortunately, due to a previously scheduled trip to my district, I was absent from the House that day. However, I had intended to be paired against the resolution, in support of the President's proposed fee on imported oil or the so-called 10-cent-a-gallon gasoline tax. For reasons beyond my control, I was not paired on that vote and I would like to take this opportunity to state, for the RECORD, that had I been present on June 4, I would have voted "no," in opposition to the resolution.

As one of only 34 Members of the House to support the Presidential veto last Thursday of the same measure, I think it is important to have the RECORD reflect my consistent support of the fee. I supported the President's proposal for many reasons.

Most importantly, the tax would have given Congress and the administration the means to focus the attention of the American public on our critical energy situation which has led us to the point where we are dangerously overdependent on oil from exporting nations in OPEC. We now rely on OPEC imports for over 40 percent of our total energy needs and a great deal of that goes to power our automobiles and trucks. In fact, one out of every nine barrels of oil consumed by the non-Communist world is burned on America's highways. And, one-third of this amount—2.5 million of the 7 million barrels of gasoline consumed every day—is wasted in unnecessary, optional driving.

It was a modest tax proposal, one that would not overburden the American people. But it would have shown the OPEC countries and our allies, which have taxes that by comparison dwarf our existing 14-cent-per-gallon tax, that we intend to take decisive steps to encourage conservation and curb our demands on the world's OPEC-dominated supply of oil.

As this Nation's elected Representatives, we also had an opportunity to begin to chip away at the huge OPEC

oil bill which is threatening to top $90 billion this year, up from last year's $60 billion figure. This is more than all of the Fortune 500 companies made last year, equal to approximately $400 for every man, woman, and child in America and about twice that we spend each year operating and maintaining our Armed Forces.

The failure of Congress to support the fee, which would have moved us a few steps closer to lifting this inflationary burden from the backs of the American taxpayers, can only be characterized as a head-in-the-sand approach to our basic energy supply/demand problem which impacts the economy and every facet of American life. And even worse, judging by Congress overwhelming condemnation of the tax, despite the rhetoric from a few opponents for an even stiffer tax, there is no evidence to suggest that Congress will confront this problem head on and discuss it openly and honestly with the American people.●

CONFRONTING REALITY OF THE RECESSION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. DERWINSKI. Mr. Speaker, in Washington, the debate continues over our country's worsening economic situation. However, more often than not, the views expressed are theoretical in nature, rather than direct observations gained from reactions of the grassroots constituency, who are hit the hardest from the rising inflation rate.

The June 4 edition of the Pioneer Press Newspapers, serving suburban Cook County, Ill., editorializes on the adverse affects of the recession on the individual consumer. I insert the editorial at this point:

CONFRONTING REALITY OF THE RECESSION

The long-feared and much announced recession of 1980, originally scheduled to begin in 1979 is on us with a vengeance.

Factories in the west suburban area are laying off workers by the score. The local automobile sales industry is the hardest hit. Sales are down and businesses are closing. Filings of chapter 11 bankruptcy have hit several other businesses. Creditors and debtors alike—including the consumers of goods bought with plastic money—are caught in a bind caused by high interest rates, the much heralded consumer loan crackdown, and spiraling inflation.

President Jimmy Carter put his official seal on the business slowdown last weekend when he announced that the recession will be deeper than he and his economic advisors first suspected.

The advent of financial ruin was forecast by last summer's virulent inflation rate. The basic problem is, government is ill-equipped to handle inflation in a rational manner.

Legislators tread gently on federal grant programs because each has its own built-in constituency. Social Security has millions of voters behind its programs. The defense budget has staunch defenders in the industries that vie with each other for huge military contracts. Local government howls at the thought of a cutback in revenue sharing funds dispensed by congress to state and local bodies.

It's much easier to pass spending legislation that it is to cutback. Consequently, the federal budget balloons to gargantuan proportions, fueling the inflation by forcing government to expand the money supply to pay for spending programs legislators are anxious but unwilling to fund with a hike in taxes.

Because of its inability to keep the federal budget under control, the administration is forced to come up with roundabout programs to cut down on consumer and capital spending: force interest rates to the roof, place artificial restrictions on consumer credit and beat the bushes for the much maligned and basically ineffectual voluntary 7 percent wage increase guidelines.

Since these solutions are not up to the task of inflation fighting, the draconian measures of a planned recession eventually become inevitable. As the economy becomes increasingly shell-shocked by prices rising beyond control, government cools down commercial activity by pushing interest rates through the roof.

The buying of capital and consumer goods decline, industry slows down because workers are producing products for which there is no market. Layoffs begin and the plunge accelerates as jobless workers must trim their spending even further, putting more out of work.

As the recession deepens in an election year, Congress and the administration are tempted to employ a quick-fix tax cut to stimulate spending and create jobs. This has the effect of pumping up spending beyond the natural productive capability and increasing the federal budget deficit.

Around we go again.

The consumer is not entirely blameless for this cruel cycle of unemployment and a declining dollar. The modern tendency to rely on easy credit, chronic neglect of the traditional family bank account, two cars where one will do all contribute to the deteriorating economic situation. The cycle cannot be broken without a change in consumer habits away from the high-cost, pre-packaged, disposable goods to products with more real and lasting value.

This is one long-range solution to the complex and nagging problem of the world's strongest economy buckling at the seams. The more immediate danger is the personal jeopardy of a family beset by unemployment.

Some help is at hand. In response to West Proviso Herald news articles about the worsening economic situation, Proviso Family Service is sponsoring a counseling seminar for laid-off workers. The seminar, to be held from 9 a.m. to noon June 12 at 9855 Roosevelt Rd, Westchester, deals with the problems of the recently unemployed: How to cope with 40 more hours of time a week; career decision-making; budgeting with less money; unemployment benefits and what to do when your benefits run out.

Attendance at this is a good first step in confronting the economic realities of recession and promises to propose real solutions to the question of How to weather the latest economic storm.●

CRITIC AND SERVANT—THE ROLE OF THE UNIVERSITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. PURSELL. Mr. Speaker, recently I had the pleasure of participating in the inauguration of Dr. Harold T. Shapiro as the 10th president of the University of Michigan. President Shapiro has an impressive background as a nationally known economist, scholar, teacher, and administrator. The university is truly fortunate to have him at its helm.

As the Representative from Michigan's Second Congressional District, where the University of Michigan's main campus is located, as well as a member of the House Appropriations Labor/HEW Subcommittee, I have worked closely with Harold and observed firsthand the attributes that qualify him for this important position. I want to take this opportunity to offer my personal congratulations and best wishes.

In addition, I would like to share with my colleagues Dr. Shapiro's inaugural address entitled, "Critic and Servant—The Role of the University," in which he speaks of the relationships between society and its universities that are involved in meeting the challenges of the 1980's. I particularly want to draw attention to his emphasis on the scope of academic freedom and degree of commitment required, if we are to achieve a high degree of success in this effort:

CRITIC AND SERVANT—THE ROLE OF THE UNIVERSITY

(By Harold T. Shapiro)

THE UNIVERSITY AND SOCIETY—TRADITIONS, NEEDS, AND PROSPECTS

Of course, the University of Michigan has its origins not only in its own particular conception, but in the more general traditions of higher education in America. I would like to consider certain aspects of this more general tradition in order to bring before us a sharper perception of the relationship between the University and society and its future prospects.

American universities have their initial roots in the universities of medieval Europe. Even the ivy was brought from the university in Salerno to the walls of many of our earliest universities. A very important additional infusion of European influence came from the German universities of the 19th century, where modern training in science was being pioneered. In the United States, however, these influences underwent many important transformations in the construction of a very distinctive system of higher education.

One of the more significant transformations, in my judgment, was that American universities were always responsible to and, to a certain extent, shaped by the communities that founded them. Unlike certain of their European counterparts, they were never completely self-governing bodies of scholars and students.

Thus, from the very beginning, American universities had to balance their responsibil-

ities to the world of scholarship with important responsibilities to the communities that supported them. This was true both of the early private universities as well as the great public universities that followed them. This tradition has important consequences for the current role of American universities and their responsibilities in our society.

The relationship between the modern university and society is a very complex and a very fragile one. The complexity and fragility stem from the university's dual role as society's servant and as society's critic. On the one hand, the university has the responsibility for training and research functions that serve society's current economic and cultural life. On the other hand, the university has a fundamental responsibility to be critical of society's current arrangements and to construct, entertain, and test alternative visions of organizing society's institutions, alternative approaches to understanding nature, and to rethinking society's values.

Over time, society's support for this dual concept of the university as an institution both serving and criticizing society has been ultimately sustained by faith in rationalism, faith in knowledge and science, and the resulting notion of human progress. Perhaps one of the most distinctive ideas of Western civilization is the idea that nature, by itself, cannot achieve its full potential. Rather, what is needed is a mutually beneficial interaction between nature, science, and mankind. The university plays an increasingly central role in this process. In the end, we all live under the sway of ideas, and the idea of progress both in our material and moral or spiritual condition has been an increasingly dominating idea of Western thought. In my view, the university now plays a critical role in strengthening the positive correlation between progress in science and the development of new knowledge, and progress in the moral and spiritual sense.

As we look to the future of our universities and their relationship to society, however, it is important to look specifically at the nature of our educational and research programs. Are these programs adequate to meet the traditional dual roles of the university as society's servant and society's critic?

What are the specific types of programmatic objectives that enable the universities to meet their responsibilities to the world of scholarship and the society of which they are a part? We can, I believe, identify three major categories of necessary commitments in this respect.

(1) The responsibility for general and professional education.

(2) The responsibility for the development of new knowledge.

(3) The responsibility for advanced research training.

I would like to spend a few moments to amplify my view of a universities responsibility for general and professional education. The ultimate purpose of a general education is twofold. The first is to provide students with an understanding of what our society is, how it came to be that way, and how it relates to the larger human family. The second is to provide our students with that kind of knowledge and understanding that contributes to their ability to improve our concept of civilization, comprehending that the concrete present is but one alternative. In this context it is clear that not only training in science, but scholarly exposure to history, literature, and philosophy have direct relevance to society's most important goals: this knowledge puts our immediate concerns in the broadest possible human context. Without the understanding that flows from study in the humanities, we must fail to understand critical dimensions of the human experience and too easily deny the intractability of certain aspects of the human condition.

Thus, we have responsibility for providing an education that not only develops an individual's technical expertise, but relates an individual's experience to the broad human landscape of which we are a part, and moves them to a purpose and capacity beyond themselves.

The same approach governs professional education at a university. Professional education normally refers to the acquisition of skills for a particular purpose. At a university, however, it must also be involved in the extension of knowledge. Further, it must proceed within a critical framework that not only refuses to accept things as they are, but works to bridge the gap between professional practice and theoretical knowledge.

These are the fundamental characteristics of our educational programs that we must preserve in the years ahead. In addition, for reasons I will discuss shortly, our society has a great stake in maintaining the research capacity of the universities, especially the major research universities. Given our society's needs, attitudes, and resources, what are the near-term prospects of achieving these objectives?

On the one hand, American universities are generally seen to be at some risk in a decade that is widely assumed to be characterized by falling student enrollments and by a general tightening of the resources available. Such developments would, of course, impact not only on the educational function and fiscal capacity of universities, but on the essential research capacity of our society.

On the other hand, the need for advanced training and research has never been greater. Globally we are on the brink, I believe, of another technological breakthrough in industrial and agricultural processes, and the extent of U.S. participation in these developments and the economic growth that will result is uncertain. Fortunately or unfortunately, this is dependent, in part, on the viability of the major research universities—of which this state is well endowed. In the United States we do not have "on line" any other institutions that can fully substitute for the traditional role of the universities in basic research and development. Perhaps by the year 2000 we will have a larger spectrum of research institutions in this country as exist elsewhere. But for the next decades here in the United States, our research and development capacity is inextricably tied to the health of the research universities.

In addition, we need new, creative ways to deal more effectively with a large number of outstanding social issues. Consider the challenge of the revitalization of the inner cities, the challenge of access to a full share of society's opportunities to minorities and women, or the challenge of a creative mediation of the conflicts that arise from time to time between traditional values and new developments in science. The solutions to these problems—and similar challenges—require careful, critical analysis of alternative ways of doing things and of organizing society's institutions. The need for an informed and thoughtful electorate has never been greater.

Moreover, we can fully anticipate that in the next decades important changes in our modes of thinking will be both necessary and substantial. The world will never again be so centered on Western Europe and North America and on the cultural history and experiences of these people and this particular civilization that has dominated world affairs in the last few centuries. We must, therefore, develop a new awareness, openness, and responsibility not only to certain populations in our own society, but to others around the world whose cultural development and expression we have yet to adequately appreciate.

For these reasons, and others, I believe our future as a society is importantly related to the vitality of our universities. What other institution can provide the humanistic understanding, the scientific developments, the technical training, the critical analysis, and the aesthetic experiences that can—at their best—produce both the new knowledge necessary and a thoughtful, informed citizenry capable of more wisely meeting the complex challenges of the next decades.

The major question that remains, however, is whether and how the society on the one hand and the universities and their faculties on the other will act in order to meet these needs and thus jointly realize our creative potential. Each decade in our history has its own challenges and requires new responses in order to enhance and contribute to what is a noble tradition.

In my judgment, a convenant of three commitments is required:

(1) Even in these difficult times, society must commit resources sufficient to attact quality talent to these institutions—both as students and teachers. It is not ordained that universities and their faculties be always richly endowed, but resources consistent with their role and mission are an absolute necessity.

(2) Society must continue to preserve the university's essential freedom to remain a critic of existing arrangements—whether in science or society. Our future depends even more on freedom retained than on full funding retained. New knowledge does not always require funds, but it does require freedom to determine the basic priorities of our critical investigations. This freedom is essentially an individual freedom, and we should not lose sight of the fact that at times academic freedom is threatened not only by forces external to the university, but by our colleagues among the students and faculty with little respect for views other than their own.

(3) The university community must show evidence of a commitment to its tasks and a capacity to make difficult decisions that rise above purely parochial concerns and demonstrate that it is deserving of such special responsibilities and treatment. Thus, the free exercise of reason, so essential to a university's life, cannot be confused with loose speculation. It must instead be associated with disciplined, unprejudiced testing of alternative ideas. Enlightenment does not emerge from the free association of emancipated minds at "rap sessions." The development of knowledge often proceeds in what may seem to be a wild and unpredictable way, driven by the powerful imaginations and impatient energies of creative investigators. In fact, however, it is given structure and direction by the disciplined use of reason in the evaluation of ideas, new and old.

If we in the university community are willing to use society's resources with discrimination and care and to rededicate ourselves to the truly important tasks facing us, the decade of the 1980's can be one of an opportunity gained—an opportunity to turn fully to the issues where we can make our greatest contribution. We cannot simply wish away the difficult sections of the road before us, but we must not allow the difficulties to govern our course. To quote Emer-

son: "This time like all times is a very good time if we but know what to do with it."

We recognize that society has other important needs, besides those represented by universities. There are needs in health, in energy, in the inner cities, in old-age security, etc. To qualify for support in view of these other pressing and legitimate needs, we must demonstrate our capacity to actually perform the functions we speak so fondly of and not to be sidetracked to less worthy efforts. The 1980's will surely be a time of testing for us all.

It will require courage—both by faculties and legislators—to look beyond the enormous pressures of daily events and look to the preservation of the truly sustaining values of our society and the institutions that support them. It is difficult to rescue from our daily distractions the capacity to dedicate ourselves to the critical long-run concerns of society. The university and the fundamental ideas it embodies is one of these concerns. I hope the community of scholars—both students and faculty—here at the University of Michigan will demonstrate that the University upholds its part of the covenant and is worthy of such special consideration.

The University of Michigan is preparing for the 1980's in an adventurous and optimistic mode. We are confident of our sense of community and our capacity to generate a quality response to the challenges ahead of us. We are completing new libraries and associated facilities to support our continuing commitment to scholarship. We expect, with the citizens of the State of Michigan, to build a great new Medical Center and have begun the development of new facilities for our College of Engineering. Most important of all, we are focusing our efforts on attracting and retaining outstanding faculty and students.

We do not intend to stand politely by and thus risk slipping backward during the coming decade. Rather, we eagerly face the challenge ahead of us and commit ourselves, in a spirit of both pride and humility, to do whatever it takes to maintain and enhance the distinction of our programs and our responsibilities to the community. We should be aware, however, that this effort will severely test our resolve, and perhaps even our sense of community. It is easy to talk of distinction, a challenge to actually pursue it, and a great victory to actually attain it. In this effort, we will need the support of all the collaborators in our past successes—our sister institutions of higher learning, our alumni and friends, the citizens of the State of Michigan and, of course, our distinguished faculty, staff, and students. I have every confidence that we will exceed, and that the most exciting days of our long intellectual adventure lie ahead of us.

Thank you.●

FIRST AMERICAN WOMAN IN OSTAR

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mrs. HOLT. Mr. Speaker, last Saturday, June 7, the Observer Single-handed Trans-Atlantic Race, began from Plymouth, England, with its destination, Newport, R.I. My constituent, Judy Lawson of Annapolis, is the first American woman to qualify for this 3,000-mile solo Atlantic crossing, which is considered the most demanding and dangerous sports event of our time. The OSTAR is held every 4 years by the London Observer and the Royal Western Yacht Club and this year more than 100 sailors from 18 countries will be participating. Judy, who last year became the first woman to compete in America's only solo ocean race, the 635-mile Newport to Bermuda classic, has logged over 25,000 miles in ocean sailing during the past 20 years. Her goal is to finish within 27 days, which would break both the women's and small boat records by at least 1 day, and put her in Newport on Independence Day. Racing in what may be the roughest seas in the world, takes guts, training, and stamina, but taking risks is part of any worthwhile life and Judy welcomes the challenge of pitting herself against the elements. I wish her favorable breezes and hope that she gets the gun at the finish line.●

FIGHTING RECESSION REQUIRES ABANDONING OUTDATED ECONOMIC NOTIONS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GINGRICH. Mr. Speaker, it is apparent that the current recession will be one of the three or four worst of the 20th century. It is the legacy of 15 years of erratic monetary policy, with the attendant problem of the collision of the progressive income tax code and high inflation. The heirs of John Maynard Keynes thought they could forever manage demand and fine tune the vagaries of the business cycle. Yet today we are halfway through our 11th straight year of stagflation, and the fine-tuning capabilities of this Congress were shown by our passage on May 7 of a budget containing a $96 billion tax increase—just as the recession was starting to snowball.

The most optimistic estimates show us being stuck with 7.5 percent inflation even at the bottom of the recession. It is not inconceivable that we could face double-digit unemployment and double-digit inflation at the same time.

So what will happen now? This House will soon be freed by the recession the Congress spawned from the uncomfortable burden of trying to balance the budget. When deficit spending again becomes the order of the day, will this House repeat the mistakes of 1975-77?

Congress, in its own initiatives and by using its two-thirds majorities to force policies on President Ford, sought recovery from the 1974-75 recession through tax rebates, temporary tax cuts that promoted consumption at the expense of production, doubled CETA funding, and greater use of food stamps and public works. All of this, the recession and the steps supposedly taken to cure it, resulted in deficits totaling $179 billion over 3 fiscal years.

The end product of this pump-priming was to reignite inflation and a failure to return unemployment to its traditional level of less that 5 percent. The large deficits of 1975-77, paid for in large degree by excessive money supply growth, created the roaring inflation of 1978-80. Fiscal policies designed to produce full employment without inflation now produce inflation without full employment.

The so-called antirecession actions of 1975-77, if repeated this year, could easily produce an economic crisis by 1982. Demand-side pump-priming is as dangerous as it is obsolete. We cannot rely on tax rebates and other such short-term gimmicks whose only objective is to stuff devalued money into people's pockets while the Nation's factories and output decline. If we try to inflate our way out of the present recession, we will have 20 percent inflation and an unemployment rate above 7.5 percent after the recovery.

There is no sure or easy way out of this quagmire, but there is one with a high probability of success. We should implement permanent across-the-board rate cuts in the Federal income tax, which will stimulate demand in the short run and supply over the longer term. Besides sweeping tax reduction, we also need tax reform, of the type that will reward savings and investment and thereby help America boost its productivity and rebuild its industrial base.

This program would be a proper, balanced approach to the problem of restoring steady, noninflationary economic growth. It must be combined with continued restraint by the Federal Reserve Board. We have been on a roller coaster for a decade, a roller coaster consisting of inflationery peaks and recessionary dips. Each time we complete a cycle the ride becomes more terrifying. We need to get off the roller coaster. We must stop upping the ante on the pain levels represented by the rates of inflation and unemployment. We must stop treating 220 million Americans as if they were one collective engine, to be sped up or braked by a driver known as the Federal Government.

The unemployment rate and the inflation rate are not indicators on a dashboard, they are composite figures representing the pain felt by millions of Americans. When we in Congress begin to make our economic decisions based on commonsense estimates of how our actions affect the problems and the opportunities, punishments and incentives held out to individual Americans as they chart their lives, we will be much closer to restoring prosperity and ending inflation.

Much work needs to be done to move our focus away from outdated econom-

ic notions and toward the concept of economics as a behavorial science. University of Georgia Prof. James Green has written an article which I consider a landmark in the nascent effort to change the way people and politicians view economic data and make economic decisions. Professor Green's column appeared in the May 18, 1980, Atlanta Constitution, and I commend it to all my colleagues as we look for a way out of our present troubles:

IT'S POLICY, NOT PARTY, THAT COUNTS IN RHETORIC

(By James Green)

Rhetoric of the political campaign is so loud and omnipresent most of us simply stop listening. No, we don't turn off the TV. . . . We just stop hearing the political gobbledygook.

There is, however, a distinct difference in the rhetoric to which we should be paying close attention. Each of us should be asking ourself: "Which is most important in the election—party or policy?"

For example, both President Carter and Sen. Ted Kennedy speak at length about the need to create jobs in this time of recession. Ronald Reagan speaks of creating "productive" jobs. What a difference a single word can make in policy and actions.

Carter's job concept runs in terms of CETA and "make-work" jobs that are inflationary and seldom if ever add goods or services to the stock of consumer goods. Neither do they teach a work discipline. Reagan, on the other hand, has adopted Rep. Jack Kemp's (R-N.Y.) concept that we need to re-create "incentives" in meaningful productive jobs.

If we look closely we recognize that wealth and real income are created in only five ways:

Agriculture
Fishing
Mining
Manufacturing and Processing
Construction

Note that these are private sector activities. Government creates no wealth or real income.

Incentive economics built this nation's economic base. We know that the more heavily a particular product is taxed, the less of that product will be produced.

A controversial built-in incentive is the Roth-Kemp proposal to reduce tax rates by 30 percent over a three-year period. Critics call this inflationary. Not so, provided an equal amount of fat is cut from federal spending. Reagan and Bush buy this. We have excess industrial capacity which expanded consumer spending would bring onstream. We also have a big backlog of capital formation that needs to expand and modernize our productive technology.

A permanent lowering of tax rates provides a real incentive to save and invest. Clearly, a reduction in federal spending and income redistribution will emphasize savings and investment and de-emphasize consumption. In contrast, Carter's one-time tax cut leaves the tax burden unchanged. As a windfall, Carter's tax reduction emphasizes consumption, increases inflationary pressures and discourages savings and investment.

More than this, Carter and Kennedy refer only to economic aggregates. Their economy concept is that of a machine that responds to a step on the accelerator. Bush and Reagan, following Kemp's lead, look at economics as a behavorial science. Individuals and incentives are recognized as the common economic denominator. Both Carter and Kennedy individual merit is lost. We become cogs in a mechanistic macroeconomic concept. When merit goes, so goes individualism and emphasis on opportunity. Reagan and Bush are calling for a return to individual worth, merit and opportunity.

All this comes from a life-long Democrat. As a professional economist, however, it is clear to me that in this election, policy is more important than party.

Listen to the political rhetoric. It has economic connotations in every concept expressed.●

THE RED SHADOW EXPANDS IN THE CARIBBEAN

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HANSEN. Mr. Speaker, today, the world's spotlight is on thousands of Cuban refugees running from Castroland, thousands voting with their feet, running and swimming for their lives, telling all of us still free to listen that communism or Marxism is an impossible life.

I find very little satisfaction in saying to my colleagues, I told you so. When the Panama Canal was being given away, I warned my colleagues and the general public that this giveaway was contrary to the national interest. When Nicaragua was being turned over to the Sandanista, I warned this country that the dangers were coming closer. When the Soviet Union sent Mig-23's to Cuba, I warned again, and when the existence of Soviet combat brigades in Cuba was revealed to the public, I warned once more. But I was not the only one doing some warning.

When President Carter visited Mexico, he was warned by Mexico's President Portillo that while he, Portillo, did not have any particular love for Somoza, if Carter allowed Nicaragua to go Communist, it would force Mexico to move to the left. So, regardless of the advice, President Carter was getting from his own national security staff, whether this advice came from the left or the right, the President of Mexico did tell the American President what would happen if the Communists took control of Nicaragua.

As many of us realize, the Sandanistas in control of Nicaragua are now going through their historic gestation period, that period Cuba went through when Castro was consolidating his power, putting all the Communists in place. The only two nonleftists serving on Nicaragua's original junta have departed. Now, only the hard-line leftists remain. Today over 1,300 Cuban teachers from Castroland are indoctrinating Nicaraguans on how to live and what to expect under communism.

It is too bad the Nicaraguans are unable to hear that truth in time from the tens of thousands of Cuban refugees running away from Cuba.

Mr. Speaker, it was encouraging to me to read in the Washington Post on May 13, 1980, that our Speaker, THOMAS P. "TIP" O'NEILL, has said publicly it is very questionable whether the bill authorizing $75 million in economic aid to Nicaragua can be saved. Speaker O'NEILL said he wants proof that the aid bill is worth trying to save.

Administration pressure has changed that as Majority Leader JAMES WRIGHT takes a cosmetically assuring trip to Nicaragua in exchange for the votes to pass the aid bill. No doubt he will have glowing reports which will delay the realities of Nicaragua becoming a new mainland Cuba helping to convert the Caribbean into a Soviet Red Sea, which threatens 70 percent of the oil imports of the United States.

American leaders have simply got to realize what is happening on our southern doorstep in the Caribbean and Central America. The veterans of this country know only too well what is happening. As a senior member of the Veterans Committee, I am only comforted by the fact that there are 90,000 informed veterans in Idaho and millions across the United States who are tired of giving away the country they fought so hard to defend. And they are fighting to turn this disastrous trend around.

The American Legion's national commander, Frank I. Hamilton, is one of the most knowledgeable leaders in the United States. On April 24, 1980, Commander Hamilton delivered one of the toughest and most courageous speeches that I have seen in years. Commander Hamilton went after the cause of the leaderships' failure. He went after the leftwing think tank, the Institute for Policy Studies, and he did it with precision and with emphasis.

Too often our leaders who are trying to save the United States are being outthought, outfought, and outmaneuvered by the pacifistic left thinkers. These leftists have positioned themselves in key policy position roles in our Government. They are the real culprits and they must be stopped.

I am inspired by Commander Hamilton's courage and the leadership he is providing to the American Legion and all veterans throughout the United States and feel he is a modern-day Paul Revere trying to arouse America in time.

I commend his outstanding speech to my colleagues:

THE SOFT UNDERBELLY

Gentlemen, it is a great personal pleasure for me to be here to talk to you about our favorite subject: the security of the United States. I feel a little bit like I'm preaching to the choir, yet at the same time, I think I've got a story to tell, which some of you might not know, and which will give you an

idea of the direction The American Legion is taking.

As I go around the country talking before different Legion groups, the mood is obvious. There is a growing dissatisfaction with what is taking place in Washington. There is a feeling of frustration that our government is not providing the leadership in resolving, not only our own problems, but leading our allies in resolving world problems. Often this frustration approaches anger as veterans realize that the freedoms they have fought so strongly for are being eroded through vacillation, indifference and a constant barrage of liberal ideas which are destroying the fabric which made our country great.

Gentlemen, the Republic is in deep trouble! We are living in times when each of us must stand up and be counted. The time for excuses is gone. The situation is serious. In saying that, I'm not going to stand up here and tell you about how we've been led down the primrose path to the Rose Garden on our way to accepting strategic parity, a policy which has slid us into second place. . . . and I'm not going to talk about what we have to do in the immediate future to develop our Armed Forces so we are "second to none."

What I do want to talk to you about is that region which we use to call our backyard. That one we took for granted because they were just a "bunch of banana republics" that weren't even worth bothering about. Those were those places we used to have to send in the Marines to just straighten out their personal in-fighting. Somehow that image has stuck. Oh yes, Fidel Castro has been a bit of a thorn in our side. After all, we thought we were going to overthrow him back in April 1961, but the Bay of Pigs failure took care of that abortive effort.

Somehow we just wanted it to settle down * * * and at the same time we wished those Cuban exiles in Florida would just appreciate what we'd done for them in letting them come to the United States to earn a living, and not cause us so many problems with their ranting and raving over Fidel Castro, communism and the Soviets * * * "only 90 miles from home."

Well, the point of it all is * * * that little problem won't go away * * * and it keeps growing bigger all the time. Like most Americans. I got all excited when President Kennedy stood up to the Soviets during the Cuban missile crisis and made the Russian bear back down, dismantle his "rockets" and take them home. We had met the Soviets face to face, eyeball-to-eyeball and they had blinked! American pride was assuaged! We had avenged our failure at the Bay of Pigs * * * our national honor was saved. (But I wonder how many looked back and realized that if we hadn't lost heart at the Bay of Pigs, we wouldn't have had a Cuban missile crisis!) And not too many people talked about the Intermediate Ballistic Missiles we had removed from Turkey and Italy at the same time.

It was said they were obsolete and were too costly to maintain. After all, they took about 30 minutes to launch. No one spoke of the added complexity those missiles presented to the Soviets in their targeting or the problems they created for them in a first strike option. No one mentioned how having missiles in those countries not only kept them in the front lines geographically speaking in any exchange of missiles, but kept them in the forefront politically in our NATO alliance. But that has long been forgotten.

Shortly after I became National Commander, I decided that I would see for myself what was going on with our Caribbean Basin policy. I visited our Caribbean Contingency Joint Task Force at Key West, Florida and learned a lot about the growing threat and the destabilizing efforts of Fidel Castro in the Basin. A trip to Mexico and Panama with conversations with our Ambassadors and U.S. military leaders did not reassure me; in fact, I was struck by a complete lack of effectiveness of our regional foreign policy. Remember, President Carter had gone public over a new crisis in Cuba. Our intelligence revealed the presence, not just of Soviet military advisers, but of an organized Soviet army unit—a combat brigade! We would not tolerate the status quo, the President said. A Soviet army brigade in Cuba—that was unacceptable. However, a few days later, we accepted it! After all, the Soviets had assured us that those troops had been there for some time, and they were not an organized military unit. We should have expected this reaction from this Administration as when the Soviets introduced Mig-23 Floggers in Cuba, we had entered into the same semantic arguments about whether these fighters were the air defense model of this aircraft, or whether they were the close air support version, capable of carrying tactical nuclear weapons.

Our intelligence was made the scapegoat in this instance too * * * no one could decide which ones they were, so the issue dropped out of sight. No one cared to listen to those who spoke of how within 30 minutes bomb-carrying racks could be attached to the aircraft's wings. No one seemed to remember that when Kennedy was President, the Cuban missile crisis did not only involve missiles. We also asked the Soviets to remove their IL-28 tactical jet bombers. They were offensive weapons systems we said, and we insisted that they be removed along with the missiles. The Soviets replied no. The missiles were theirs, but the IL-28 jet bombers had been turned over to the Cubans. But Kennedy insisted, and in fact, the IL-28s were removed from Cuba. But today, we don't worry about offensive, capable jet fighter bombers carrying tactical nuclear bombs * * * they aren't missiles, so let's forget about them.

Another case, more recently: On March 25 of this year, Franklin D. Kramer, Principal Deputy Assistant Secretary for International Security Affairs, Department of Defense, revealed in public testimony before the House Subcommittee on Foreign Operations, Committee on Appropriations, that "the Hondurans believe, and our intelligence agrees, that their territory is being used as a conduit for men and weapons into El Salvador by insurgents with Cuban support, and they are also concerned that should El Salvador fall to the extremist left forces, Honduras will be among the next primary targets."

That's where we are today. The Cubans have trained revolutionary groups for years preparing the way for communist groups to overthrow rightist authoritarian forms of government. Nicaragua has gone the Marxist way while some of our leftist intellectual sympathizers state that the government isn't communist or Marxist. They say the government is reflecting the necessary pluralism so important to run the country today. They add, "Look at the problems they are having from leftist elements." In fact, the only problems the communist Sandinistas are having from the far left are from those far-out Trotskyites, who are so radical that even the communists have trouble controlling them.

And what is going on in El Salvador? The U.S. Government is backing a group that is hanging on for dear life, being attacked from the right and the left. But what are we requiring of them for our support? Economic measures which at best are socialistic; measures that the Department of State wouldn't dare recommend to this country.

While U.S. efficiency in agricultural production continues to increase significantly through greater economies of production with less people working larger farms, we find our U.S. Ambassador to El Salvador insisting that the large, efficient coffee, cotton and sugar cane plantations be broken up into small units to be distributed among the peasants, obstensibly to improve their economic lot.

On the surface this may appear to be a fair objective but when we consider the type of crops being harvested and the efficiencies obtained through modern techniques, we find that this would inevitably destroy the economic viability of the nation. All this coercion by our government takes place without the apparent knowledge of the American people. Our own government is fostering upon other countries * * * no, demanding that other countries * * * in order to gain our support, nationalize banks, redistribute the land, adopt communist economic principles that are a proven failure in Castro's Cuba.

How did we get there? Did it just happen to us? Not on your life! Leading elements of this U.S. Government moved in that direction consciously, deliberately, calculatingly and in fact, openly. But most of us were too fuzzy headed to notice it. And besides, it was happening in Latin America—and what does that matter to us in relationship to the security of the United States? Talk about the soft underbelly of Europe that Churchill was so fond of commenting on to his U.S. allies! Our soft underbelly is through the Caribbean Basin, and most of us are too intent on the possibilities of confrontation with the Soviets on the plains of Europe, and now in the Persian Gulf, to see the steady erosion taking place to our south that is effectively undermining our ability to control our economic life lines; those sea lanes that bring that precious oil to the United States through the Caribbean from the Middle East, around South Africa * * * and from Alaska, transiting the Panama Canal.

The "Blue Print" for our current Latin American policy was formulated in the Center for Inter-American Relations by a Commission on United States-Latin American Relations chaired by Sol M. Linowitz. There were two reports, one published in October 1974 and another on December 20, 1976. These two studies, plus another one called The Southern Connection by the Trans-national Institute, a Program of the Institute for Policy Studies and published in February 1977, accurately details our present U.S. foreign policy in Latin America.

It is a disastrous policy, which is basically defeatist in nature, abandoning U.S. responsibilities in the region, forsaking any 20th Century concept of the Monroe Doctrine and advocating the acceptance of any pluralistic ideology thrust upon the New World. A careful review of these studies reveals several interesting facts. The first two, chaired by Sol Linowitz, were supported by many distinguished individuals in the academic, financial and business world. The third, published by the openly radical and leftist Institute for Policy Studies (IPS), includes the names of staffers who contributed to all three studies and proudly announces its approval of the December 20, 1976 Linowitz Report and the fact that several of those who had prepared the IPS study had contributed to the Linowitz Report in different ways.

One name leaps out from the IPS study; it is Robert Pastor who is now, and has been since the present Administration has been in office, the principal Latin American adviser in the White House, working for the National Security Council. If there is any doubt as to the far left orientation of the IPS group, it is dispelled by their own acknowledgement in the preface to the study of their thanks to the late Orlando Letelier, "colleague and friend," who had read the first draft of the report.

As has been pointed out in the press, when Orlando Letelier was murdered, he was a self-professed Marxist and was known to have been receiving money from Castro's Cuba. So he was working as an instrument of the DGI, the Directorate General of Intelligence, which is a completely controlled instrument of the Soviet KGB. Safe to say, that he received his money as an agent of influence. Today his wife, Isabel Letelier, lectures to Americans on Cultural Ferment in Latin America for the Washington School, created by the Institute for Policy Studies.

To further illustrate the problem: On March 25, one of The American Legion staffers was appearing before the Subcommittee on Foreign Operations of the Committee on Appropriations, U.S. House of Representatives, in support of a Department of Defense sponsored Administration request for assistance funding for El Salvador and Honduras. While there, Ambassador Murat Williams appeared as a witness against the appropriations. He had been Ambassador to El Salvador from 1961-64. He said nothing about the Cuban sponsored subversion through Honduras against El Salvador confirmed by U.S. intelligence, only recommending that El Salvador be allowed to settle its own problems.

What was of greater interest were his comments to a Congressional staffer that Robert Pastor had asked him to testify. So, while top ranking government officials at the Departments of Defense and State were publicly supporting the Administration's reprogramming funds for the governments of El Salvador and Honduras, the principal adviser on Latin American affairs in the White House was subverting his President's policies by asking a witness to testify in opposition!

Lest you think I'm just harping at this Administration, I need to add that many of the Sol Linowitz Commission recommendations made in late 1974 were being implemented by the previous administration. What we now find is that they have been fully accepted and are being daily implemented as a basic guide and blue print for U.S. foreign policy in Latin America. The results are an ever increasing acceleration downwards in our ability to favorably influence our southern friends.

Early on during the present Administration, the first National Security Council guidance to the government bureaucracy was to proceed expeditiously with the Panama Canal Treaty. Sol Linowitz was given the green light for the give away and the Joint Chiefs of Staff caved in. Days later, inter-agency groups, under State Department chairmanship, met to formulate our U.S. policy for Latin America. After meeting several times with representatives, who cut across the entire gamut of the bureaucracy, the meetings ceased. Department of Defense officials wondered. Army, Navy, Air Force and Marine Corps officers couldn't fathom it. They never met again.

According to Sol Linowitz and the State Department, the Panama Canal Treaty was the key to all our Latin American policies. The U.S. was proceeding expeditiously with Human Rights, reduction of arms sales and the virtual elimination of our U.S. military groups throughout Latin America, but still the U.S. couldn't reach an agreement, within the government, resulting in an offficially enunciated policy on Latin America. To this day, none has been announced. How does this Administration operate without an official policy? The answer is that the course is not without guidance. It just wasn't developed within government. The policy was written by the Sol Linowitz commission and supported by the Institute for Policy Studies in their report, "The Southern Connection," and is being promulgated by Robert Pastor in the White House and supporters of this policy in the Department of State.

If any of you have read these reports, there would be no doubt in your mind. The "Blue Print" for our disastrous policies in Latin America are being closely followed today. Our actions and responses are not haphazard accidents and muddling meanderings through the maze of events. Our actions are closely following and adhering to the Blue Print. One can well ask how is it that Zbigniew Brzezinski, who is such a hard liner on communism and the Soviets, can tolerate this bankrupt, defeatest policy in Latin America and the presence of Robert Pastor on his staff?

I don't have the answer. I ask the same question. We do know that Sol Linowitz, Robert Pastor and others active in the Institute for Policy Studies, played a key role in writing the Blue Print for our Latin American policies, and have been implementing them throughout this Administration. We do know that Sol Linowitz, after negotiating the Canal give-away, now plays a key role as Ambassador in negotiating between Egypt and Israel in the Middle East.

Was the Panama Canal Treaty the key to our successful relationship in Latin America? Take a look at those relationships now. Never in our history have we been in worse shape than we are now. We have forsaken our friends, alienated those who respected us and earned the scorn and contempt of our enemies.

Gentlemen, while our situation is serious in many parts of the world in our direct confrontation with Soviet strength, let us not forget our soft underbelly. Let us not forget that when we humiliated the Soviets during our confrontation with them during the Cuban Missile Crisis, they swore their revenge.

They are humiliating us in Cuba today with their military presence, their continued build-up of Soviet military strength and the unchallenged role of their surrogate, that Trojan Horse—Cuba, in their active role in Africa and in Latin America. Just this past Monday in the Washington Post, Jack Anderson wrote of our U.S. intelligence's discovery of "several large holes the Russians are digging near the Cuban city of Matanzos." He asks, "Are they an innocent feature of a suburban housing development, or underground silos for nuclear missiles aimed at the United States?" He goes on to write about the extension of a runway to 9,000 feet, thus making a third airfield capable of accommodating the Soviet's Backfire bomber in Cuba.

In a letter I wrote President Carter on March 5, I urged him to immediately formulate policy goals and objectives for the decade of the Eighties in the Caribbean Basin. I told him that I believed we were succumbing to communist subversion and infiltration without a shot "being fired in anger." We need a coherent Latin American policy. We need to take action in the Caribbean Basin, not only in our own interests but in the interests of our Latin American neighbors who are looking to us for leadership.

In a greater sense, we must consider the effects our indifference or lack of courage has on our world allies and the Third World. They are not unmindful of our inability to maintain harmony in our accepted, direct sphere of influence. As we evidence weakness elsewhere, particularly with Iran over the hostages, our faint-hearted allies can be expected to react by accommodating with the Soviets and the Cubans. These are very real dangers for the United States.

In a response to my concerns, expressed to President Carter, I received an answer from the Assistant Secretary of State for Inter-American Affairs, William G. Bowdler. I was struck by his comment that "Central America's travail was not caused by Cuba." One can guess what he means, though he doesn't spell it out. He admits that Cuba benefits from the problems but he does not describe the effects of over 20 years of Castro's communism, training cadre to foment revolution and supporting subversion throughout the hemisphere. What we are failing to do is recognize that Cuba is our problem. We are the only one's that can do anything about Cuba and yet we treat Castro's efforts to undermine and overthrow countries as though we had little interest in the outcome. We give the impression that if a government needing assistance is willing to bring about a change in its leadership through the creation of a new pluralism, we might be forthcoming.

As we allow the Soviets to increase their military build-up within Cuba, we drift further from the day when we would have the courage to do something about it. We have tacitly accepted the Soviet presence and have placed ourselves in such a position of weakness that the likelihood of any resistance to increased Soviet presence in Cuba by this Administration, regardless of intelligence confirmation, is not worth debating. It, therefore, becomes our duty to send out the clarion call for action!

Just because there is no massed military force now south of our borders, that presents a challenge to our sovereignty—let us not be unaware that we can be defeated piecemeal, as country after country is devoured by communism and our vital supply lines and access to raw materials are relentlessly and inexorably strangled and cut off. Let the United States choose where we will meet the Soviets and their challenge to our way of life. Let's now meet the challenge in our backyard, where we have interior lines and ability to take advantage of those Principles of War—mass and concentration.

Think about it!●

PROTESTS TO SOVIET UNION

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HOLLENBECK. Mr. Speaker, last week, I dispatched to Moscow an urgent communication for Leonid Brezhnev and Mikhail P. Georgadze concerning the pending executions of Raphail Adziashvili and Mamed Abasov. Both of these men were sentenced to death despite the fact that the prosecutor apparently had not even sought this penalty for their

charge. They were convicted along with 52 others of economic crimes.

Now I ask you, Mr. Speaker, as I ask the rest of my colleagues in this distinguished Chamber: Given the poor human rights record which we all realize exists in the Soviet Union, how can we not protest such a blatant disregard of fundamental human principles? Of course, I realize the Soviets detest interference in what they consider their own internal affairs. However, there are certain truths which transcend territorial sovereignty and demand reaction from the world community in order to help prevent reoccurrences.

As I speak, time is running out for Raphail Adziashvili and Mamed Abasov. I hope that Americans will familiarize themselves with this deplorable situation and relay their protests to the Soviet Union.●

NEEDED: A NEW GI BILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. PHILIP M. CRANE. Mr. Speaker, anyone concerned with the defense posture of this great Nation knows that the paramount issue is manpower—recruiting and retaining the competent and qualified people needed to serve in our Armed Forces. This issue is a festering wound; there is no question that it needs attention. The debate concerns the type of treatment to be administered.

I have, since its inception, championed the All-Volunteer Force (AVF) concept as being consistent with the founding principles of these United States. With the AVF, the quality of U.S. Forces is directly related to the amount taxpayers are willing to pay to enjoy their precious security of life, liberty, and property. At present, those who serve to protect us are not receiving adequate compensation.

Today's New York Times carries an excellent article by my friend in our companion body, Senator WILLIAM ARMSTRONG, Republican, Colorado. He has obviously followed the issue closely and has given the topic much thought, for his proposal has merit and should be given attention. I commend it to my colleagues' attention and include it in the RECORD at this point:

NEEDED: A GI BILL

(By WILLIAM L. ARMSTRONG)

WASHINGTON.—When Congress killed the G.I. Bill in December 1976, the Army gloomily concluded that the pool of potential recruits would shrink by as much as 36.7 percent. Today, the Army has the right to tell Congress: "I told you so." Defense Department officials estimate that the Army is 50,000 short of its peacetime strength of 774,000 and 80,000 below projected wartime requirements.

Military manpower problems have gotten so bad that it is doubtful our armed forces could respond effectively to a major crisis. All Army units in the continental United States, except the 82d Airborne Division, are substantially under strength. The Navy, in April, had to tie up a frontline ship, the oiler U.S.S. *Canisteo*, for lack of skilled sailors to man it.

Along with the decline in numbers, there has been a precipitous drop in aptitude. Army manuals have been rewritten, downward, to eighth- and even seventh-grade levels, but commanders still report that many soldiers have difficulty understanding them.

With world tensions rising, it is vital that Congress take action now to improve both the quantity and quality of the young men and women entering the armed forces. A step that some advocate is resumption of the peacetime draft, but, in addition to being divisive, the draft is a cumbersome, expensive means of resolving a relatively small recruiting shortfall. Furthermore, a two-year draft would not fill the Army military occupation specialities where shortages are most critical.

A far more effective, and cost-effective, step would be to reinstitute G.I. Bill education benefits nearly on the scale of those provided by the World War II G.I. Bill. That bill and successive G.I. Bills have proved to be among the most successful Government social programs ever instituted, returning to the Treasury in tax revenues several times their costs as a result of increased earnings by veterans who otherwise would not have been able to afford to continue their education.

The rate of attrition in the Army is nearer 40 percent than the 18 percent that the Army, in March 1975, predicted Congress would find "unacceptable." Properly tailored educational incentives almost certainly would bring into the armed forces at least 50,000 high-quality-recruits each year. This would be enough to resolve current recruiting shortfalls, and to replace, in all the armed forces, 15,000 to 20,000 enlistees from the lowest mental-aptitude levels with recruits from the highest categories.

On April 22, a proposed G.I. Bill of 1980 was introduced in the Senate. It is based on comprehensive research done by Prof. Charles Moskos of Northwestern University, a prominent military sociologist. Under the bill, a serviceman or woman who completes two years of honorable service would earn the following benefits: 100 percent of tuition and fees at an accredited college or university, to a maximum of $3,000 a year, for a maximum of four years, and a subsistence allowance of $300 per month while enrolled in an accredited college or university, for a maximum of 36 months.

Because two years of honorable service would have to be performed before a serviceman would become eligible for benefits, there would be no cost for the G.I. Bill in the 1981 and 1982 fiscal years.

If 50,000 new recruits took advantage of the G.I. Bill benefits each year, the cost would be about $840 million in fiscal 1986, the first year in which there could be four classes attending school under the program.

After luring high-quality people into the armed forces, the next step would be to encourage them to stay by providing fair pay. Many military families struggle at near-poverty levels. For example, a plane handler on an aircraft carrier works 100 hours a week for less pay than a 40-hour-a-week cashier at McDonald's.

To correct this inequity, in April a National Defense Compensation Act was introduced in the Senate: a four-part package of pay raises that would enable military families to meet basic financial obligations. The raises range from 9 percent for lower grades to 100 percent for special-duty pay such as submarine and parachute pay. Many of these special pays have not been increased since 1955.

Prospects are growing for approval of some form of military pay raise. President Carter recently said that he would support a pay package that would include higher pay for sea and flight duty, an increase in food allowances, and higher housing allowances in high-cost areas of the United States. This Senate legislation, already introduced, is a useful first step. With its approval and, I hope, acceptance of a more-extensive across-the-board pay package, we will be able to provide military families with a living wage.

With the G.I. Bill to boost recruiting, and pay increases to ease the retention problem, the all-volunteer military forces can be preserved and we can end the disgraceful treatment of Americans in military uniform.●

IN PRAISE OF M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. HUBBARD. Mr. Speaker, I would like to share with the Members of Congress the following letter from my close friend and former law partner, Dennis L. Null of Mayfield, Ky. Many friends of mine have died with cancer. Dennis Null's father, Harry Null, was informed he had lung cancer earlier this year. I contacted several experts about cancer research and Harry Null was admitted on January 16, 1980, to the M. D. Anderson Hospital and Tumor Institute in Houston, Tex. Information I have gathered in recent months convinces me that this hospital is our Nation's finest cancer research facility. The text of Dennis Null's June 4, 1980, letter is as follows:

Pursuant to our agreement, I would like to report to you on the case of my father at the M. D. Anderson Hospital and Tumor Institute in Houston, Texas.

As you are aware, I first called you at your home on January 14, 1980. I informed you that my father had been diagnosed as having lung (small cell) cancer which was considered inoperable. The prognosis was not good. Since my father had no previous medical problems and the condition was diagnosed in a small Virginia hospital, I sought your help in finding a second opinion. Several options were presented after your research and we decided to go to Houston.

My father arrived in Houston on January 16. He was seen by Dr. Clifton Mountain and Dr. Manuel Valdivieso, who confirmed that my father had lung cancer and it was inoperable. However, he advised us that with the help of research grants, the hospital had available a sterile environment for treating cancer patients. This environment calls for total isolation of the patient for approximately 10 weeks while receiving massive doses of chemotherapy. Since there appeared to be no alternative, my father decided to accept the treatment. After you re-

quested that I keep you aware of the developments in this case, I made two subsequent trips to Houston. I have thoroughly viewed the hospital and report as follows:

(1) This hospital, and the staff, are working hard to fight cancer. My father was accepted in the expensive research program with no regard to race or financial condition. He was not considered on the basis of residence or political connections. The type and extent of his cancer was the sole criteria used.

(2) From talking to other patients and families of patients, I believe that my father's experience with Anderson Hospital is the norm, rather than the exception.

(3) The staff at Anderson appears to take the time necessary to explain the medical situation to those involved.

(4) The intensive induction chemotherapy my father received appears to have resulted in an excellent response. It further appears that his prognosis has been improved as a result of this treatment.

(5) Cancer is a disease which is extremely debilitating for the patients and a source of suffering for the families. It affects so many Americans. It would appear to me that Congress should launch an all out war on this disease. Research centers, such as M. D. Anderson, offer a viable alternative to simply waiting for a dramatic cure. The "cure", if one is to come, will only be the result of extensive research.

Sincerely yours,

DENNIS L. NULL,
Attorney-at-Law, Mayfield, Ky.●

EAST ORANGE RECOGNITION AWARDS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. RODINO. Mr. Speaker, on Friday, May 30, a very special event was held in New Jersey's 10th Congressional District—the 1980 Recognition Awards ceremony at East Orange High School. The ceremony was hosted by East Orange Mayor Thomas Cooke, a man who is vitally concerned with the spirit of the community in which he lives. Tom Cooke is seriously committed to helping the youth of East Orange fulfill their individual potentials and work for the common good.

The mayor's goal has been to reward human achievement especially among those who have not previously been recognized but who make daily contributions to the community. Although the award recipients are too numerous for me to list here, I want to describe the categories of awards because they represent many areas of service and special achievement. For example, Mayor Cooke distributed community talent awards, International Year of the Child awards, awards for the Martin Luther King, Jr., memorial program for talent, the holocaust program, the black heritage program, as well as talent recognition awards, community volunteer service awards, special awards, community achievement awards, best employees awards, and awards for municipal employees with 5 or more years of service. Mayor Cooke also provides awards to community organizations and churches.

Mr. Speaker, the ceremony was a delightful evening of entertainment, with music from Mozart, Schubert, Gershwin, and others performed by East Orange residents. The affair was a product of a combined effort by Mayor Cooke, the East Orange City Council, and many concerned citizens.

I was privileged to attend this important function and I want to add my congratulations to all those special individuals and organizations who received awards for their conscientious work for the East Orange community.●

A TRIBUTE TO FATHER NICHOLAS BILLIRIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. ANDERSON of California. Mr. Speaker, in recognition of outstanding spiritual leadership in church and community affairs, the parish council of the Long Beach, Calif., Greek Orthodox Church will sponsor a testimonial dinner for Father Nicholas Billiris this June 13. During and before his 30 years as minister of the Long Beach area Greek Orthodox congregation, Father Billiris has demonstrated a living pattern of generosity and achievement. Today, I honor this man by sharing with my colleagues here in the Congress a brief review of his many accomplishments.

Father Billiris was born on the Mediterranean island of Kalymnos on June 8, 1915, during the Italian occupation. He received his early education on Kalymnos, graduating from high school in 1932. In 1939 he escaped the Italian-ruled area and fled to Greece. Upon declaration of war by the Italians against Greece in 1940, he volunteered for military service.

He fought for the next 5 years in the 1st Greek Brigade, with the 8th British Army, and then with the Greek 3d Brigade. The bravery he displayed during those years was rewarded by six decorations, including two awards of the Outstanding Achievement Medal. He also received the King George Special Award; the African Star Medal; the Bronze Cross; and the Silver Medal for Bravery.

Following his discharge in 1945, he completed his studies at the University of Athens School of Theology. In 1946 he married Calliope Zervos and in 1947 they came to the United States.

He spent his first 2 years in this country in New York City, where he was ordained as a deacon. In 1949 he was ordained a priest and began his ministry in Long Beach.

Through his character and hard work, Father Billiris has earned growing personal respect. And as his stature in the community has risen, he has progressed within the church as well. In June 1952, he was promoted to the office of Economos by his grace, Bishop Athenagoras of Elaia, and in August 1970 to the office of Protopresbyter by his grace, Bishop Meltios of Christianoupolis. Father Billiris served as a member of the Ecclesiastical Court under Bishop Athenagoras, Bishop Demetrios, and Bishop Meltios from 1951 to 1979.

Now, after almost 31 years of service, his ministry commands a wide and varied following. Citizens come from as far away as Downey, San Pedro, Wilmington, and South Gate to hear his Greek services and to worship at the church he oversees. His congregation is a strong one, and with the foundation prepared by Father Billiris, is certain to remain strong for many more years.

My wife, Lee, joins me in congratulating Father Billiris for his many years of invaluable service to his community. He has far exceeded his required duties. We are proud to know him as a friend and honor him as a leader. Our best wishes for continuing success go to Father Billiris, his wife, Calliope, and their two daughters, Barbara and Irene.●

THE 60TH ANNIVERSARY OF THE PEACE TREATY OF TRIANON

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. DOUGHERTY. Mr. Speaker, on June 4, 1980, Hungarians all over the world commemorated the 60th anniversary of the Peace Treaty of Trianon. This treaty, which was supposed to implement the noble ideals of President Wilson's 14 points on national self-determination, fell far short of its mark and became a document of French security policies to the detriment of Hungary, whose Prime Minister was the sole opposing voice against the war in the Crown Council of Austria-Hungary in July 1914.

Hungarians throughout the world commemorate the anniversary of the treaty in mourning, for over 70 percent of the territory and over two-thirds of the population of the Kingdom of Hungary was taken away from the Hungarian state. Over 3.3 million Hungarians were placed under foreign rule and were mistreated, especially in Romania, despite the Minority Protection Treaties between the allies and the successor states of Austria-Hungary in 1919. The problems created by the treaty, the authors of which refused any suggestions for plebiscites for adjudicating claims, helped first Hitler, and later Stalin, to divide and conquer the area.

The United States did not favor the treaty. Gen. Harry Bandholtz, our representative at the Allied Military Mission in Budapest in 1919-20, acidly criticized the smaller allies' intrigues to gain Hungarian-inhabited areas, and the U.S. Senate has never ratified the treaty. Even in the hostile atmosphere after World War II, the American delegation to the Paris Peace Conference of 1946 suggested frontier adjustments in Transylvania in favor of Hungary, only to be vetoed by the Soviet Union.

Unfortunately, the consequences of the treaty were not only historical. Even today, about 4 million Hungarians live in the surrounding states around Hungary, most of them—2.5 million—in Transylvania, which is now part of Romania. Indications are that the systematic denationalization of the Transylvanian Hungarians, despite worldwide criticism, is designed to eliminate this large ethnic group in the next two to four decades.

In Czechoslovakia, Hungarians share the unkind fate of all the people under Soviet occupation but, in addition, complain of few educational opportunities on the secondary and postsecondary level. In Yugoslavia, their educational opportunities are better but their fate is uncertain in the wake of the death of President Tito.

There is a small, mostly silent, minority of Hungarians in the Soviet Union. The U.S.S.R. insisted that President Benes of Czechoslovakia turn over to the Soviets the Province of Carpatho-Ukraine in 1945 with its mixed Ruthenian-Hungarian population. Now 200,000 Hungarians are subject to direct Soviet control and have the colonial status of all the nationalities in the Soviet Union.

The American Hungarian Federation is wise to continue to remember the treaty and its consequences. And, although there is little we can do at the present time, I urge my colleagues to at least take notice and denounce the Communist and nationalist oppression of the Hungarian national minorities in Central Europe, particularly in Romania.●

FATHER JOSEPH M. DOYLE HONORED ON HIS 40TH ANNIVERSARY TO THE PRIESTHOOD

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. GUARINI. Mr. Speaker, a very dear and personal friend of mine is being honored for giving a lifetime of service to God and man. His contributions have been most noteworthy, and for the edification of my colleagues, I respectfully submit my feelings regarding this great man.

Father Joseph M. Doyle, moderator for the St. Ann's Senior Guild of St. Ann's Home for the Aged in Jersey City, was born in Jersey City on May 7, 1912. He graduated from St. Paul's Grammar School and St. Peter's Prep prior to his graduation from St. Peter's College, where he received a bachelor of arts degree. He also completed masters course work at Seton Hall University in the pastoral counseling program of the Archdiocese of Newark, N.J.

Father Doyle was ordained on May 18, 1940, by Archbishop Walsh at St. Patrick's Pro-Cathedral. He served 21 years at St. Thomas the Apostle, Bloomfield, where he was administrator twice, and St. Joseph the Carpenter, Roselle for 6 years where he was once administrator. He was pastor at Most Blessed Sacrament, Franklin Lakes, 10 years, and for 3 years has been chaplain at St. Ann's Residence and archdiocesan coordinator for Widow-Widowers Apostolate, for which he was recently cited.

His activities have included, at a parish level, Holy Name Society moderator; Rosary Confraternity moderator; C.Y.O. programs—Bloomfield and Roselle; sex education talks to upper grammar grades; C.C.D. teaching, high school level; C.W.V. (Catholic War Veterans) chaplain.

At a civic level, his activities include fire chaplain, Bloomfield, Roselle, Franklin Lakes; Blood Bank: Committee, Franklin Lakes; Memorial Day program committee—6 years; youth council, appointed by Franklin Lakes mayor; P.O.W. "Welcome Home" committee and program; Franklin Lakes 50th anniversary committee.

At a diocesan level, he was active in Communications Apostolate (Legion of Decency) slide talks lectures to civic and church groups; Family Life Apostolate—executive board; Cana conferences around the archdiocese, 10 years; "anniversary couples" annual program and committee; C.O.P.O. (Catholic One Parent Organization) in each county of the archdiocese; marriage counseling, cases assigned by Catholic charities.

Father Doyle also taught high school for 6 years at Roselle Catholic and at Girls Catholic in Roselle, and was director of Girls Catholic High School.

Father Doyle has written one volume of poetry "Peacock Preenings," with another in preparation, "Peacock Graffiti."

The peacock is the symbol of the St. Peter's College, near and dear to all of us in Jersey City.

I am proud to have served as a member of its board of regents.

On Sunday morning, June 15, 1980, 45 priests will be joined by Bishop Jerome A. Pechillo, auxiliary bishop for Hudson County. After this concelebrated Mass to be held at St. Paul's Church in Greenville, a reception will be held in his honor in Bayonne, N.J.

Father Doyle's contributions are endless. He has counseled young and old. Indeed he has harbored those in need—building today for the world of tomorrow. Helen Keller's quotation befits him excellently:

> The commonwealth of the future is growing surely out of the state in which we now live * * *. Each hand will do its part in the provision of food, clothing, shelter, and the other great needs of man, so that if poverty comes all will bear it alike, and if prosperity shines all will rejoice in its warmth.

He has shown respect for his fellow man and is a believer in fair play and social justice for all.

I believe the quotation that Helen Keller made in Little Falls, N.Y., in November 1912 sums up our beloved Father Doyle:

> When indeed shall we learn that we are all related one to the other, that we are all members of one body? Until the spirit of love for our fellowmen, regardless of race, color or creed, shall fill the world, making real in our lives and our deeds the actuality of human brotherhood—until the great mass of the people shall be filled with the sense of responsibility for each other's welfare, social justice can never be attained.

He has inspired all those his hand has touched with his leadership and love. He has led each hand to do its part, alleviating the needs of man. We have learned to love Father Doyle as we rejoice in his warmth and spirit of service.

It is my proud privilege to be invited by his sisters Catherine and Margaret Doyle of Jersey City, and Sister Margaret Josephine, O.P., of Newburgh, N.Y., to share in the joy of the fortieth anniversary in the priesthood of their brother, at the Mass and family reception to be held on June 15.

I am pleased because Father Doyle is my brother also.●

TRIBUTE TO CLARENCE MITCHELL, JR.

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. CORMAN. Mr. Speaker, on Monday, June 9, 1980, President Carter presented the Medal of Freedom Award to Clarence Mitchell, Jr., and 13 other distinguished Americans.

Clarence Mitchell, Jr., deserves that award and all of the honor, pride, and esteem that accompanies its bestowal. He also deserves the endless thanks and appreciation of the citizens of this great Nation for the life-long devotion he has given to achieve justice, equality, and human dignity for all Americans. It is because of Clarence Mitchell's unending and unyielding efforts that this country has come much closer to attaining those very important goals.

It is with the greatest respect that I join with my colleagues to pay tribute to Clarence Mitchell, Jr., the highly

deserved recipient of this country's highest civilian award.●

SHORT-TIME COMPENSATION BILL: AN ALTERNATIVE TO LAYOFFS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mrs. SCHROEDER. Mr. Speaker, what originally looked like a "short and shallow" economic downturn now appears to be a full-blown recession. Some economists predict that the recession of 1980 will be one of the two worst since the Great Depression. Already, the automobile, rubber, steel, and construction industries have laid off thousands of workers. Economic history demonstrates that unemployment in these industries foreshadow unemployment throughout the economy.

Recessions do not inflict all segments of society equally. The brunt is borne by those who are laid off. It is quite clear what type of worker is most likely to be laid off. It is the least skilled, the most recently hired, the minority worker, the female worker, who is likely to lose work.

The physical and psychological consequences of long-term layoffs are devastating. Imagine what the loss of income, benefits, health insurance, and job status does to an individual. The agony of being unable to meet mortgage and car payments is intense.

Those laid off are, of course, not the only ones hurt by recession. Revised production schedules and bumping procedures often mean that retained workers end up in lower paying jobs or in jobs which they find unsatisfactory. Companies find significant reductions in productivity from reorganizations, retraining, and disruption caused by layoffs.

The taxpayer is hurt as well. The Congressional Budget Office estimates that for each additional percentage of unemployment, Federal entitlement programs cost $5 to $7 billion more. For each new percentage point of unemployment, tax revenues decline by $20 to $22 billion.

I believe that there exists a way to reduce the negative impact of a recession. Today I am introducing legislation which would create an alternative to costly layoffs. The Short Time Compensation Act of 1980 encourages States to permit payment of unemployment compensation (U.I.) benefits to employees who are laid off partially. It encourages work sharing as an alternative to layoffs. Under this legislation, workers will be paid their regular wages for the time they work and prorated U.I. benefits for the time they do not.

Currently, only the State of California is able to pay unemployment insurance for a partial layoff. This bill authorizes the Secretary of Labor to develop model legislation, make grants, and provide technical assistance to States in developing, enacting, and implementing short time compensation programs.

The bill proposes a voluntary approach: Use of short time compensation will be voluntary for States, employers, and employees in unionized firms. While State experimentation is encouraged, the legislation contains some basic guidelines to protect employees and the integrity of the unemployment compensation trust funds. It also establishes a controlled demonstration project.

Although short time compensation is a relatively new concept in this country, it has been used for decades in Western Europe as an important tool to combat layoffs. In the last recession, more than 770,000 German workers received partial compensation.

California has had a successful short time compensation program since mid 1978. It has worked well: California workers, employers, and unions seem satisfied with it. The legislation was originally introduced by Senator William Green, chairman of the Industrial Relations Committee, in the aftermath of passage of proposition 13. Last year, however, the program was extended by the State legislature.

The advantages of short-time compensation to workers is obvious. It preserves their job attachment and fringe benefits. It also may be a better way of doing business for employers as well. Even though it costs them more to maintain fringe benefits, it reduces their costs of rehiring and training. Short-time compensation can improve longrun productivity since it helps employers retain a skilled work force.

The legislation can also benefit unions. A number of unions have collective bargaining agreements that call for work sharing among employees before layoffs are permitted. However, under current law in most States, this work sharing has to be done without compensation. My bill would allow the payments of U.I. benefits to workers in those unions who already use reduced work hours before resorting to layoffs.

Short-time compensation is a cost-effective way to fight unemployment. The cost of my bill to establish this 3-year experimental program totals $10 million. Since employers will be required to certify that the use of short-time is in lieu of an equivalent number of hours of full-time layoffs, it should not be more costly to the U.I. trust funds. Moreover, employers who are at their maximum tax rate can be charged an additional surtax or be required to reimburse the trust fund for their utilization of short-time compensation.

Use of short-time compensation would have a stabilizing force for the local economy. Employees on short-time compensation will come closer to maintaining their normal incomes, especially since they will have reduced work-related expenses and U.I. benefits are nontaxable. In addition, their increased purchasing power will sustain local businesses and help the State's economic recovery, since there will be greater tax revenues for the State.

Since we seem to be headed for an extremely serious recession, I think it is a good time for Congress and the States to test this alternative to layoffs.

Mr. Speaker, I insert the bill in the RECORD as introduced:

A bill to encourage States to provide unemployment benefits to certain partially unemployed workers

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Short-Time Unemployment Compensation Act of 1980".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to encourage States to provide partial unemployment benefits to individuals whose workweek is reduced pursuant to an employer plan under which such reductions are made in lieu of total layoffs.

SEC. 3. DEVELOPMENT OF STATE PROGRAMS.

(a) RESPONSIBILITIES OF THE SECRETARY OF LABOR.—

(1) The Secretary of Labor (hereinafter in this Act referred to as the "Secretary") shall develop legislation which may be used by States as a model in developing and enacting short-time compensation programs.

(2) The Secretary may make grants, and provide technical assistance, to States to assist in developing, enacting, and implementing short-time compensation programs.

(3) States are encouraged to experiment in carrying out the purpose and intent of this Act. However, to assure minimum uniformity, the Secretary may require the provisions contained in subsections (b) and (c).

(b) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this Act, the term "short-time compensation program" means a program under which—

(1) Individuals whose workweek has been reduced pursuant to a qualified employer plan by at least 10 percent will be eligible for unemployment benefits,

(2) The amount of unemployment benefits payable to any such individual shall be at least a pro rata portion of the unemployment benefits which would be payable to the individual if the individual were totally unemployed,

(3) Short-time compensation benefits attributable to services with employers who have positive reserve accounts shall be financed by the usual manner of charging reserve accounts by experience rating,

(4) Employers with negative reserve accounts may be required by the State to make reimbursement to the Trust Fund quarterly for costs attributable to utilization of short-time compensation benefits charged against their reserve accounts or charged a surtax by the State,

(5) Eligible employees may apply for and collect short-time compensation or regular unemployment compensation benefits, as

needed; but no employee may collect more than the maximum unemployment compensation benefit to which they would have been entitled for full-time unemployment, and

(6) Eligible employees will not be expected to meet the availability for work or work search test requirement while collecting short-time compensation benefits. However, they must be available for their normal workweek.

(c) QUALIFIED EMPLOYER PLAN.—For purposes of subsection (b), the term "qualified employer plan" means a plan of an employer under which there is a reduction in the number of hours worked by employees rather than total layoffs if—

(1) The employer's short-time compensation plan is approved by the State agency,

(2) The employer certifies to the State agency that the aggregate reduction in work hours pursuant to such plan is in lieu of total layoffs which would result in an equivalent reduction of work hours,

(3) The employer continues to provide health and pension benefits to employees whose workweek is reduced under such plan at the same level as provided before such reduction, and

(4) In the case of employees represented by a union, the appropriate official of the union (or union hall) has consented to the plan and implementation is consistent with employer obligations under the National Labor Relations Act.

(d) STATE.—For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 4. DEMONSTRATION PROJECTS.

(a) GENERAL RULE.—The Secretary shall conduct 1 or more controlled demonstration projects for purposes of evaluating the effectiveness of short-time compensation programs.

(b) PROJECTS CONDUCTED IN COOPERATION WITH STATE AGENCY.—Any demonstration project under subsection (a) shall be conducted in cooperation with the State agency which administers the unemployment compensation law for the State in which such project is conducted.

(c) COST PAID BY SECRETARY.—The costs of administering any demonstration project conducted under subsection (a), and of the benefits paid under such project, shall be paid by the Secretary.

SEC. 5. REPORTS.

(a) INTERIM REPORTS.—The Secretary shall submit to the Congress 2 interim reports on the implementation of this Act. The first of such interim reports shall be submitted on or before October 1, 1982.

(b) FINAL REPORT.—Not later than October 1, 1983, the Secretary shall submit to the Congress and to the President a final report on the implementation of this Act. Such report shall contain an evaluation of short-time compensation programs and shall contain such recommendations as the Secretary deems advisable.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year beginning October 1, 1980, and the 2 succeeding fiscal years, there are authorized to be appropriated from the general fund of the Treasury such sums (not to exceed a total of $10,000,000) as may be necessary to carry out the purposes of this Act.●

OUR GLOBAL ILLITERACY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SIMON. Mr. Speaker, in April, our colleague JOHN BRADEMAS addressed the Florida State University in Tallahassee. His remarks, titled "Our Global Illiteracy" speak directly to a problem this country is facing which does not make national headlines, but should be of grave concern to all of us. Last year, I served on the President's Commission on Foreign Language and International Studies. The overwhelming conclusion of this Commission is that the drastic decline in foreign language and international education at all levels of our education system presents very real economic and security threats to our national stability.

This address raises the very issues we will have to confront in budget debates, appropriations bills, and approaches to our national security if we are going to turn around a parochial and damaging policy and move to reassume a strong position within the international community. I applaud our colleague for a very fine and perceptive speech.

OUR GLOBAL ILLITERACY

I count it an honor to participate in this lecture series on "Literacy in America" at Florida State University and to follow such distinguished figures as William Styron, Sir Huw Weldon and Carman St. John Hunter, and I want to thank Dr. Leon Golden, the Director of your "Program in the Humanities", for having invited me to be with you.

I. THE WORLD TODAY

In contemplating this trip to Tallahassee, I found myself thinking back to 1958, the year I was first elected to Congress, for that, too, was a time when events occurring outside the United States—Sputnik in that case—were exerting a profound influence on our thoughts and actions here at home.

Much the same process is going on today—except that the range of outside events is so much broader than it was then. On the "CBS Evening News" one week ago, for example, the first twenty-two minutes of the thirty-minute program were devoted to foreign affairs. To be sure, it was a major news day—President Carter had just announced an end to diplomatic relations with Iran. And the matters reported surely warranted our attention.

But, in terms of news coverage, last Monday's was not that different from other news broadcasts. Increasingly in recent years, foreign affairs have come to play a major role in the news we see and read every day. Beyond issues clearly international are still others, seemingly domestic, but which also affect and are affected by world events: the price of shoes in Maine, the prosperity of farmers in Wisconsin, the sales of cars made in Detroit, the cost of raising cattle in Florida.

This intermingling of foreign and domestic concerns should not surprise us. America's involvement with the rest of the world grows almost daily.

Our exports of goods and services increased 202 percent between 1960 and 1976.

Our imports over the same period grew by 246 percent.

Our direct investment abroad rose by 123 percent.

Foreign investment in our country expanded by 77 percent.

These changes have occurred not only in trade but in travel as well.

Twice as many Americans traveled abroad in 1976 as in 1960 while the number of foreign visitors to the United States more than tripled over that same period.

These figures tell only part of the story, for there are other changes in the way Americans now relate to the world. Let me cite just two:

Sharply intensified competition for what are now viewed as finite resources of food and fuel; and

The emergence of new actors on the international stage; nations with newly acquired power through their control of these resources; and multinational corporate giants.

As one commentator has put it, "With America seriously buffeted by overdependence on oil . . . lagging economies and . . . continued political unrest in many parts of the globe, what was until recently the American century has turned into the global century."

I want to discuss with you this morning how well we have prepared ourselves to understand changes like these and others.

II. THE IMPORTANCE OF UNDERSTANDING

For surely none of us would argue that in a world characterized by developments like these, "a world," in Harland Cleveland's phrase, "Where Everthing Leads to Everything Else," we can prosper, indeed, survive, without a deeper and broader knowledge of the other peoples and cultures that populate this planet.

I have several points in mind here.

First, in respect of our national security, an effective foreign and defense policy demands specialists educated to understand events—and the people and forces that shape them—throughout the world. We cannot rely on guesswork.

Second, in the economic sphere, the competition for foreign trade grows ever stiffer. Already, one of every eight American industrial jobs, and one of every five American agricultural jobs, depend on international commerce. We must have people who can work intelligently with Government and business leaders in Swiss banks, Arab emirates, and Chinese trade councils.

Third, in politics, rational consideration of, and support for, the policies of our government require an informed and knowledgeable public. No wonder it is difficult to get together a national energy policy for this country when public opinion polls tell us that most Americans have not even known that we import from abroad half the oil we consume.

As a Texas State legislator once said, "Folks are generally down on what they ain't up on!"

Finally, the understanding and sensitivity we bring to our dealings with other peoples is vital to their view of us. Many of the foreign students now living in the United States, for example, will constitute the next generation of political, economic and scientific leaders in their countries. The knowledge and attitudes they acquire about our knowledge and attitudes will shape their view of America for years to come, with consequences we cannot ignore.

A greater appreciation of foreign cultures and foreign tongues pays dividends at home as well. Surely no one living in Florida can be oblivious to the several cultures and tongues that mingle here and the contribu-

tions—economic, cultural and political—they mean to your State.

For all these reasons, then, we in America need to enhance our knowledge of that vast portion of the world, mostly non-Western, different from us. "It is axiomatic," wrote one commentator—"and the first step to international consciousness—that once another language is mastered it is no longer foreign, once another culture is understood, it is no longer alien."

How well have we done?

III. OUR GLOBAL ILLITERACY

We have not done very well.

Just last fall, in fact, that discouraging news was delivered to President Carter. A 25-member Commission which he appointed, headed by James A. Perkins, the former president of Cornell, reported on the results of its year-long examination of foreign language and international studies in the United States. This inquiry involved lengthy hearings and testimony from more than a thousand persons.

The Commission members said they were "profoundly alarmed" by what they learned. Here are some of the reasons they gave:

Over 40 percent of twelfth graders in a recent survey were unable to place Egypt correctly on a map, while over 20 percent were equally ignorant about the location of France or China.

Only 5 percent of prospective teachers take even a single course relating to international affairs or foreign peoples and cultures as part of their professional preparation.

Only 15 percent of American high school students now study a foreign language—down from 24 percent in 1965.

Only one in twenty high school students studies French, German or Russian beyond the second year. Four years are generally considered a minimal prerequisite for usable language competence.

Only 8 percent of American colleges and universities now require a foreign language for admission, compared with 34 percent in 1966.

There are an estimated ten thousand English-speaking Japanese business representatives on assignment in the United States. By contrast, there are fewer than nine hundred American counterparts in Japan—and only a handful of these have a working knowledge of Japanese.

Federally financed foreign language and area studies fellowships fell from a peak of 2,257 in 1969 to 828 in 1978.

American participation in exchange programs is declining at a time when other nations are expanding such efforts. A recent study by the General Accounting Office found that, compared to both allies and potential adversaries, American investment in these programs is proportionately the lowest of any of the countries surveyed.

Not comforting

These statistics are not comforting. If King Charles V was correct centuries ago in saying that "to possess another language is to possess another soul", America has been losing souls at an alarming rate.

The Perkins report concluded that "America's incompetence in foreign languages is nothing short of scandalous, and it is becoming worse."

Nor is the President's Commission the only messenger bearing bad news. A 1977 survey of business schools, for example, found that 75 percent of recent Ph. D.'s and D.B.A.'s had taken not a single course in business school dealing with international affairs. Another 10 percent had taken only one such course. Clearly, our lack of knowledge of the world is not limited to the so-called general public. Our "leaders of tomorrow" in business and industry appear to be no better off.

Our national "global illiteracy" was brought home to me again over a year ago with the start of the crisis in Iran. I wondered how well equipped we were as a Nation to understand the roots of our troubles there and, more broadly still, the revival of Islam that appeared to be sweeping across a wide arc of nations from Egypt to Pakistan.

So I asked some questions about the state of Islamic studies in the United States.

I found that there are currently only eleven centers of Middle Eastern studies in this country.

There are, including these eleven centers, some twenty-five colleges and universities in the entire country that offer Middle East studies programs. Beyond these twenty-five, three or four theological seminaries have Islamic programs; but there is only one college in the United States with a comprehensive "Muslim world" program—Ricker College in Houlton, Maine.

The total number of students in Middle East centers and college programs throughout the United States is no more than two thousand.

Of the twenty-five colleges with Middle East programs, most offer Judaic rather than Islamic studies; and, in the latter group, most courses deal with anthropology, social history or literature; few with the Islamic religion.

Another leading scholar, at Harvard, reminded me that Islamic studies cover a wide geographical area, including not only Iran and the Arab states but the Philippines and Indonesia, sub-Saharan Africa, Spain and Turkey as well. He might have added the Soviet Union!

Small numbers of specialists

Although, he said, there may be several hundred persons in Iranian studies in the United States today, those who could be called "Persian specialists", knowledgeable in the language, history, culture and society are, he said, "far, far smaller" in number.

Another Middle East scholar, from Columbia University, bewailed the great scarcity of Iranian specialists at the Department of State and asserted that from the time major troubles in Iran began last year, it was "ages" before the State Department believed that the religious dimension of the Iranian situation was significant.

Nor have we sufficient specialized knowledge, he said, to deal with other potential danger spots such as Turkey with the Kurds, the Sudan and Somalia.

I remember still how the great Harvard Sinologist, John King Fairbank, once declared that when the Vietnam war began, there were no more than half a dozen senior scholars in the United States who knew the language, culture and history of the nation that became the locus of one of the great tragedies of American history.

And I read now how in Teheran in 1978, only nine of our sixty Foreign Service officers could even speak Persian. We seem to have learned little from our own history!

IV. REASONS FOR THE DECLINE

Now, how has this happened? How have we permitted our knowledge of the world, and our ability to deal with other nations in their own languages, to deteriorate so badly?

The short answer is: there are many reasons.

Let me read you the following sentence:

The Congress hereby finds and declares that a knowledge of other countries is of utmost importance in promoting mutual understanding and cooperation between nations; that strong American educational resources are a necessary base for strenghtening our relations with other countries; that this and future generations of Americans should be assured ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures; and that it is therefore both necessary and appropriate for the Federal Government to assist in the development of resources and trained personnel in academic and professional fields, and to coordinate the existing and future programs of the Federal Government in international education to meet the requirements of world leadership.

A ringing declaration, wouldn't you agree? We wrote that language fourteen years ago as an introduction to the International Education Act of 1966, a measure I authored after chairing a special Task Force on International Education in the House of Representatives. Although the act, aimed at strengthening the resources of American colleges and universities in international studies and research, was signed into law by President Johnson, Congress never appropriated a penny to turn these words into real programs.

Perhaps because of its title—"International Education"—The act was viewed by some as more foreign aid: A red flag to many in Congress then as now. I cannot help thinking, however, that the commitment to knowledge we sought nearly fifteen years ago would, if fulfilled, have long since borne fruit in many ways.

The failure of Congress to vote money for the International Education Act had other, less direct, consequences. With passage of the legislation, and in anticipation of major federal funding, foundations which had been providing the bulk of support for international studies in our colleges and universities began to withdraw from the field. This process continued even after it became apparent that federal money would not be forthcoming.

Private funds disappeared

As a result, private funds for international studies in this country virtually disappeared. For example, money for this purpose from the Ford Foundation, which provided $242 million in the 1960's, fell to $4 million by 1978. By 1978, private foundations overall were earmarking only 4.5 percent of their grants for international studies while only 2 percent of all education grants from corporations were directed to such programs.

To find other reasons for the decline of foreign language and international education, one must look to the schools and colleges and universities. Developments there in recent years have had a major impact. I shall mention several:

First, the "vocationalization" of college education generally.

As students have become more and more preoccupied with finding a job after graduation, they have been less willing to "waste their time" taking courses the value of which in the job market is not immediately apparent. And, as job prospects for teaching positions in language or international education have dimmed as a result of the decline in the school-age population, so has the incentive to enter these fields.

Second, the poor caliber of instruction in these areas.

I have earlier spoken of the general lack of exposure to international affairs of most teachers, including, it seems apparent,

teachers of subjects with an international component. In this case, what they don't know will hurt them!—and their students as well.

Fred Hechinger, education writer for the New York Times, raises a related but different point. He questions whether there is a good match between language teachers and language students.

Hechinger says that "much of what is wrong with modern language scholarship . . . (is that) the field is concerned with practically everything except language. . . ."

He cites examples from the program catalogue of the modern language association: "The development of literary consciousness in 16th century French literature", "cognitive psychology and the teaching of literature" and "historical germanic syntax: The methods and results."

Hechinger concludes: "Good scholarly topics all, but, in the view of some foreign language experts, not the kind of academic model that encourages college-bound high school students to choose a foreign language. University faculty members engrossed in such scholarship are not likely to take much interest in teaching foreign language to undergraduates or preparing foreign language teachers."

Hechinger's point is sound: Of course, we need scholars, but we need teachers, too.

Other problems

There are other problems. For example, of the 15 percent of the nation's high school students who study a foreign language, only 2 percent ever reach the third year.

"The most common experience for American students of foreign languages," said one of the Perkins Commission staff members, "is to endure the most difficult and least rewarding phase without gaining access to the natural rewards that make such study tolerable . . . quitting after a year or two, their experience is marked by understandable bitterness and frustration. Later, when such students find themselves on local school boards, they act upon this unsuccessful learning experience, to the detriment of foreign language programs."

Even worse than brief exposure to a foreign language is none at all, but many colleges and universities—at least during the sixties and early seventies—sought to respond to student calls for greater flexibility and more relevance in curriculum by simply eliminating language requirements. Not surprisingly, many high schools responded to these moves by severely curtailing or dropping their language programs.

Now there is a new and widening concern: Balancing budgets. Schools and colleges and universities, increasingly strapped for money, react by cutting back what some see as frills: Teaching about another culture, another language.

And, finally, after this litany of political, educational and financial factors, is an emotional one: In recent years many Americans, deeply disturbed by what had happened to us in Vietnam, grew tired of the world and closed their doors—and minds—in a new wave of isolationism.

VI. SIGNS OF PROGRESS

But I see some signs of hope.

The report of the Perkins Commission was discouraging, but the existence of the commission demonstrates our willingness to analyze out situation—the first step toward improving it.

Let me recite some reasons for cautious optimism about the future of international studies in the United States.

First, having just noted the elimination of language requirements by many colleges and universities, I should point out the emergence of a counter-trend: The rebirth of the "Core Curriculum." At Harvard, Stanford and elsewhere, universities are rethinking the changes of recent years and rethinking, too, what students today should be getting in the way of an education. Foreign language requirements for a B.A. at Florida State were never abandoned, but elsewhere, curriculum requirements are being reimposed, and a new emphasis is being placed on learning about societies and civilizations unlike our own.

Second, the American people as a whole are paying more attention to international affairs. Network news broadcasts are apparently enjoying their highest ratings in years. Late evening news specials are rivaling the popularity of well-established talk shows. It was no accident that ABC television named its revamped news offering, "World New Tonight."

Third, we are seeing sharp increases in attendance at museums throughout the country, particularly for exhibitions from abroad. As Author of the Arts and Artifacts Indemnity Act, which made possible the exhibition in this country of exhibits such as "The Treasures of Tutankhamun", "The Splendor of Dresden", "The Gold of Peru", and "The Great Bronze Age of China", I am naturally especially pleased by this development.

Exposure to millions

Literally millions of Americans have now been exposed to these exhibits, remnants of other times and civilizations, and the response has been extraordinary. In some cities where these exhibits have been on display, courses have been organized, at the museums and elsewhere, to help people better understand the vibrant cultures that gave rise to the marvels they have seen before them.

There is yet another straw in the wind in a headlines like this one in the New York Times "Careers" column several weeks ago: "Language Skills Now in Demand."

"For college graduates who majored in foreign languages and have had trouble finding jobs (the article reads), all is not lost. In fact, the future looks brighter for them, and even for those who study languages on their own, than it has in years.

"Why the change? (the writer asks.) Many European companies have been investing in or buying control of American companies. And their demand for employees with foreign language skills has already begun to show up in job advertisements. . . .

"Obviously (the article notes), anyone working in a responsible position for a foreign-owned company would fare better knowing the language. In fact, rising to an upper management position might depend on it."

Finally, there are what I consider new and exciting efforts on the part of concerned citizens and organizations to heighten our awareness of international and foreign language studies.

The Council on Learning, the non-profit organization which publishes Change magazine, is attempting to do just that. The council, together with more than twenty educational groups and the support of the national endowment for the humanities, has launched its "education and the world view" program to stimulate a new national debate on how better to educate the Nation's college students for life in an interdependent world.

Elements in program

The program will include these elements:

An examination of outstanding college programs in international studies to find a basis on which to improve others;

A survey conducted by the educational testing service among college freshmen and seniors to measure their level of knowledge and understanding of world issues;

A conference of academic leaders to be held later this year to discuss the survey findings with a view to future educational policy;

A special issue of Change, spreading the results of the conference to educators and other interested parties, and

The publication late this year of a book on curriculum changes and teaching strategies, and the production of kits for faculty workshops and curriculum committees.

We need to learn more about what there is to learn, and I hope the council's effort, and others like it, will publicize the good work that is being done in the fields of international and foreign language studies and lead to even greater progress throughout the country.

VII. REMEDIES AND RESOURCES

To this end, the Council on Learning has already reached some preliminary findings about factors that make for successful college level programs, in international studies, regardless of the size of the institution or the particular discipline involved. These findings ought to serve as recommendations as well, and among them are these:

That there must be "some real commitment" by top-level faculty and administrators to having an international dimension in the curriculum.

That there be faculty involvement from the start, especially if the initiative comes from the institution rather than the department, so that what is done is done with the faculty, not to them.

That students are moved into other countries and cultures as quickly as possible, because (the council is finding) "rewards from immersion expand the learning experience exponentially and generate greater interest among students to go even further in these areas."

That programs be multiple- rather than single-disciplinary, better to help students understand that "real world" problems cannot be fitted into pigeonholes.

These are just some of the early recommendations of the Council on Learning project, but initiatives have been coming from other sources, too.

Valuable suggestions

The Perkins Commission, for example, has offered over one hundred specific suggestions, including these which I thought especially valuable:

Schools, colleges and universities should reinstate foreign language requirements. Florida State, as I said earlier, should have no trouble complying with this suggestion.

The Department of Education should provide incentive grants to schools and postsecondary institutions for foreign language teaching. This funding should increase for higher-level studies, and for less commonly taught languages.

The New Department of Education should support high schools that would specialize in language and international studies, initially in major population centers, to serve as national models. These schools should offer intensive and advanced language and international studies in addition to regular courses.

All State Departments of Education should have foreign language specialists on staff.

The National Institute of Education and the National Science Foundation should in-

crease their support for research on how international education can be most effectively provided in elementary and secondary schools.

The Federal Department of Education should fund a system of national centers, university-based, for advanced international training and research: Some to focus on major world regions and others on major international issues such as arms control or energy or food.

Graduate professional schools should recognize the need for an international dimension and include international studies in their curricula. In the years ahead, we shall need more lawyers, scientists, and businessmen who can speak Chinese or Russian or read contracts in Arabic.

Colleges and universities should encourage and support more international exchanges of students, teachers and researchers and provide more opportunities for their students to study abroad. Once again, Florida State has been among the leaders in this regard, with your centers in Florence and London as well as Panama and the new center in Costa Rica—and language study programs in France and Spain.

Knowledge of Spanish

Let me here interject that, though I am now a practicing politician, I really consider myself a frustrated Hispanic scholar.

In grade school I thought I wanted to become an archaeologist specializing in the Mayas and so started studying Spanish. As an undergraduate at Harvard, I spent a summer in Mexico working with Aztec Indians and thereby had a chance to practice my Spanish while later, as a graduate student at Oxford, I wrote a Ph. D. dissertation on the role of the anarchist movement in Spain during the 1920's and the first years of the Spanish Civil War.

Much of my research nearly thirty years ago consisted of interviewing—in Spanish—Spanish anarchists living in exile in the south of France.

Years later, as a Member of Congress, I have found useful my knowledge of Spanish in a variety of ways, most recently, this January, when I led a delegation from the House of Representatives to Spain. There we visited Madrid, Barcelona and Seville, and I was able to speak—in Spanish—not only with the Prime Minister and the President of the Spanish Cortes, or Parliament, but also with old friends whom I had known twenty years ago, when we were all students, but who are now leaders in the Government of their country.

Who would have thought that my interest in Spanish as a seventh grade schoolboy would have made it possible for me to enjoy such an experience all these years later and, hopefully, to make some contribution to my own country?

American business and labor should give higher priority to foreign language and international studies training in their staff recruitments, and should encourage colleges and universities to make such training part of their programs in business and labor studies.

Community colleges, with their special commitment to citizen education, should be given special attention in expanded international education efforts.

Finally, we should make far better use, in intercultural and language training, of America's ethnic and linguistic minorities, as well as foreign students and visitors to the United States, Peace Corps veterans and other Americans with extensive experience abroad.

CARRYING OUT RECOMMENDATIONS

As you all understand, recommendations, even by so prestigious a body as a Presidential Commission, are just that: Recommendations. White House Counsel Stuart Eizenstat, who received the Commission's Report, promised only that the President would "seriously consider" them. And many of the proposals, of course, concern matters of educational policy which are within the purview of school administrators and State and local educational leaders.

Nonetheless, some of us in Congress have been busy in recent months trying to follow up both on the particular recommendations of the Perkins Commission and, equally important, on the public reaction to its distressing findings.

For example, several of us in the House of Representatives have worked to get President Carter to agree to additional funding for NDEA title VI programs.

An excellent report just published by the Carnegie Council declared that title VI funds, together with major foundation support, "have been essential to the development and maintenance of international and area studies . . . overall (the report continues) title VI has been remarkably successful. It has produced an impressive pool of area and international specialists and provided international education to many thousands of undergraduates."

In addition, title VI has been of great help in strengthening foreign language study, especially in the less commonly taught languages.

Over eighty languages have been designated as priority languages for title VI funding since 1959, and in 1976-77, a total of ninety-two modern and sixteen ancient languages were offered at NDEA centers.

I stress the value of NDEA title VI to underline our distress at the way funding for the program has failed even to keep pace with inflation in recent years. In fact, in constant dollars, money for title VI actually decreased by over 40 percent between 1967 and 1978!

It was to try to reverse this trend that eight Members of the House wrote last fall to President Carter urging him to press for a major increase in title VI funding for fiscal year 1981. You will understand how important this issue was to us when I tell you that among those who signed the letter were Congressman Zablocki, the chairman of the House Foreign Affairs Committee, and Speaker O'Neill, who seldom joins in such letters.

Our effort was successful: The President agreed to request a 50-percent increase in title VI funds for fiscal year 1981. Although the current effort to balance the Federal budget next year makes any such numbers highly tentative, the President's request, I believe, indicates his appreciation of the importance of such programs.

Other efforts

The title VI effort is not the only one in the House. My distinguished colleague, Congressman Paul Simon of Illinois, for example, who chairs the Subcommittee on Select Education which I headed for ten years, is introducing legislation to implement the Perkins Commission's recommendation of incentive grants to schools, colleges and universities for teaching foreign languages.

Congressman Leon Panetta, an outstanding young legislator from California, who served with Mr. Simon on the Perkins Commission, is sponsoring a bill to provide Federal grants to students—undergraduate as well as graduate students—for foreign language study.

And one of the most highly regarded Members of the House, Florida's own Sam Gibbons, has proposed legislation encouraging greater coordination between international and foreign language studies, on the one hand, and business, on the other.

In addition, to help preach the Gospel about these issues within Congress, I have joined nearly two dozen other Members of the House in a working group on foreign language and international studies.

Indeed, to make sure that the message hits home, Congressman Simon and I have been conducting our own survey of the foreign language abilities of each Member of the House and Senate! The returns are still coming in, and I am sure we shall see some very interesting results!

These, then, are just some of the ways in which a number of us in Congress have been working to increase our Nation's "global literacy." The variety of approaches I have cited will, I believe, help us both build on those programs already in existence—at the State Department, the Humanities Endowment, the International Communications Agency, among others—as well as make use of other resources as yet untapped, in our schools, universities, business firms and elsewhere.

VII. SUMMARY

Now let me summarize what I have tried to say to you today in my assessment of at least one dimension of the state of literacy in America.

I have said that, in a world like this, it is imperative that the people of our country know far more than we know now about the hundreds of million of peoples—and their cultures—of this planet who are not inhabitants of the United States of America.

Our economy, our security, our very civilization depend in large part on how successfully we overcome our general illiteracy about the rest of the world.

I have suggested to you some of the reasons I believe this to be the case even as I have recited some of the deficiencies that dramatize our ignorance.

I have indicated as well several of the factors that explain why American schools and universities have fallen short in international education, generally, and modern foreign languages, in particular.

But I have not painted a picture of unrelieved despair.

I have given you some signs of hope for the future of international studies in the United States, and I have described to you a number of concrete efforts now underway both in Government and outside it.

We Americans live in a time of danger and a time of hope.

We live in a relationship with the other superpower, the Soviet Union, that is characterized at once by uneven degrees of cooperation and the most intense competition.

We live in continuing collaboration—and confrontation—with our allies in Western Europe and Japan.

We live in a wide diversity of relationships with the poorer countries of Africa, Asia and Latin America.

In such a time and in such a world, we need to know not only how to read, write and understand the languages and culture of our own Nation, but of the other nations of the world as well.

Only then will we be truly literate.
Only then will we be truly secure.
Only then will we be truly free.●

DEEP SEABED HARD MINERALS RESOURCE ACT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1980

● Mr. SIMON. Mr. Speaker, I was unable to be present for yesterday's debate on the Deep Seabed Hard Minerals Resource Act. As I feel that this legislation lays the foundation for consideration of the Law of the Sea Treaty by the Congress, one of the most controversial and important international treaties which will come before the Congress, I insert the following statement in support of the legislation passed yesterday:

I support passage of this bill because it is consistent with our country's desire to successfully conclude a Law of the Sea Treaty. While meeting the legitimate research and exploration needs of the domestic mining industry, it provides a reasonable time for the Treaty to come into force before the beginning of large-scale commercial mining operations.

I would like to pay tribute to Elliot Richardson, The Special Representative to the President for the Law of the Sea Conference, who has played a key role in safeguarding the vital interests of the United States during the Law of the Sea negotiations. He has won assurances that the Treaty will protect freedom of navigation and overflight in the so-called "economic zones" of coastal resource jurisdiction of up to 200 miles from shore. The Treaty will protect the legal rights of passage of commercial and naval ships through international straits as well as U.S. interests in such areas as fisheries, marine mammals, environmental protection and dispute settlement.

The exact framework of the international regime will almost certainly differ from our domestic regime in some respects. I would draw the attention of my colleagues to the fact that section 201 protects the mining industry only from "significant new economic burdens" which effectively prevent the continuation of mining operations on a viable economic basis. This language is not intended to refer to the Treaty financial obligations which exceed those provided for in Title IV of this bill, nor to obligations to sell technology on reasonable commercial terms and to conduct limited exploration for the mining operations of the international community.

The "grandfather clause" in Title II of this bill expresses the sense of Congress that the Treaty should provide the mining companies with assured access to the mineral resources of the Seabed and security of tenure for any companies authorized to proceed with research and exploratory activities under the terms of this bill. Title II further affirms that these aims should be determined by the totality of the provisions in the Treaty.●