

Reg West Book

sight into what is happening in the Defense Department.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute, for the purposes of debate only, to the gentleman from Connecticut (Mr. DENARDIS).

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

Mr. DENARDIS. Mr. Speaker, reference has been made in this debate to Members who have not read the Nunn amendment or who do not fully understand its implications. Let me say to those who have raised those points that there are Members who do their homework and there are Members who are not intimidated by technical jargon and who will not be deterred by arguments raised on a vague appeal to trust those who from their vast experience say it is so.

Escalating of unsupported costs and inflation, predominantly so in defense, is a matter of critical importance to all of us regardless of our committee assignments. It is entirely appropriate and urgently necessary that we support the initiative of the gentlewoman from Colorado (Mrs. SCHROEDER).

Although it is advisory in nature, it is a matter of serious concern. It will express the sense of the House on a critical issue. It is extremely important to set the tone, to mark out limits and begin in earnest our unrelenting effort to control defense costs.

Mr. Speaker, I say to the distinguished gentleman from Alabama (Mr. DICKINSON), who I respect a great deal, that when he asks us not to tie his hands in conference, he gives the impression that there is room for compromise on the issue of controlling cost overruns and waste in defense spending. I feel we must join hands with the Senate on this critically important matter.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I rise in strong support of this amendment.

It is time for this amendment; it is past time for it. This next year is important to the fiscal integrity of this country, and this amendment strongly supports that effort.

This amendment will strengthen the cost accounting for expensive overruns on military weapon systems. In truth, this amendment will strengthen the military defense of our Nation.

I thank the gentlewoman from Colorado for offering it.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. ROEMER).

I now yield my concluding time to the gentleman from Ohio (Mr. ECKART).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. ECKART) is recognized for 1½ minutes.

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

Mr. ECKART. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The gentlewoman from Colorado (Mrs. SCHROEDER) and those who have stood in support of this motion to instruct ought to be commended for the foresight with which they have addressed this issue before us today. What we must keep in mind is that this motion today actually strengthens our national defense because we must realize that the Pentagon is not a bottomless pit of cost overruns, and that if we really are interested in getting the most out of our defense dollar, we ought to abandon the idea and the concept of gold-plated weapons systems which do not truly enhance our defense capabilities.

I listened with interest to the arguments of the opponents. All of them said they supported the major thrust of this amendment, yet found our instructions to be objectionable. I heard one Member say, "I am against it, but, heavens, please don't make me do anything about it. This is a problem, but don't make me do anything to correct it." This is ridiculous. If we are not part of the solution, then we become part of the problem.

I heard talk of an adjustment that the opponents will make in the course of the conference committee deliberations. But I am an old fisherman, and when I bring a fish home and give it to my wife and she gets through fileting it, it might taste like a fish and smell like a fish but when she is through gutting it, it sure does not look like a fish anymore. I am afraid that when the conference committee finishes with their adjustments to this fine amendment we would hardly recognize it.

Let us not be misled. All we are talking about is sound fiscal planning. All we are talking about is getting our hands on an item in our budget which will very soon be 30 cents out of every budgetary dollar.

Mr. Speaker, this motion is in order and should be properly approved by a majority of the House.

The SPEAKER pro tempore. All time has expired.

Mrs. SCHROEDER. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 257

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, without intervening motion and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. It shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the text of the bill H.R. 4814, all points of order against said amendment for failure to comply with the provisions of clause 5, rule XXI are hereby waived, said amendment shall be considered as having been read, and the previous question shall be considered as ordered on said amendment and on the bill to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of S. 1193, it shall be in order to move that the House insist on its amendment to said bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the usual 30 minutes, for purposes of debate, to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

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

Mr. MOAKLEY. Mr. Speaker, House Resolution 257 is the rule which provides for the consideration of S. 1193, the 1982, 1983 authorization bill for the State Department, the International Communication Agency, and the Board for International Broadcasting. The rule would permit consideration of S. 1193 in the House but would make in order a motion to strike the text of the bill and insert, in lieu thereof, the language of H.R. 4814, a clean bill introduced by members of the Committee on Foreign Affairs.

Mr. Speaker, among other provisions, the rule waives section 401(a) of the Budget Act which would otherwise lie against S. 1193. Section 401(a) provides that it shall not be in order to consider any bill which provides new contract or new borrowing authority unless that bill also provides that such new spending authority is to be effective for any fiscal year, only to the extent or in such amounts as are provided in advance in appropriations acts. Section 808 of S. 1193 would grant the Director of the International Communications Agency the authority to enter into insurance contracts. It does not, however, limit that authority to amounts provided in advance in appropriations acts. Such a provision violates section 401(a) of the Budget Act and requires a waiver granted by the Rules Committee.

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982-83

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I

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Mr. PANETTA. I thank the gentleman.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. SCHNEIDER) for the purposes of debate only.

(Mrs. SCHNEIDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHNEIDER. Mr. Speaker, I rise in support of the motion by the gentlewoman from Colorado to instruct the conferees. I think that this is a fine opportunity for we, as Members of the U.S. Congress, to take upon ourselves the responsibility of focusing on fiscal responsibility.

Fiscal accountability in the Defense Department is of utmost importance, and is exceedingly timely in this time of budget restraints. We are provided, by this amendment, with the opportunity for a management focus in order to determine our priorities, and where and how to spend our dollars to have the most efficient defense systems imaginable. I think that the provisions of this amendment will provide us with adequate opportunities to analyze why we are experiencing cost overruns, and it will also put those officials who are responsible for these overruns in a position of accounting for them.

This is the kind of legislation that the people of this country, I feel, are looking forward to, and this will make a major difference in our defense efficiency.

Mr. DICKINSON. Mr. Speaker, I will be very pleased to yield to the gentleman from Illinois (Mr. O'BRIEN) for a question.

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

I think the gentleman from California moments ago said it quite well; instructing conferees, in my judgment, is a little bit like an injunction. It is an extraordinary remedy to be used only very rarely, and not in this instance.

It seems to me that any signals intended to influence our House conferees have certainly been made clear in this Chamber this afternoon. I think the real issue is that we should not deliberately strengthen the hand of the other side in debate in conference with our conferees. Candidly, I believe that ours are more knowledgeable. For that reason, I would vote again to open the debate, as I did early on, but I oppose the Schroeder amendment on the merits.

Mr. DICKINSON. I thank the gentleman.

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

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

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

I voted against tabling because I believe discussion should occur. But I will vote against instructing conferees. In doing so I want my colleagues to know that for myself, in voting that way, I still support the Nunn amend-

ment idea. I just simply generally object to instructing conferees.

Mr. DICKINSON. I thank the gentleman.

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

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding. My question is, does the Nunn amendment cover military construction? We have had evidence in Arnold Engineering in Tennessee of a very serious cost overrun. Would that type of thing be covered by the language of the Nunn amendment?

Mr. DICKINSON. Initially, I thought this was not the case, but in rereading the language I see it covers not only 50 major weapons systems, but also covers military construction that goes in connection with that weapon system, so it would cover that.

Mr. REGULA. My second question is, are the provisions on page 66 of the bill, do they provide an opportunity for the Secretary of Defense to certify that under some conditions the moratorium would not lie?

Mr. DICKINSON. My understanding is, if he complies with the mandate as set out, then the automatic triggering or interruption of work and obligation of funds would not apply. On his failure to do that, to do all of these things that are set out, then it would apply and there would be interruption.

Mr. REGULA. In the negotiations in the conference, would the gentleman propose to expand, to insure that we include military construction in every aspect of it?

Mr. DICKINSON. Oh, yes, very definitely.

Mr. REGULA. I thank the gentleman.

Mr. DICKINSON. Mr. Speaker, in the remaining minute, let me point out again two of the most salient features I think that are involved here. First, this amendment was offered in the other body, according to the record, as a floor amendment with no hearings. It took everyone by surprise according to the conversation we had in our conference. No one really had an opportunity to study what it does, as we have had since.

I do not object to the purpose for which it was offered. We have been working toward the same end. What I do object to is, in the midst of our conference, after 3-weeks of it, we are down to what I consider and what I hope to be the last day, we are negotiating in good faith with the Senate, I think that we have worked out a compromise, but here in the last minute and the last day of the conference to have my House instruct our conferees that we no longer have confidence in us to go in and represent the House position and to work the will of the House, to exercise our own judgment, but we must succumb to the mandate of the other body and accept what they admittedly have not even stud-

ied, that we are bound to accept that, I think is just really exceeding the bounds of propriety and good sense here.

I think we are certainly as capable as the other body in coming to a good judgment as to what is needed. We should certainly be able to negotiate if we have legitimate grounds of difference. We should not be denied this opportunity of having in effect the ground cut from under us before we even get the opportunity to negotiate in good faith.

I would hope the motion is not agreed to.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH) for the purpose of debate only.

Mr. GINGRICH. Mr. Speaker, I thank the gentlewoman for yielding.

I hesitate to vote to instruct conferees, but frankly we are drifting toward a national crisis which will unravel our support for national defense because this country will not tolerate cutting the social budget while faced with year after year of horror stories of cost overruns. If you are for national defense you should vote yes to instruct the conferees precisely to send a signal to the Pentagon and to the Secretary of Defense that this Congress is determined to take control of the spending overruns and to bring them under control.

When we are faced with cost overruns which, projected out into the next century, it means that our entire national defense in the year 2020 might be one fighter plane; by 2040 might be one aircraft carrier; by 2070 might be one tank, I think we are faced with a crisis based on phony inflation figures.

□ 1230

All that this amendment does is to require the reporting above the inflation rate. We start with the inflation rate and then add a 15-percent overrun. That is a crucial factor.

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

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I would like to agree with my colleague, the gentleman from Georgia (Mr. GINGRICH). It seems to me that this is a very simple proposition by which we are saying to the Defense Department that it must report to the Congress cost overruns.

I cannot believe that at this time of concern for fiscal restraint, on the one hand we would be concerned about waste only in the social and domestic needs programs of this country and not be concerned about any potential waste in the Defense Department.

I joint with my colleague, the gentleman from Georgia, and urge the passage of the Schroeder amendment, and I would simply point out that we must gain some kind of control and in-

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Since the committee's amendment as proposed in H.R. 4814 does not contain a similar provision, the Rules Committee has determined that a waiver should be granted in order to facilitate the consideration of the amendment put forth by the Committee on Foreign Affairs. The Budget Committee supports this waiver.

Mr. Speaker, a waiver of clause 5 of rule XXI is also provided in House Resolution 257. Clause 5 of rule XXI prohibits appropriations in authorization bills. There are some provisions in H.R. 4814, the committee substitute, which might be interpreted as reappropriating funds presently available to these agencies or else may constitute a transfer of funds from one account to another, both of which are prohibited by clause 5 of rule XXI. The waiver of this rule by House Resolution 257 is the same waiver provided under a previous rule which enabled a substantially similar bill, H.R. 3518, to be considered by the House.

Mr. Speaker, as I previously stated, House Resolution 257 permits consideration of S. 1193 in the House, but makes in order a motion to insert the language contained in H.R. 4814 in lieu of the text of the bill passed by the other body. Mr. Speaker, this resolution also provides that the previous question will be considered as ordered on the final passage of both the amendment and the bill, thereby precluding the offering of any other amendments. This rule does not specify time for debate but, since the bill will be considered in the House, it will be debated under the hour rule. The floor manager for the bill will control and allocate time.

Mr. Speaker, the members of the Rules Committee are fully aware that House Resolution 257 is a variation of the usual rule recommended by the committee. There are, however, compelling reasons for adoption of this special order. The clean bill, H.R. 4814, which will be adopted as a committee amendment, parallels an earlier bill, H.R. 3518, previously considered by the House. H.R. 4814 contains all of the amendments approved by the House during debate on H.R. 3518 but makes reductions to the individual authorizations. The authorization levels contained in the bill are those levels recommended by the administration.

Mr. Speaker, many of the issues raised by this legislation have been fully debated under the normal procedures of the House in connection with the earlier consideration of H.R. 3518. A compromise has been fashioned by those responsible for managing this legislation and the administration which is reflected in H.R. 4814. The rule before us will allow for sufficient debate on this compromise proposal. Moreover, it protects the rights of the opponents by providing for a motion to recommit with or without instructions while allowing the House to move expeditiously to an up-or-down vote on the compromise.

Mr. Speaker, the Committee on Foreign Affairs should be commended for its prompt response to the wishes of a majority of this House. Adoption of House Resolution 257 will expedite swift enactment of this authorization bill. This rule makes in order a motion to insist on the House amendment and to request a conference with the other body. Mr. Speaker, I strongly believe that House Resolution 257 adequately balances the need for open debate on the issues with an equally compelling need to manage the legislative time of the House. I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

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

Mr. TAYLOR. Mr. Speaker, House Resolution 257 provides for the consideration of S. 1193, the State Department authorization bill for 1982 and 1983, in the House.

This rule sets the parliamentary stage for House consideration of an amendment, H.R. 4814, that has been agreed upon by our bipartisan leadership and reflects the budgetary wishes of the Reagan administration.

I want to point out, as the gentleman from Massachusetts (Mr. MOAKLEY) has explained, that this is a closed rule. It is a closed rule because of the parliamentary situation we find ourselves in with respect to the State Department authorization bill.

I do not ordinarily favor closed rules, regardless of the content of the legislation at hand or the complexity of the legislative process, and I would not urge adoption of this rule today were it not for the fact that our bipartisan leadership asked the Rules Committee to baptize this procedure and we did.

This is an unusual procedure, fashioned by the Rules Committee to fit an unusual situation. I certainly do not think it will become a customary procedure in situations where the House defeats legislation in one instance and then revives a measure in a different vehicle.

The rule allows the House to take up the bill, S. 1193, and to consider it in the House under the 1-hour rule without intervening motion. For this procedure, a waiver of section 401(a) of the Budget Act is necessary and is provided in House Resolution 257.

Section 401(a) of the Budget Act prohibits consideration of a bill authorizing new spending authority for a fiscal year not provided for in advance in an appropriation act. Since the Senate bill does violate this section, the waiver is provided.

The rule makes in order a motion to insert the bill H.R. 4814 in lieu of the Senate-passed bill. This motion requires a waiver of clause 5 of rule XXI, and the waiver is provided in the rule.

Clause 5 of rule XXI prohibits appropriations in a legislative bill, and the waiver is necessary because several paragraphs of the agreed-upon amend-

ment, H.R. 4814, may constitute appropriations in a legislative bill.

In addition, the rule provides that H.R. 4814 be considered as read; and that the previous question be considered as ordered.

For those Members who may question the use of this procedure, or who may not like the fact that no amendments will be in order, the rule provides one motion to recommit with or without instructions.

The Members will recall that we defeated the State Department authorization bill on September 17, because it authorized more appropriations in 1983 than the administration wanted.

An agreement has been reached, we were told in the Committee on Rules, between the Foreign Affairs Committee leadership, the House leadership, and the administration on the figures contained in the amendment, H.R. 4814.

If the House sees fit to ratify this agreement, the rule makes in order a motion to insist on the House amendment to S. 1193 and request a conference with the other body.

Mr. Speaker, I would simply say that I support this rule for this particular situation, the Committee on Rules supports this rule, and I hope the House will do likewise.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI), a member of the Committee on Foreign Affairs.

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

□ 1245

Mr. DERWINSKI. First, may I say to the gentleman from Missouri and the gentleman handling the bill on the majority side that I was not on the floor when you went through the technical explanation. I thought we would have a vote on the Schroeder-Dickinson waltz and, therefore, I arrived a bit late.

But I do understand that the rule provides for a motion to recommit with or without instructions. Despite my loyalty to the administration and my personal loyalty to the distinguished minority leader, I will be offering a motion to recommit since I am opposed to the bill in its present form.

However, my motion to recommit is a work of art, and it will enable all of you, upon the adoption of the motion to recommit, to vote for the bill.

I think at this point a little legislative history to clarify the rule is in order. If my colleagues will recall, this bill was on the floor 5 weeks ago, subject to normal processes, debate, amendment, and then at the last minute I think the polite word would be it was innocently boobytrapped.

I voted for the bill and at the time we brought the bill to the floor we were not aware, we being the members specifically of the subcommittee and

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the full Committee on Foreign Affairs, we were not aware that the figures authorized under the bill were out of line with new budget requests. We had not been so advised. In fact, the very morning that bill was rejected, I had checked with the Department of State, which I understand is part of this administration, and I was told that the figures in the bill authorized for 1982 and 1983 were acceptable. They had no questions.

What has happened since then is there have been adjustments in the budget figures which I understand and appreciate. But let me just point out what has happened and then tell you how my motion to recommit under this rule, necessarily restricted rule, will serve a useful purpose.

Basically what I intend to do is to increase the funds for the International Communications Agency and the Board for International Broadcasting which is Radio Free Europe and Radio Liberty. Yet, with the figures I propose, they will still be below the figures in the bill that was rejected 5 weeks ago.

The only figures in the new budget requests that exceed the old bill are those for international organizations and conferences. It therefore seemed to me logical to trim those.

So what I am going to be doing is cutting approximately \$57 million over the 2-year period from international organizations and conferences, \$23 million from the Department of State, and transferring those funds to the Board for International Broadcasting and to the International Communications Agency. The totals in the measure will remain the same.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. CONABLE. I would like to understand what the gentleman is suggesting would be cut. Surely the gentleman is not suggesting that he would cut the exchange programs that have been so long standing?

Mr. DERWINSKI. Just the opposite.

Mr. CONABLE. The gentleman would not cut those?

Mr. DERWINSKI. No.

Mr. CONABLE. I am referring particularly to the program whereby foreign visitors coming to this country are entertained by volunteers throughout the country.

Mr. DERWINSKI. Right. That program is under the ICA, which I would increase.

Mr. CONABLE. The gentleman would increase those figures?

Mr. DERWINSKI. Yes.

Mr. CONABLE. My understanding was the gentleman would be cutting back on some of these.

Mr. DERWINSKI. No. I am cutting back just very minutely, \$10 million each year, from the Department of State, which is less than one-tenth of 1 percent of their budget, and \$57 million over 2 years from international organizations and international con-

ferences. I leave those figures above the original budget request of last spring.

What I restore are the funds to the International Communications Agency, a total over the 2-year period of \$64 million. That would cover the Voice of America, cultural exchange programs, the program the gentleman referred to, and a variety of other items.

Frankly, Mr. Speaker, if this bill had passed 5 weeks ago and the administration had come in as they then did with adjusted recommendations, much of it could be handled in conference, which it will be anyway. But since we are brought back to the firing line, I do think the House has to serve notice, which I believe to be the intent of the House, that we do not hurt the broadcasts, Radio Free Europe, Radio Liberty, and we give the International Communications Agency its proper assignment which has been mandated by the administration to undertake a new responsibility for U.S. overseas information.

The motion that I will offer will actually help our conferees, help the administration, help the Department of State, help in working out a better bill when we finally meet with our Senate counterparts which hopefully will be early next week. The, given the new interest of all of the Members, including some of my good friends on my side who are belatedly discovering the virtues of foreign aid and, therefore, are going to become proper internationalists and not only support the motion to recommit but then support the final passage, in 2 weeks we will give you an opportunity to write a proper bill to continue our overseas economic and military cooperation with other countries.

So this is the start of a new enlightened era in which I appeal for practical support and understanding of all of my colleagues, especially those who innocently were misdirected when this bill was first on the floor.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes for purposes of debate only to the gentleman from Connecticut (Mr. MOFFETT).

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

Mr. MOFFETT. Mr. Speaker, this debate is an opportunity to talk about an issue that will perhaps not be debated when the bill itself is debated, but which probably should be mentioned as many times as we can possibly mention it on the floor. I can see that we have the distinguished minority leader and my good friend Mr. MICHEL here, and also the ranking minority member of the Foreign Affairs Committee.

I raise this not so much because I have an answer to it, but I suppose really because all those people out

there reading the front pages of the newspapers probably wonder what in the world we are doing even talking about foreign affairs or the State Department without discussing the dreadful issue, I think, of American pilots reportedly flying in Libyan aircraft in a variety of missions.

I realize this is not an easy issue to address legislatively. Apparently the Senator in the other body from Ohio, Mr. GLENN, introduced an amendment expressing the sense of the Congress that this kind of thing should not be done. I know it is probably much more difficult when you get into the specifics. I want to acknowledge also that our great chairman of the Foreign Affairs Committee is here and I look for him to give us some leadership on this as well as some advice.

I know it is difficult. But we do have the facts in these articles. They have apparently been checked out. We do know the following things:

Dozens of pilots and mechanics have been brought over to Libya to fly and repair Libyan Air Force planes in a 2-year-old recruitment scheme.

Recruiting and other aspects of the operation are coordinated out of London and Tripoli under the direction of a former CIA agent, Edwin P. Wilson.

One recruit claims U.S. pilots flew helicopters in support of the Libyan invasion of Chad.

The same source claimed he was paid about \$3,000 per month for his services.

Apparently recruiting is going on within our own country, within the United States.

Mr. Wilson himself, along with a former Washington businessman named Schlacter, and Francis Terpil, a former CIA agent, have been indicted for their activities in transporting explosives to Libya, and for training terrorists in Libya.

The FBI has been investigating the recruitment scheme they say, and yet the article in the Times says their role apparently violates no U.S. law.

The assistant U.S. attorney for the District of Columbia is overseeing the invasion, according to the Times. He said:

The neutrality laws which prohibit Americans from enlisting in the military service of a foreign nation apparently do not cover the recruitment scheme organized by Mr. Wilson.

The article from the Times reads:

AMERICAN PILOTS REPORTED FLYING IN
LIBYAN FORCES

(This article is based on reporting by Jeff Gerth and Philip Taubman and was written by Mr. Gerth)

LONDON, October 21.—American pilots and aircraft mechanics, including military veterans, are flying and maintaining Libyan Air Force planes in an operation organized by Edwin P. Wilson, a former American intelligence agent, according to associates of Mr. Wilson.

The American flight personnel, as well as pilots from Canada and Britain, have been

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recruited and paid by companies controlled by Mr. Wilson and, at least since last year, have flown a Libyan fleet of American-made cargo and transport aircraft and helicopters, the associates said.

One Western pilot recruited by Mr. Wilson said that American pilots flew helicopters in support of the Libyan invasion of Chad this year, but the extent to which Western recruits are involved directly in Libyan combat missions could not be determined. The pilot said he was paid about \$3,000 a month.

COORDINATION IN LONDON

Some of the American pilots and mechanics have been recruited in the United States by other Americans. Most of the operation is coordinated through a London office that represents several African and European companies controlled by Mr. Wilson, according to his associates.

Dozens of pilots and mechanics have participated in the operation for Libya, a militant Arab nation in North Africa, although the precise number could not be determined. Their role apparently violates no United States law.

Earlier this week, an American aircraft mechanic, Richard L. Love, visited the London office, waiting for a visa and airplane connections to Libya. Mr. Love told a former Wilson associate that he had been recruited in Alabama and had signed a one-year contract to service Libyan military aircraft, according to the former associate.

RECRUITS HELD WELL PAID

Mr. Love said he and the other recruits were well paid for their services but was not specific, the associate added.

Mr. Wilson, a former covert agent for the Central Intelligence Agency, now lives in Libya, where he is a fugitive from a Federal indictment last year that charged him with illegally shipping explosives to Libya to help train terrorists.

Mr. Wilson did not return a telephone call placed today to his office in Tripoli. A reporter left a message with an associate of Mr. Wilson seeking a reply to questions about the pilot recruitment program.

The unofficial involvement of Americans in Libyan military activity contrasts sharply with United States foreign policy toward the Arab nation, led by Col. Muammar el-Qaddafi. Recent Administrations have regarded Libya, a supporter of international terrorism, as an increasingly disruptive force in the Middle East.

Last summer, the United States reported that two Navy jets had shot down two Libyan fighter planes after being fired on by one of them.

After the assassination of President Anwar el-Sadat of Egypt this month and amid reports of hostile Libyan activity against the Sudan, the Reagan Administration sent two AWACS radar surveillance planes to Egypt to monitor Libyan aircraft activity in the area.

American officials said the presence of American pilots and mechanics in Libya helped explain what until now had been a mystery to them: who was maintaining the American planes that were sold to Libya years ago, when that country's relationship with the United States was not belligerent. Past speculation had centered on North Koreans and others from Communist countries.

A White House spokesman had no immediate comment today on whether high-level Reagan Administration officials were aware that Americans were flying and maintaining planes for the Libyan Air Force, although law enforcement officials knew of the recruitment operation.

The involvement of the Americans in Libya does not appear to violate American law, according to Justice Department officials.

E. Lawrence Barcella, Jr., Assistant United States Attorney for the District of Columbia, is overseeing the Federal investigation of Mr. Wilson. He said the neutrality laws, which prohibit Americans from enlisting in the military service of a foreign nation, apparently do not cover the recruitment scheme organized by Mr. Wilson.

FBI INQUIRY ON RECRUITING

Federal law enforcement officials say that, nevertheless, earlier this month the Federal Bureau of Investigation began a full investigation of the recruitment operation.

The recruitment of western pilots and mechanics is the first current operation of Mr. Wilson to emerge publicly. In last year's indictment and other reports, details were disclosed about Mr. Wilson's private business activities in 1976 and 1977, his help in training terrorists in Libya by shipping explosives and his hiring of former Army Special Forces troops for the training operation.

The recruitment of former military aircraft personnel illustrates for American law enforcement officials some of the same issues posed by Mr. Wilson's earlier activities, especially the lack of laws governing the private business activities of former American servicemen and intelligence agents. It also demonstrates Mr. Wilson's capacity to continue to operate within the United States even though he has been out of the country of several years.

HOUSE PANEL SEEKS REMEDIES

The House Select Committee on Intelligence is considering possible legislative remedies as part of its investigation into Mr. Wilson's activities.

In 1976 shortly after ending his employment with the Office of Naval Intelligence, which he had joined after leaving the C.I.A., Mr. Wilson closed a business deal with Colonel Qaddafi to sell his expertise in intelligence, arms and explosives to Libya for the training of terrorists.

A few years later, after Federal investigators began examining his activities in the United States, Mr. Wilson shifted his base of business operations from Washington to Europe and Libya. About the same time, several companies controlled by Mr. Wilson began using the London office of Brillhurst Ltd., a British company, according to associates of Mr. Wilson and company documents.

SCOPE OF RECRUITING PROGRAM

The recruitment program, which started about two years ago, includes dozens of pilots, flight engineers and aircraft mechanics from the United States, Britain and Canada with both civilian and military backgrounds, according to associates of Mr. Wilson familiar with the plan. Among those recruited were British paratroopers.

According to spokesmen for American aircraft companies, the Libyan Air Force has eight C-130's, 20 CH-47 helicopters, known as Chinooks, 10 T27's, nine C-47's and one 707.

Western diplomatic sources have said that many of the Libyan pilots flying military aircraft are inexperienced, and a report of the London-based International Institute for Strategic Studies notes that Soviet, Pakistani and Palestinian pilots also fly Libyan military aircraft.

Federal law enforcement officials said that the F.B.I. and Scotland Yard had been aware for some time of Mr. Wilson's recruitment operations in London but that an active investigation was not undertaken until recently because officials placed a

greater priority on apprehending Mr. Wilson on the 1980 charges.

CHECK BY SCOTLAND YARD

Earlier this year, for example, Scotland Yard checked a report that Mr. Wilson, a fugitive since April 1980, was staying at a fashionable London hotel, according to a former Wilson associate. That inquiry turned up nothing, but two former London associates of Mr. Wilson, David and Anne Shortt, said they saw him last spring in the departure lounge of London's Heathrow Airport bound for Geneva.

Because most of the actual work done by the American recruits takes place in Libya and their finances and travel plans are arranged in London, American authorities originally concluded that they had little legal jurisdiction to investigate the scheme. They said they were aware that Mr. Wilson had been recruiting former military personnel in the United States for "mercenary type" work in Libya and that this would be the focus of the recently begun investigation of Mr. Wilson's current activities.

Diana Byrne, who met Mr. Wilson in Libya several years ago and who says she controls Brillhurst, declined to talk about her activities on behalf of Mr. Wilson. In a brief interview outside Brillhurst's current office, at 28 Knox Street, Mrs. Byrne, a native of Wales, described Brillhurst as a "service company" that represents several European companies, many of which operate in Libya. When asked specifically about her work on behalf of Mr. Wilson and his companies, Mr. Byrne terminated the conversation.

COORDINATION IN LONDON

But several businessmen in London who have worked with Mrs. Byrne and Mr. Wilson's companies said that Brillhurst appeared to operate as the London branch of Mr. Wilson's businesses. Among the specific activities cited by those sources and documented in company papers are: payment of travel expenses and salaries of pilots working in Libya, obtaining Libyan visas for persons doing business with Mr. Wilson and his companies, managing his investments and handling his telephone, mail, telex and telegram messages.

In the last three years, Brillhurst has operated out of four separate London locations, often moving abruptly and functioning in a secretive fashion, the business associates added.

J. Steffan, an exporter who rented office space to Brillhurst at 18 Hans Road, in a fashionable section of London near Hyde Park and across from Harrods department store, said the company departed abruptly one weekend in July 1980 and still owed him several thousand dollars in back rent.

MYSTERIOUS OPERATIONS

Angela O'Toole, who rented office space in the Halkin Arcade to Brillhurst until December 1980 said Brillhurst personnel had operated mysteriously, sending coded telex messages and removing typewriter ribbons before leaving the office.

Both former landlords said they often saw Western pilots who had just arrived in London waiting at Brillhurst's offices for Libyan visas or for flights to Libya.

Further details on the pilot program were provided by other associates of Mr. Wilson. They said that two of the companies used by Mr. Wilson to pay and recruit the aircraft personnel were OSI S.A., a Swiss corporation that serves as a Tripoli office for Mr. Wilson, and Western Recruitment Inc., which has a Swiss post office box number. Both of these companies currently operate in London out of Brillhurst's office on Knox

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Street, according to a travel agent who booked flights to Libya for OSI S.A. and Mrs. Byrne, who acknowledged handling banking affairs for Western Recruitment.

Mr. Love, the aircraft mechanic from Alabama who was in London earlier this week on his way to Libya, spoke of being recruited in the United States, according to a former Wilson associate. Mr. Love answered the door at Brillhurst's Knox Street offices but declined to speak to a reporter. Shortly thereafter, an Arab driver pulled up to Brillhurst's offices and handed Mrs. Byrne what looked like an American passport and a Libyan visa.

As one not on the Foreign Affairs Committee but one who has a lot of respect for the people on it on both sides of the aisle, I just ask can we not do something to address this issue in some way? Perhaps it is through the State Department's responsibility for protection of Americans overseas. We have got to do something. We must respond to this.

I know my friend from Massachusetts (Mr. MARKEY) has a bill relating to Libya and trade with Libya and oil and whether we cut off oil. The gentleman from New York (Mr. DOWNEY) has a bill to stop using Libyan oil, which I support. But can we not start somewhere and be assured that maybe it is the Intelligence Committee or the Foreign Affairs Committee that is going to look into this matter and at least assure the American public that we are taking some steps within the Constitution, within the parameters under which we work to address this problem of Americans helping a regime which is exporting revolution around the world.

I yield back the balance of my time.

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

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I call up the Senate bill, S. 1193, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1193

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

TITLE I—DEPARTMENT OF STATE
SHORT TITLE

Sec. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,318,754,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", \$523,806,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$22,508,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$560,850,000 for the fiscal year 1982 and \$467,750,000 for the fiscal year 1983, of which not less than \$18,750,000 shall be made available only for the resettlement of Soviet and Eastern European refugees in Israel.

(b) Of the amounts authorized to be appropriated by section 102(a)(1) of this Act for the fiscal years 1982 and 1983, \$2,085,000 shall be available for each such fiscal year only for expenses to operate and maintain consular posts at Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

(c) Of the amounts authorized to be appropriated by section 102(a)(2) of this Act, \$45,800,000 shall be available in fiscal year 1982 and \$45,800,000 shall be available in fiscal year 1983 only for the Organization of American States for the payment of 1982 and 1983 assessed United States contributions and to reimburse the Organization of American States for payments under the tax equalization program to employees who are United States citizens.

(d) Of the amounts authorized to be appropriated by section 102(a)(4) of this Act, \$1,500,000 shall be available in fiscal year 1982 and \$1,500,000 shall be available in fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

PALESTINIAN RIGHTS UNITS

Sec. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

RESTRICTION OF FUNDS TO UNITED NATIONS WHICH WOULD PROVIDE POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

Sec. 104. (a) None of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations, or any of its specialized agencies, which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by such agency for projects of which the primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) The President shall annually review the budget of the United Nations, and of its specialized agencies, to determine which programs have the primary purpose of providing political benefit to the Palestine Liberation Organization and shall report to Congress the programs and amounts for which the United States assessment is withheld.

(c) This section shall not be construed as limiting United States contributions to the

United Nations, or its specialized agencies for programs for which the primary purpose is to provide humanitarian, educational, developmental and other nonpolitical benefits to the Palestinian people.

EX GRATIA PAYMENT

SEC. 105. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 106. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

PASSPORT FEES AND DURATION

SEC. 107. (a) The first sentence of section 1 under the headings "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"Sec. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 108. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 109. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 110. Paragraph (1) of the first section of Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended by striking out "not to exceed \$200,000 annually."

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INTERNATIONAL ORGANIZATIONS IN VIENNA

Sec. 111. Amend section 2 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e) by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE OF THE UNITED NATIONS

Sec. 112. Section 8 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e), is amended:

(1) by striking "the representative of the United States to the United Nations referred to in paragraph (a) of Section 2 hereof" and inserting in lieu thereof "the representatives provided for in Section 2 hereof and of their appropriate staffs", and

(2) by adding at the end thereof the following: "Any payments made by the United States Government personnel for occupancy by them of such leased or rented premises shall be credited to the appropriation, fund, or account utilized by the Secretary for such lease or rental, or to the appropriation, fund, or account currently available for such purposes."

BUYING POWER MAINTENANCE FUND

Sec. 113. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity provided for each fiscal year by the annual authorizing legislation for the Department of State, \$20,000,000 of the fund authorized by section 102 may be used to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In order to eliminate substantial gains to the approved levels of overseas operations, the Secretary of State shall transfer to the appropriation account established under paragraph (1) of this subsection such amounts in other appropriation accounts under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(3) Funds transferred from the appropriation account established under paragraph (1) shall be merged with and be available for the same purpose, and for the same time period, as the appropriation account to which transferred; and funds transferred to the appropriation account established under paragraph (1) shall be merged with and available for the purposes of that appropriation account until expended. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or over-

seas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such".

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by striking out "preceding" in the first sentence and inserting in lieu thereof "calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such".

(d) The amendments made by this section shall take effect on October 1, 1981.

ASIA FOUNDATION

Sec. 114. In addition to the amounts authorized by section 102, \$4,500,000 is authorized to be appropriated in fiscal year 1982 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Such funds are to be made available to the Foundation by the Department of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Department of State and the Asia Foundation. Funds appropriated under this section are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION

Sec. 115. (a) Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed \$12,000,000 for the fiscal year 1982 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

(b) Section 401(h) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(h)) is amended to read as follows:

"(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5705 of title 5, United States Code, while engaged in their duties on behalf of the corporation."

DEPENDENT TRAVEL

Sec. 116. (a)(1) The first sentence of section 5924(4)(B) of title 5, United States Code, is amended by striking out "American secondary or" and inserting in lieu thereof "American secondary education or, in the case of dependents of an employee other than an employee of the Department of State or the International Communication Agency, to obtain an American".

(2) Section 5924 of such title is amended—

(A) by inserting "(a)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(b)(1) An employee of the Department of State or of the International Communication Agency in a foreign area is entitled to the payment of the travel expenses incurred by the employee in connection with the travel of a dependent of the employee to or from a school for the purpose of obtaining an undergraduate college education.

"(2) Paragraph (1) shall apply—

"(A) to two round trips each calendar year, and

"(B) to travel expenses which—

"(i) are extraordinary and necessary expenses incurred in providing adequate education for such dependent because of the employee's service in a foreign area or areas, and

"(ii) are not otherwise compensated for."

(b) The amendments made by subsection (a) shall take effect on October 1, 1981.

DUTIES OF CHIEF OF MISSION

Sec. 117. (a) Each chief of diplomatic mission of the United States in a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

(b) For purposes of subsection (a), the term "chief of diplomatic mission" has the same meaning as given to the term "chief of mission" in section 102(a)(3) of the Foreign Service Act of 1980.

INFANT NUTRITION

Sec. 118. (a) Congress finds there is overwhelming scientific evidence that breastfeeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply; an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child.

(b) Congress is concerned that numerous studies, in a wide variety of developed and developing countries, over a long period of time, have shown that improper use of breastmilk substitutes is associated with higher rates of illness and death, and in poor communities, with lessened growth and nutrition. The problem of unrefrigerated breastmilk substitutes prepared with polluted water and placed in contaminated bottles is further complicated by insects and heat in tropical climates.

(c) It is estimated that one hundred million of the one hundred and twenty-five million children in the world below the age of one are born in developing countries. Congress is concerned that ten million of these one hundred million will probably not live until their first birthday and that diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths.

(d) Congress is further concerned that the health of those infants whose mothers are unable to provide them adequate breastmilk—whether for physical, economic, or cultural reasons—also be protected.

(e) Congress is concerned with the negative vote cast by the United States on May 21, 1981, at the Twenty-Fourth World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes", and is further concerned that the vote has subjected United States policy to widespread misinterpretation.

(f) Therefore, the Congress—

(1) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health;

(2) endorses the work being done by the Agency for International Development (AID), the World Health Organization (WHO), and the United Nations Children's Fund (UNICEF) across the broad front of problems associated with infant and young child nutrition;

(3) encourages the international health organizations, and their member states, to continue combating infant illness by improving sanitation and water quality; and

(4) urges the United States Government and the breastmilk substitute industry to support the basic aim of the Code and to cooperate with the governments of all countries in their efforts to develop health standards and programs designed to implement the objectives of the Code.

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TITLE II—INTERNATIONAL
COMMUNICATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency \$561,402,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 203. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the International Communication Agency", and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

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

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year; and

"(B) the Director of the International Communication Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation

costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to radio transmission and reception, newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security vehicles" immediately after "right-hand drive vehicles".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS

"Sec. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Paragraphs (18) and (19) of section 804 of such Act (22 U.S.C. 1476 (18) and (19)) are amended—

(1) by striking out "and" at the end of paragraph (18); and

(2) by striking out the period at the end of paragraph (19) and inserting the following: "; and

"(20) purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property."

(f) Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(i) Foreign currencies which were derived from conversions made pursuant to the obligation of informational media guaranties and which have been determined to be unavailable for, or in excess of, the requirements of the United States and transferred to the Secretary of the Treasury, shall be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts. As such currencies become available for such purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive, they may be sold for dollars to agencies of the United States Government."

(g) Title VIII of the United States Information and Educational Exchange Act of 1948, as amended, is revised by the addition of the following section:

"Sec. 809. Cultural exchanges, international fairs and expositions, and other exhibits or demonstrations of United States economic accomplishments and cultural attainments provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered 'public work' as that term is defined in section 1 of the Defense Base Act, as amended (section 1651(b) of title 42 of the United States Code)."

LIQUIDATION OF THE INFORMATIONAL MEDIA
GUARANTY FUND

SEC. 204. Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued inter-

est thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

INTERNATIONAL EXCHANGES AND NATIONAL
SECURITY

SEC. 205. (a) Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c) Beginning in fiscal year 1982, exchange-of-persons programs administered by the International Communication Agency shall, over a four-year period, be expanded to a level, in real terms, three times that in effect on the date of the enactment of this Act.

DISTRIBUTION WITHIN THE UNITED STATES OF
THE FILM ENTITLED "IN THEIR OWN WORDS"

SEC. 206. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "In Their Own Words"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

TITLE III—BOARD FOR
INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

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AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated for the Board for International Broadcasting \$98,317,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983.

ADDITIONAL FUNDING

SEC. 303. Notwithstanding the provisions of section 8b of Public Law 93-129, not to exceed \$6,195,000 of the gain realized during fiscal year 1981 through upward fluctuations in foreign currency exchange rates shall be made available to compensate for losses incurred as a result of the bomb explosion at RFE/RL, Inc., Munich headquarters on February 21, 1981, and for additional RFE/RL, Inc., operating expenses as might be deemed appropriate.

MEMBERSHIP OF THE RFE/RL BOARD AND THE BIB

SEC. 304. (a) The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

"SEC. 11. (a) Effective January 1, 1982, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality."

(b)(1) Section 3(b)(1) of such Act is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom he shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board."

(2) Sections 3(b) (3) and (4) of such Act are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the

Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated."

RADIO FREE CUBA

SEC. 305. Any program of the United States Government involving radio broadcasts to Cuba for which funds are authorized to be appropriated under this Act or any other Act shall be designated as "Radio Free Cuba".

TITLE IV—ARMS CONTROL AND DISARMAMENT AGENCY

SHORT TITLE

SEC. 401. This title may be cited as the "Arms Control and Disarmament Agency Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 402. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"Sec. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, \$18,268,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates, and

"(2) for the fiscal year 1983, such sums as may be necessary to carry out the purposes of this Act.

Amounts appropriated under this subsection are authorized to remain available until expended."

SECURITY CLEARANCES

SEC. 403. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Defense Investigative Service or the Department of State as the basis for the determination required under this subsection that the person is not a security risk or of doubtful loyalty."

ANTISATELLITE ACTIVITIES

SEC. 404. Section 31(b) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by striking the "," and inserting the following phrase: "and of all aspects of anti-satellite activities;"

TITLE V—MISCELLANEOUS PROVISIONS

REPEALS; TECHNICAL AMENDMENTS

SEC. 501. (a) The following provisions of law are repealed:

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979 (22 U.S.C. 287c note).

(2)(A) Section 121(b) (22 U.S.C. 1175 note),

(B) section 122(b) (22 U.S.C. 2280 note),

(C) section 203 (22 U.S.C. 1461-1 note),

(D) section 504(e) (22 U.S.C. 2656d(e)),

(E) section 601(b) (92 Stat. 985),

(F) section 608(c) (22 U.S.C. 2656 note),

(G) section 608(c) (22 U.S.C. 2656d note),

(H) section 609(c) (92 Stat. 989),

(I) section 610(c) (22 U.S.C. 2151 note),

(J) section 611(b) (22 U.S.C. 1731 note),

(K) section 613(b) (22 U.S.C. 2370 note),

(L) section 705(a) (22 U.S.C. 2151 note),

(M) section 709 (22 U.S.C. 2151 note), and

(N) section 711 (22 U.S.C. 2220a note), of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3)(A) Section 107(b) (91 Stat. 846),
(B) section 109(a)(7) (22 U.S.C. 2384 note),
(C) section 414(b) (22 U.S.C. 1041 note),
(D) section 501 (91 Stat. 857),
(E) section 503(b) (91 Stat. 858),
(F) section 505 (22 U.S.C. 2151 note), and
(G) section 513 (19 Stat. 862),

of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2871 note).

(5) Sections 102(b) (89 Stat. 756) and 503(b) (89 Stat. 772) of the Foreign Relations Authorization Act, Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 2151 note).

(b)(1) The Foreign Relations Authorization Act, Fiscal Year 1979, is amended—

(A) in section 121, by striking out "(a)";

(B) in section 122, by striking out "(a)";

(C) in section 601, by striking out "(a)";

(D) in section 611, by striking out "(a)";

(E) in section 613, by striking out "(a)";

and

(F) in section 705, by striking out "(a)".

(2) The Foreign Relations Authorization Act, Fiscal Year 1978, is amended—

(A) in section 107, by striking out "(a)";

(B) in section 414, by striking out "(a)";

(C) in section 503, by striking out "(a)";

and

(D) in section 505, by striking out "(a)".

(3) The Foreign Relations Authorization Act, Fiscal Year 1976, is amended—

(A) in section 102, by striking out "Sec. 102. (a) Except as provided in subsection (b), no"

and inserting in lieu thereof "Sec. 102. No"; and

(B) in section 503, by striking out "(a)".

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 502. (a) The Congress finds that—

(1) the First Amendment of the Constitution of the United States upholds the principle of freedom of the press;

(2) Article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the signatories to the Final Act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds"; and to support "the improvement of the circulation of, access to, and exchange of information";

(4) the Constitution of the United Nations Educational, Scientific, and Cultural Organization itself is committed to "promote the free flow of ideas by word and image"; and

(5) a free press is vital to the functioning of free governments.

(b) The Congress hereby expresses its opposition to—

(1) efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press; and

(2) efforts by some countries further to control access to and dissemination of news.

PROMOTION OF FREE PRESS

SEC. 503. (a) It is the sense of the Congress that none of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations Educational, Scientific, and Cultural Organization if such payment would cause the total contribution

of the United States to the United Nations Educational, Scientific, and Cultural Organization to exceed its assessed contribution less 25 percent of the amount made available by the United Nations Educational, Scientific, and Cultural Organization for projects or organizational entities the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

(b) The Secretary of State shall prepare and transmit annually to the Congress a report on the implementation of this section.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 504. (a) Section 6(4) of the Japan-United States Friendship Act is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof a comma and the following: "any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 per centum annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

REPORT

SEC. 505. (a) Not later than sixty days after the date of enactment of this section, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such reports shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services for, refugees and Cuban and Haitian entrants; and

(4) administrative and operating expenses of Federal, State, and local governments which are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cuban and Haitian entrants" means Cubans and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

TITLE VI—PEACE CORPS AUTONOMY

SHORT TITLE

SEC. 601. This title may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

SEC. 602. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive

branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

SEC. 603. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b)(1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2)(A) The transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(ii) the effective date of the transfer of such employee,

whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall be not reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

SEC. 604. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

SEC. 605. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect (1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

SEC. 606. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions of this Act, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 603(b)(1) were equitable.

REFERENCES IN LAW

SEC. 607. References in any law, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

MOTION OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FASCELL moves to strike out all after the enacting clause of the Senate bill, S. 1193, and insert in lieu thereof the provisions contained in H.R. 4814.

The SPEAKER pro tempore. Pursuant to House Resolution 257, the amendment is considered as having been read.

The amendment reads as follows:

October 29, 1981

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H 7905

H.R. 4814

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

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,245,637,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", \$503,462,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$19,808,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$504,100,000 for the fiscal year 1982 and \$460,000,000 for the fiscal year 1983.

PALESTINIAN RIGHTS UNITS

SEC. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise of the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SEC. 104. (a) None of the funds authorized to be appropriated by section 102(2) of this Act or by any other Act for "International Organizations and Conferences" may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

(b) Not later than February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.

EX GRATIA PAYMENT

SEC. 105. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 106. Of the amounts authorized to be appropriated by paragraph (4) of section 102

of this Act, \$12,500,000 for the fiscal year 1982 and \$15,000,000 for the fiscal year 1983 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 107. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

BUYING POWER MAINTENANCE

SEC. 108. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)) is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State may transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading 'Administration of Foreign Affairs' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading 'Administration of Foreign Affairs' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by inserting " , or overseas wage and price changes," immediately after "foreign currency exchange rates"; and

(2) by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such";

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended—

(1) in the first sentence, by inserting " , or overseas wage and price changes," immediately after "foreign currency exchange rates";

(2) in the first sentence, by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such"; and

(3) in the second sentence, by inserting "or such changes" immediately after "such fluctuations";

PASSPORT FEES AND PERIOD OF VALIDITY

SEC. 109. (a) The first sentence of section 1 under the heading "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"Sec. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

DOCUMENTATION OF CITIZENSHIP

SEC. 110. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section 33 immediately after section 32 and by redesignating existing section 33 as section 34:

"Sec. 33. The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

"(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

"(2) The report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad."

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 111. Paragraph (1) of the first section of the joint resolution entitled "Joint resolution to provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof", approved August 2, 1935 (22 U.S.C. 273), is amended by striking out " , not to exceed \$200,000 annually,".

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 112. Section 2 of the joint resolution entitled "Joint resolution to provide for participation by the Government of the United States in the Hague Conference on Private

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International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 113. Section 2(a) of the joint resolution entitled "Joint resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

SEC. 114. Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

SEC. 115. Section 8 of the United Nations Participation Act of 1945 (22 U.S.C. 287e) is amended—

(1) by striking out "representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof" and inserting in lieu thereof "representatives provided for in section 2 of this Act and of their appropriate staffs"; and

(2) by adding at the end thereof the following: "Any payments made by United States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose."

AMENDMENTS CORRECTING PRINTING ERRORS

SEC. 116. The Foreign Service Act of 1980 is amended—

(1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by striking out "411" and inserting in lieu thereof "412"; and

(2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by striking out "on" the second place it appears in the first sentence and inserting in lieu thereof "or".

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

SEC. 117. (a) Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or his designee) certifies that no Government employee on the delegation is as well quali-

fied to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

(b) As used in this section, the term "international telecommunications meeting or conference" means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings or conferences as the Secretary of State may designate.

PROCUREMENT CONTRACTS

SEC. 118. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 13:

"SEC. 14. (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(2) the Secretary of State determines that—

"(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(C) such a method of contracting will not inhibit small business participation.

"(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments."

COMPENSATION FOR DISABILITY OR DEATH

SEC. 119. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 15:

"SEC. 16. The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act') shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year."

REGULATION OF FOREIGN MISSIONS

SEC. 120. (a) The State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

"TITLE I—BASIC AUTHORITIES GENERALLY

"SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds that the operation in the United States of foreign

missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The treatment to be accorded to a foreign mission in the United States shall be determined by the United States after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

"SEC. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services, and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending State' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of

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Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

"Sec. 203. (a) The Secretary shall establish an Office of Foreign Missions as an independent office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

"Sec. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge or fee, and

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes

(including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Neither the Director nor any other officer or employee of the Department of State may certify or otherwise authenticate the accredited diplomatic status of a total of more than two persons for each foreign mission for the purpose of facilitating, directly or indirectly, the issuance to any such person of a diplomatic license plate for any motor vehicle by any Federal, State, or local governmental agency.

"PROPERTY OF FOREIGN MISSIONS

"Sec. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

"(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending State.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and there is not a protecting power or other agent designated by the sending State and approved by the Secretary which is responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"Sec. 206. (a) In order to ensure the fulfillment of the international obligations of the United States and the policy of this title, the location, replacement, or expansion of any building or other real property in the District of Columbia which is used for the diplomatic, consular, or other governmental activities (except property used exclusively for residential purposes) of a foreign mission shall be subject to the approval of the District of Columbia Foreign Missions Commission as provided in this section.

"(b)(1) There is hereby created, as an independent agency of the District of Columbia,

the District of Columbia Foreign Missions Commission (hereafter in this section referred to as the 'Foreign Missions Commission') which shall consist of the five members of the Zoning Commission for the District of Columbia (as such members are designated by section 492(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 5-412)), the Chairman of the National Capital Planning Commission, and the Secretary of Defense, or such alternate as each such person may be designated from time to time.

"(2) While actually engaged in the performance of duties as a member of the Foreign Missions Commission, the Chairman of the National Capital Planning Commission (or the alternate designated by the Chairman) shall be compensated by the District of Columbia in the manner and at the rates applicable to the members of the Zoning Commission for the District of Columbia who are appointed by the Mayor.

"(3) The Mayor of the District of Columbia shall furnish such facilities and administrative services, and shall assign such employees, to the Foreign Missions Commission as may be required by the Commission to carry out this section.

"(c) The Foreign Missions Commission shall—

"(1) establish areas within which chanceries may be located as a matter of right, and

"(2) establish additional areas within which chanceries may be located.

Limitations on chancery uses shall not exceed those applicable to any other nonresidential use in the areas so established.

"(d) Any determination by the Foreign Missions Commission pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be considered rulemaking under the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501-1-1510).

"(e) Any determination by the Foreign Missions Commission with respect to chanceries pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be based solely on the following criteria:

"(1) The obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) The chancery is in or adjacent to an area, determined on the basis of existing or planned uses, of (A) commercial use, or (B) mixed uses, including residential, commercial, office, or institutional use.

"(3) Historic preservation, as determined by the Foreign Missions Commission in carrying out this section; except that substantial compliance with District and Federal laws governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks, in order to ensure compatibility with historic landmarks and districts.

"(4) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary.

"(5) The extent to which the area will have adequate public facilities, utilities, and services, including streets, street lighting, water, sewer, electricity, telephone, and refuse collection.

"(6) The extent to which the area is capable of being adequately protected, as determined by a Federal agency authorized to perform protective services.

"(7) The municipal interest, as determined by the Mayor of the District of Columbia.

"(8) The Federal interest, as determined by the Secretary.

Any other determination by the Foreign Missions Commission pursuant to this section shall be based solely on the criteria specified in paragraphs (1), (3), (6), (7), and (8), and such other criteria as the Commission may by regulation establish.

"(f)(1) The regulations, proceedings, and other actions of the Foreign Missions Commission pursuant to this section shall not be inconsistent with Federal elements of the comprehensive plan for the National Capital. All elements of the comprehensive plan relating to the location of foreign missions shall be based solely on the criteria set forth in this section and shall reflect the policy of this title.

"(2) Proposed determinations by the Foreign Missions Commission shall be referred to the National Capital Planning Commission for review and comment.

"(g) The Foreign Missions Commission shall promulgate such regulations as it determines are necessary for it to carry out this section.

"(h) This section shall not be construed to authorize, and the regulations of the Foreign Missions Commission shall not provide for or require, procedures in the nature of a special exception or administrative proceedings of an adjudicatory nature.

"(i) In any proceeding with respect to approval of the location, replacement, or expansion of real property of a foreign mission pursuant to this section, the final determination by the Foreign Missions Commission shall be made not later than 6 months after the date of filing an application for such approval. Any such determination shall not be subject to administrative proceedings of any other agency or official except as provided in this title. Any such determination by the Foreign Missions Commission shall ensure the fulfillment of the obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions and shall take into account special security requirements as determined by the Secretary.

"(j) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(k) The United States, acting on its own behalf or on behalf of a foreign mission—

"(1) has standing to bring an action for judicial review of a determination by the Foreign Missions Commission under this section or, where appropriate, for judicial enforcement of the requirements of this section applicable to the Commission; and

"(2) has standing to intervene in any such action which is otherwise pending.

"(l) Approval by the Foreign Missions Commission under this section or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of real property of a foreign mission to the extent—

"(A) that authority to proceed with respect to such location, replacement, or expansion was granted to the foreign mission before the date of enactment of this section, or

"(B) that rights or interests with respect to such location, replacement, or expansion were otherwise acquired by the foreign mission before the date of enactment of this section; or

"(2) for continuing use of real property by a foreign mission for diplomatic, consular,

or other governmental activity to the extent that such property was being used by that foreign mission for that activity on the date of enactment of this section.

"PREEMPTION

"Sec. 207. Notwithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer or deny any benefits with respect to any foreign mission contrary to this title.

"GENERAL PROVISIONS

"Sec. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title—

"(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

"(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

"(d) Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Director, shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed \$10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) ac-

quisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary. Actions taken under the authority of this title shall not be considered rulemaking within the meaning of section 553 of title 5, United States Code.

"(h)(1) In order to implement this title, the Secretary may transfer such amounts available to the Department of State as may be necessary to the working capital fund established by section 13 of this Act.

"(2) Notwithstanding any other provision of law, all revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

"Sec. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

"(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or other law authorizing such status; or

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

"Sec. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title, shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

"Sec. 211. It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. In addition to means of enforcement otherwise available, this title shall be enforceable in any appropriate district court of the United States by injunctive or other relief upon application by the Attorney General.

"SEVERABILITY

"Sec. 212. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby."

(c) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by

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striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end thereof "; and (5) services and supplies to carry out title II of this Act".

(d)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

"(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,".

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention."

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic Relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

(e) The Act of June 20, 1938 (Public Law 684, 75th Congress; 52 Stat. 797) is amended—

(1) in section 6 by striking out "(a)", and by striking out subsections (b), (c), (d), and (e); and

(2) in section 16 by adding at the end thereof the following new sentence: "In addition, the provisions of this Act shall not apply to any real property to which section 206(a) of the State Department Basic Authorities Act of 1956 (relating to foreign missions) is applicable."

REOPENING CERTAIN UNITED STATES CONSULATES

SEC. 121. (a) None of the funds made available under this or any other Act for the "Administration of Foreign Affairs" may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act (other than the consulates specified in subsection (b) of this section) unless all of the United States consulates specified in subsection (b) of this section have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981.

(b) The consulates referred to in subsection (a) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 122. (a) The Congress finds that—

(1) a free press is vital to the functioning of free governments;

(2) Article 19 of the Universal Declaration of Human Rights provides for the right to freedom of expression and to "seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the Constitution of the United Nations Educational, Scientific, and Cultural Organization provides for the promotion of "the free flow of ideas by words and images";

(4) the signatories of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) pledged themselves to foster "freer flow and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other

countries, and to improve conditions under which journalists from one participating State exercise their profession in another participating State"; and

(5) government censorship, domination, or suppression of a free press is a danger to free men and women everywhere.

(b) Therefore, it is the sense of the Congress that the United Nations Educational, Scientific, and Cultural Organization should cease efforts to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

(c) The Congress opposes efforts by some countries to control access to and dissemination of news.

(d) The President shall evaluate and, not later than six months after the date of enactment of this Act, shall report to the Congress his assessment of—

(1) the extent to which United States financial contributions to the United Nations Educational, Scientific, and Cultural Organization, and the extent to which the programs and activities of that Organization, serve the national interests of the United States;

(2) the programs and activities of the United Nations Educational, Scientific, and Cultural Organization, especially its programs and activities in the communications sector; and

(3) the quality of United States participation in the United Nations Educational, Scientific, and Cultural Organization, including the quality of United States diplomatic efforts with respect to that Organization, the quality of United States representation in the Secretariat of that Organization, and the quality of recruitment of United States citizens to be employed by that Organization.

Such report should include the President's recommendations regarding any improvements which should be made in the quality and substance of United States representation in the United Nations Educational, Scientific, and Cultural Organization.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency \$494,034,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 203. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the International Communication Agency"; and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

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

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(B) the Director of the International Communication Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security" immediately after "right-hand drive".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS

"Sec. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Title VIII of such Act is further amended by adding at the end thereof the following new section:

"COMPENSATION FOR DISABILITY OR DEATH

"Sec. 809. A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual

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Educational and Cultural Exchange Act of 1961 shall not be considered a 'public work' as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act')."

(f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "REFLECTIONS: SAMUEL ELLIOTT MORISON"

Sec. 204. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "Reflections: Samuel Elliott Morison"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "AND NOW MIGUEL"

Sec. 205. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "And Now Miguel"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE UNITED STATES INFORMATION AGENCY

Sec. 206. (a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977, is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director or

other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).

(c) This section shall take effect on January 1, 1982.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING
SHORT TITLE

Sec. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 302. Subparagraph (A) of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows:

"(A) \$100,300,000 for the fiscal year 1981, \$86,519,000 for the fiscal year 1982, and \$93,317,000 for the fiscal year 1983; and".

TITLE IV—MISCELLANEOUS PROVISIONS

INTER-AMERICAN FOUNDATION

Sec. 401. (a) The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking out "\$25,000,000 for each of the fiscal years 1979 and 1980" and inserting in lieu thereof "\$10,560,000 for the fiscal year 1982 and \$12,800,000 for the fiscal year 1983".

(b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is amended by striking out "actual and necessary expenses not in excess of \$50 per day, and for transportation expenses" and inserting in lieu thereof "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code".

SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

Sec. 402. (a) Prior to renewal of the General Agreement on Contacts, Exchanges and Cooperation between the United States and the Union of Soviet Socialist Republics, and prior to resumption of high-level meetings or of planning for future exchange activities or to increasing significantly individual exchange activities pursuant to the eleven agreements for cooperation in specialized fields which were entered into by United States and the Union of Soviet Socialist Republics between 1972 and 1974, or by June 1, 1982 (whichever occurs first), the Secretary of State shall submit to the Speaker of the House of Representatives and chairman of the Committee on Foreign Relations of the Senate a report containing—

(1) an assessment of the risk of the transfer to the Soviet Union of militarily significant technology through research, exchanges, and other activities conducted pursuant to those agreements; and

(2) a detailed description on the exchanges and other activities conducted pursuant to those agreements during fiscal year 1979, fiscal year 1980, and fiscal year 1981, including—

(A) the areas of cooperation,

(B) the specific research and projects involved,

(C) the man-hours spent in short-term (less than sixty days) and long-term exchanges,

(D) the level of United States and Soviet funding in each such fiscal year, and

(E) an assessment of the equality or inequality in value of the information exchanged.

(b) The Secretary of State shall prepare the report required by subsection (a) in consultation and cooperation with the Secretary of Defense and the heads of the other agen-

cies involved in the exchange and other cooperative activities conducted pursuant to the agreements described in that subsection.

(c) No funds appropriated for the Department of State or the International Communication Agency may be obligated or expended after June 30, 1982, to finance any long-term scientific or technological exchange between the United States and the Soviet Union, including any long-term scientific or technological exchange program of the United States-Union of Soviet Socialist Republics Graduate Student/Young Faculty Exchange or of the United States-Union of Soviet Socialist Republics Senior Scholar Exchange.

REPORT TO THE CONGRESS

Sec. 403. (a) Not later than sixty days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services for, refugees and Cuban and Haitian entrants;

(4) administrative and operating expenses of Federal, State, and local governments that are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cubans and Haitian entrants" means Cuban and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

SUPPORTING IMPLEMENTATION OF THE WORLD HEALTH ORGANIZATION VOLUNTARY CODE ON INFANT FORMULA

Sec. 404. (a) The Congress finds that—

(1) there is overwhelming scientific evidence that breastfeeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply, an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child;

(2) numerous studies, in a wide variety of developed and developing countries, over a long period of time, have shown that artificial infant feeding is associated with higher rates of illness and death and, in poor communities, with lessened growth and nutrition;

(3) the problem of unrefrigerated infant formula prepared with polluted water and placed in inadequately cleaned bottles is further complicated by flies and heat in tropical climates;

(4) one hundred million of the one hundred and twenty-five million children in the

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world below the age of one are born in developing countries;

(5) ten million of these one hundred million children will probably not live until their first birthday;

(6) diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths;

(7) the use of infant formula rather than breastfeeding is estimated to account for up to a million of these deaths per year; and

(8) at a recent meeting of the World Health Organization, the United States was the only country, in a one hundred and eighteen to one vote, to vote against a voluntary code to encourage breastfeeding and to curb inappropriate marketing and advertising of infant formula, particularly in the Third World.

(b) Therefore, the Congress—

(1) expresses its dismay at the negative vote cast by the United States on May 21, 1981, at the Thirty-Fourth World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes";

(2) urges the administration to notify promptly the World Health Organization that the Government of the United States will cooperate fully with other nations in implementation of that code;

(3) urges the United States infant formula industry to abide by the guidelines of that code, particularly with respect to exports and the activities of subsidiaries in developing countries; and

(4) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) is recognized for 1 hour.

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

Mr. Speaker, the original bill after which H.R. 4814 was patterned was considered by the House on September 17. That is the authorization for the State Department as well as ICA, the Board for International Broadcasting, and the Inter-American Foundation.

After agreeing to 13 amendments the House failed to pass the bill. But H.R. 4814, which is now before us for consideration, is identical to H.R. 3518, except that it differs from the original bill in the monetary levels which have been adjusted to reflect the administration's September revision of the budget.

So we have the administration's request in this bill for fiscal years 1982

and 1983. The administration now fully supports this bill.

That is basically where we are now. With this motion agreed to, we would be able to go to conference with the Senate bill which is now before us.

I might add that the Senate bill does not have the current figures; that is, the September figures. They have the previous figures of the administration request.

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So we will go to conference in that posture.

Now, there are many who have raised some questions with respect to funds for education and cultural programs, including my distinguished colleague and ranking minority member on the subcommittee, in a motion to commit with instructions that he plans to offer.

Let me point out to my colleagues that the cuts that were made in those programs, or proposed or agreed upon—I am not sure which yet—are internal allocations by OMB. These are not cuts which are proposed in this bill. As a matter of fact, I am violently opposed to the internal allocations of the cuts as suggested by OMB and the Director of ICA. I think it would be a disaster to allow those cuts to remain. Many of us have signed letters to the President and to the Director of ICA and to OMB, asking them to reconsider these cuts, because what they are about to do, if they insist on those allocations internally, is effectively to wipe out our cultural exchange programs around the world.

Now, most of us, if not all of us, are agreed upon the importance of those programs, and they should be continued.

I want to point out, also, that even if the House were to increase the amount of authorization, even to the extent suggested by my colleague, the gentleman from Illinois, it would still not guarantee that the internal allocations would not still hold. What has to be done, rather than vote for the motion to commit with instructions, is to make sure that the administration internally does not carry out the allocations of the cuts in the manner in which they propose. There are a lot of other things they could do. They

could, for example, prorate the cuts across the board. They could take it out of other moneys that are available to them. They could take it out of the radio construction account, where funds are not immediately needed. There are a lot of things that could be done.

But let me assure my colleagues who are concerned about this, and some of whom will speak on this issue, that we as a committee are aware of this problem, we are opposed to the allocations which unfairly target these programs for such large cuts. We will do everything we can to keep those programs alive.

As of right now, the appropriations bill affecting this account—and I want my colleagues to pay particular attention to this—when the House passed the appropriations bill, this matter was not before us. We did not have this problem. But the Senate appropriations bill was still being acted on in the other body. And just yesterday, the Appropriations Subcommittee in the other body dealing with this account increased the amount of money available to the ICA account. I want to repeat for emphasis to all of the Members who are interested either in the motion to commit with instructions or who are concerned about these programs—the Appropriations Committee in the other body has earmarked \$101 million for education and cultural affairs. And I would propose to my colleagues in the conference, when we go to conference on this, the authorization bill, that we would write language in the statement of managers making it absolutely clear that we are totally opposed to this irrational allocation of the cuts within the budget figures. I think that should handle the problem.

While I am in sympathy with what my distinguished friend, the gentleman from Illinois wants to do, I would urge my colleagues to vote against the motion to commit, stay with the authorization figures we have now got for 1982 and 1983, allow us to go to conference, and work out the best possible bill we can, with the guarantees on these programs.

I include the following:

Agency	(H.R. 3518—H.R. 4635) House floor levels		(H.R. 4814) Administration's (September) revised position		Difference	
	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983
Department of State:						
Administration of Foreign Affairs.....	1,318,754	1,248,059	1,245,637	1,248,059	-73,117
International organization and conferences.....	469,472	469,472	563,462	514,436	33,990	44,964
International commissions.....	22,508	24,759	19,808	22,432	-2,700	-2,327
Migration and refugee assistance.....	553,100	555,600	804,100	460,000	-49,000	-95,800
Science/technology agreements.....	3,700	3,700	3,700	3,700
Subtotal, Department of State.....	2,367,534	2,301,590	2,276,707	2,248,627	-90,827	-52,963
International Communication Agency:						
Salaries and expenses.....	482,187	629,059	398,892	482,187	-88,295	-76,872
Salaries and expenses (special foreign currency program).....	11,451	13,368	9,110	11,451	-2,341	-1,947
East-West Center.....	16,880	19,750	14,854	16,880	-2,028	-2,870
Radio construction.....	80,884	94,298	71,178	1,622	-9,706	-92,476
Subtotal, ICA.....	561,402	656,505	494,034	482,340	-67,368	-174,176
Board for International Broadcasting.....	98,317	115,031	86,519	98,317	-11,798	-16,714

Agency	(H.R. 3518-H.R. 4635) House floor levels		(H.R. 4814) Administration's (September) revised position		Difference	
	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983
Inter-American Foundation	12,000	20,000	10,560	12,800	-1,440	-7,200
Total	3,039,253	3,093,126	2,867,820	2,842,084	-171,433	-251,042

SECTION-BY-SECTION ANALYSIS OF H.R. 4814**SECTION 101: SHORT TITLE**

This section provides a short title for the Department of State provisions.

SECTION 102: AUTHORIZATIONS OF APPROPRIATIONS

This section provides the authorized funds for the Department of State to carry out its functions and responsibilities:

- (1) Administration of Foreign Affairs: \$1,245,637,000 for fiscal year 1982. \$1,248,059,000 for fiscal year 1983.
- (2) International Organizations: \$503,462,000 for fiscal year 1982. \$514,436,000 for fiscal year 1983.
- (3) International Commissions: \$19,808,000 for fiscal year 1982. \$22,432,000 for fiscal year 1983.
- (4) Migration and Refugee Assistance: \$504,100,000 for fiscal year 1982. \$460,000,000 for fiscal year 1983.

SECTION 103: PALESTINIAN RIGHTS UNITS

This section states that the U.S. assessed contribution to the United Nations shall be reduced to reflect our desire not to fund any activities of the two U.N. Palestinian Rights Units. As the U.S. contributes 25 percent of the U.N.'s assessed budget, this section would reduce the U.S. contribution by 25 percent of the budgets of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights, representing the U.S. assessed contribution for these organizations.

The Committee is aware that all assessed contributions are directed to a U.N. general fund and that the U.S. cannot direct the subsequent use of these funds. Therefore, although our total contribution is reduced, the budget of the Palestinian Rights units may not be reduced in kind. The resolution is, however, a signal of our unwillingness to support the mandate of these organizations and our belief that neither the Committee on the Exercise of the Inalienable Rights of the Palestinian People nor the Special Unit on Palestinian Rights is an aid to the peace process.

SECTION 104: RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATION SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

This section directs that none of the funds authorized in Section 102(2) or in any other act of "International Organizations and Conferences" shall be used by the U.S. Government for payment of its assessed contribution to UNESCO if that organization implements any policy or procedure which would serve to restrict the free flow of information or to license journalists and impose any form of journalistic code of ethics.

SECTION 105: EX GRATIA PAYMENT

This section provides that \$81,000 of the amount appropriated under the Administration of Foreign Affairs account be paid ex gratia to the government of Yugoslavia for injuries sustained by a Yugoslav national as a result of an attack on him in New York.

SECTION 106: ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

This section earmarks \$12.5 million in fiscal year 1982 and \$15 million for fiscal year 1983 for the resettlement in Israel of

refugees from the Soviet Union and Eastern Europe.

SECTION 107: BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

This section authorizes \$3.7 million for each of the fiscal years 1982 and 1983 for the U.S. share of expenses for U.S. bilateral science and technology agreements with Yugoslavia and Poland.

SECTION 108: BUYING POWER MAINTENANCE FUND AND TECHNICAL AMENDMENTS RELATING TO CURRENCY FLUCTUATIONS

This authorization will provide the means for the Secretary of State, the Director of ICA, and the Board for International Broadcasting to maintain approved levels of activity under rapidly changing economic conditions. The section will provide budget authority to offset losses in other appropriations due to adverse fluctuations in foreign currency exchange rates or overseas wage and price changes unanticipated in the budget. Under the Buying Power Maintenance Fund for the Department of State, gains in other appropriations due to favorable movements in exchange rates in overseas wage and price fluctuations in those countries would be transferred to this appropriation to offset future losses.

This section also clarifies provisions of law enacted in 1979 to ensure authorization of the amount of appropriations necessary to offset the adverse fluctuations in foreign currency exchange rates in order to maintain the authorized level of expenditures approved by Congress for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

SECTION 109: PASSPORT FEES AND PERIOD OF VALIDITY

This section would permit the Secretary of State to determine application and issuance fees for U.S. passports, in accordance with policy and standards now used in determining consular and other fees.

It would also extend the duration of passport validity from the present five year period, to a ten year period from the date of issuance. The Secretary of State may establish a shorter period of validity in particular cases or on a general basis.

SECTION 110: DOCUMENTATION OF CITIZENSHIP

This section provides that passports and the reports designated a "Report of Birth Abroad of a Citizen of the United States" shall be considered evidence of United States citizenship in the same manner as are certificates of naturalization or of citizenship.

SECTION 111: PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

This section deletes the \$200,000 annual limitation on the U.S. contribution to the Pan American Institute of Geography and History (PAIGH). The current level of the U.S. assessed share of contributions is \$274,005 which has been the assessment since 1979. This provision would permit the U.S. to pay the difference between past assessments (\$140,010 cumulative arrearages for 1979 and 1980) and the \$200,000 limitation.

The United States has been a member of the PAIGH since 1935. A specialized organization of the OAS, it promotes, coordinates

and carries out scientific and historical research and transmits the results to government agencies and scientific groups in member countries.

In the United States, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Ocean Survey, the Geological Survey, the Bureau of the Census, the Defense Mapping Agency, and the Department of Defense, through its Inter-American Geodetic Survey, as well as numerous private groups and universities have participated in the activities of the Institute.

Through participation in PAIGH, the United States frequently receives scientific and technical data that would be difficult to obtain on a bilateral basis. These data help solve problems in such diverse fields as transportation, national defense, agriculture, and telecommunications. For example, PAIGH programs include the preparation of standards for a geomorphological map of the Americas which will be available to member countries, and the updating of annotated indexes of aerial photograph work and topographic and natural resource maps.

SECTION 112: INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

This section would provide legal authority for the United States to pay arrearages in its assessments for 1979 and 1980 and will permit full payment of anticipated assessments in 1981 and beyond. The fiscal year 1982 estimated assessment for the International Institute for the Unification of Private Law is \$50,500. The estimated fiscal 1982 assessment for the Hague Conference on Private International Law is \$77,100.

SECTION 113: PAN AMERICAN RAILWAY CONGRESS

This section would provide legal authority for the United States to pay its 1981 assessment, and to meet future assessments, for its participation in the Pan American Railway Congress, by lifting the existing \$15,000 ceiling on U.S. annual contributions. The estimated fiscal 1982 U.S. assessment is \$22,500. This increase is the first such increase since the quota was raised to \$15,000 in 1971. No program growth is projected. The increase covers salary and price increases due to the effects of inflation.

SECTION 114: UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

This section would amend the U.N. Participation Act of 1945 to enable the U.S. to combine into a single mission the direction and management of its missions to International Organizations in Vienna. The U.S. now has representation to two units of the U.N. Secretariat, the International Atomic Energy Agency, and the U.N. Relief and Works Agency. Other UN organizations in Vienna include the UN Industrial Development Organization, the UN Fund for Drug Abuse Control, the Center for International Trade Law, and the Center for Social Development and Humanitarian Affairs.

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SECTION 115: LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

This section amends the United States Participation Act of 1945 to authorize the appropriation of funds to be used for the lease or rental of living quarters for use of the staff of U.S. Representatives to the United Nations. This amendment is necessary to 1) cope effectively with the housing market 2) take advantage of the rent increase limitations imposed by the New York City Rent Stabilization Code, and 3) eliminate substantial expenses and insure that economic hardship does not adversely affect the ability of the Department to attract the best qualified individuals for service at the U.S. Mission to the United Nations. To reduce expenditure of appropriated funds, the payments made by employees to occupy these living quarters would be credited to and used by the appropriation account from which the apartment lease or rental is financed.

SECTION 116: AMENDMENTS CORRECTING PRINTING ERRORS

This section merely corrects printing errors in the 1980 printing of the Foreign Service Act of 1980.

SECTION 117: PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

This section exempts from certain provisions of the Ethics and Government Act, private sector representatives who are asked to serve on U.S. Delegations to certain international telecommunications meetings and conferences. Under certain circumstances, the United States finds it useful and desirable to include representatives of the communications sector on official U.S. delegations to international meetings of such organizations as the International Telecommunications Union. Not only do these people provide needed technical expertise, but the decisions made at the international level in the area of communications are of direct concern to the U.S. private sector. However, without the exemption provided by this section, private sector representatives of such delegations, who are considered special government employees for this limited purpose, would be subject to criminal prosecution if they return to their private sector jobs after having served the government.

SECTION 118: PROCUREMENT CONTRACTS

This section authorizes the Department of State to enter into contracts for property and services on a multiyear basis for a period not to exceed 5 years. It is similar to the authority provided for ICA in section 203(b). This provision should permit cost savings to the Department.

SECTION 119: COMPENSATION FOR DISABILITY OR DEATH

This section would exempt the Department of State from paying federal workmen's compensation insurance for employees working under contract for the Department or the Foreign Service. This would permit the use of local workmen's compensation plans, which currently cover such employees.

SECTION 120: REGULATION OF FOREIGN MISSIONS

Section 120 the "Foreign Missions" provision, amends the State Department Basic Authorities Act of 1956 by adding a new title II which establishes basic policies, and grants to the Secretary of State basic authorities concerning the activities and operations of foreign missions in the United States.

This new title is designed to provide a means to remedy a serious and growing im-

balance between the treatment accorded by many countries to official missions of the United States abroad, and that accorded to foreign government missions in the United States. The Department of State does not currently possess authority to enforce reciprocity in an appropriate and effective manner, while other nations use devices, often called Diplomatic Service Bureaus, to provide services to the diplomatic community and to prevent or control direct contact by diplomats with individual service organizations.

Such bureaus perform many functions in the areas of housing, personnel, and the procurement of goods and services—even the provision of tickets for cultural and athletic performances. In the Soviet Union, all services to the diplomatic community are controlled through a service bureau. Many service bureaus even provide any foreign national hires which the diplomatic community may require—under contract to the bureau and at a pay rate set by the bureau. Each bureau is controlled by its Ministry of Foreign Affairs.

The problems caused by such controls, and by other foreign government policies, are many. In an increasing number of countries, for example, the United States is denied suitable locations for U.S. missions or long-term rights to property or facilities, often resulting in diminished security, excessive or discriminatory costs, or inadequate facilities which significantly reduce the effectiveness of the missions.

In the Soviet Union and Eastern European countries, the U.S. Government is barred from purchasing office and residential properties and is required to obtain all facilities and service through government-controlled sources. In many cases, these are either inadequate, excessively costly, or both, or they may be arbitrarily denied. On the other hand, in the United States, these governments are allowed to purchase both types of property in Washington, D.C. All own either office or residential space. Indeed, the Soviet Union is much farther along in building a new embassy complex in Washington, because they have been able to use private U.S. contractors to do the work. Phase 1 of the project, including living quarters, recreational facilities, a school, and medical building, is nearly complete. In Moscow, the U.S. Embassy complex foundation has almost been completed. Close U.S. supervision is required, while delays and harassment commonly accompany the work, so that completion of the project is at least 4 years away.

In Kuwait, Bahrain, and the United Arab Emirates, the United States is allowed to purchase badly needed staff housing sites which would permit residential construction and elimination of exorbitant short-term lease charges. Yet these same governments own residential units in the U.S. capital area.

In Algeria, a prior expropriation of U.S. property remains unsettled. Present facilities used by the United States are completely inadequate. Efforts to secure long-term office and residential properties have been notably unsuccessful.

In Indonesia, the Government has decreed that the U.S. Government may no longer own its more than 20 properties and is now in the process of converting these to long-term leaseholds. The new groundrents will be considerable. Indonesia, of course, is free to buy, lease and sell property in United States.

In the Soviet Union, diplomats are charged much higher rates for hotel rooms than are other foreign citizens or Soviet citizens. In some case, charges have been as high as 10 times the normal rate. In addi-

tion, a "fee" equal to 1 night's lodging is charged to diplomats, but not to tourists or Soviet citizens, for holding hotel reservations, which are always difficult to obtain anyway due to the shortage of hotel rooms. Regardless of the duration of stay, a diplomat is thus obliged to pay for 1 extra day of lodging.

In Chile, staff personnel are not permitted to sell imported cars unless they pay import duties. In Venezuela, these employees are restricted to Venezuelan-made cars. Thus, a communicator who brings into Chile an American car on a 2-year assignment and is then reassigned to Venezuela is faced with two problems. He cannot sell his American car in Chile and cannot import it into Venezuela.

In many areas of the world, both the U.S. Government and its employees encounter serious inequities regarding the import or export of privately owned vehicles and other personal effects. Nonetheless, employees of these government's foreign missions in the United States do not face these restrictions. Problems exist, for example, in Mexico, Venezuela, Singapore, Guatemala, and at many embassies in the Near East. At the same time, these countries' missions in the United States are allowed to acquire property and goods freely, are exempt from customs duties and local taxes, and may obtain benefits and public services, often without limitation.

The problem of taxation of diplomatic personnel has been particularly vexing. For example, although the Vienna Conventions on Diplomatic Relations and on Consular Relations extend to noncommissioned diplomatic and consular personnel assigned abroad certain protections from host government customs duties and local taxes, many host governments deny such exemptions at considerable extra expense to Foreign Service members. Since many of these people are at the lower end of the Foreign Service pay scale, this adds yet another burden to overseas service.

In Chile and Malta, the U.S. Embassy is not exempt from the payment of a gasoline tax of 48 cents and 25 cents per gallon, respectively. In Yugoslavia, the U.S. Embassy is required to pay a 27.5-percent tax on heating oil.

A number of countries also require a transaction tax on certain construction materials. One example is Portugal, where the imposition of this tax may greatly increase the cost of the new Embassy being constructed in Lisbon. In New Delhi, all Embassy administrative, support, and specialized staff such as Library of Congress personnel do not receive duty-free import privileges and are not exempt from customs inspection and the imposition of certain taxes, despite their performance of official functions for the United States.

In most cases, the Department of State lacks authority to impose similar restrictions or conditions on such countries in the United States. Instead, it can only take more extreme action such as barring the mission concerned from using property it may acquire denying all tax privileges to a diplomat, or declaring some persons persona nongrata. These remedies constitute a form of overkill and are not appropriate for many situations, so they are rarely used.

The new foreign missions title would remedy this situation by providing the Secretary of State with additional authority and the means to enforce reciprocity in a manner appropriate to the specific problem—to "make the punishment fit the crime." The establishment of such an Office of Foreign Missions builds on the successful experience of other countries. It permits the

flexibility essential to the changing requirements of reciprocity. It is the committee's hope that enactment will result in improved reciprocity and an end to unreasonable restraints on foreign missions here and abroad.

Section 120 specifically provides a mechanism whereby the operations of foreign missions in the United States and the benefits available to them from Federal, State, and local authorities, public utilities, and private persons may be reviewed and, if necessary, regulated through a central authority. In this way, the conditions under which foreign missions operate in the United States can be made to reflect the conditions under which missions of the United States are required to operate in the countries represented by such foreign missions. As a result, the foreign governments and entities represented by missions in the United States will have an incentive to provide fair, equitable, and nondiscriminatory treatment to U.S. missions and personnel in their territories. This, in turn, will contribute to significant savings in the costs of operating U.S. missions overseas, improved morale and working conditions for U.S. personnel, and mutual respect in U.S. bilateral and multilateral relations. These new authorities may also be applied to international organizations to a limited extent where necessary to give effect to the policy of this legislation.

These new authorities will also enhance the ability of the United States to assist foreign missions in obtaining benefits to which they are entitled under appropriate international treaties and bilateral agreements. It is the committee's hope that many obstacles will now be removed which have in the past hindered the Department of State in responding effectively to the needs of foreign missions.

Foreign mission activities in the United States are presently regulated in significant ways by treaties and other international obligations of the United States, such as the 1961 Vienna Convention on Diplomatic Relations. Certain mission activities are now subject to domestic regulation under existing Federal laws such as the 1978 Diplomatic Relations Act and the 1976 Foreign Sovereign Immunities Act. Foreign missions and their personnel are admitted into the United States only with the approval of the U.S. Government, and may be required at any time to depart the United States.

Thus, foreign missions and their personnel do not possess the status of private persons or organizations within the United States. In some cases their rights may be greater, and in some cases more limited.

The privileges of entry into the United States, and the authority to conduct activities in the United States, which clearly may be withheld altogether, will be subject to a wide range of conditions under the proposed legislation. Such regulation of foreign missions is squarely within the foreign relations power of the United States and, therefore, a proper subject for federal legislation.

The committee notes that, while this title is replete with discretionary authorities, they are intended to provide the flexibility, which the Department of State has not heretofore possessed, to enable the Secretary to decide which sanction or other response is most appropriate to solve a specific problem. These authorities are not to be used as an excuse for ignoring a problem for fear of affecting U.S. bilateral relations adversely. That consideration certainly never enters into the discriminatory treatment accorded the United States by certain other countries. The committee therefore expects the Secretary of State, acting through this Office of Foreign Missions, to use these authorities meaningfully and effectively. In

this way, the United States will make it abundantly clear that it views seriously the international obligations of all states.

The committee also notes that this legislation is not intended to affect those protective services provided to the diplomatic community by the United States, including those provided by the U.S. Secret Service under the authority of section 202 of title 3, U.S. Code, with respect to foreign diplomatic missions, or under section 3056 of title 18 U.S. Code, with respect to a visiting head of a foreign state or government or certain distinguished foreign visitors. It is not the intention of this legislation to change in any way the authority or procedures of the U.S. Secret Service, nor to affect the basic policy of providing protection at a level which is commensurate with the need.

Section 120(a) designates the existing provisions of the State Department Basic Authorities Act of 1956 as "Title I—Basic Authorities Generally."

Section 120(b) provides for a new title II of that act to be designated "Authorities Relating to the Regulation of Foreign Missions." The remainder of section 120(b) contains the extent of the new title II, which consists of 12 sections:

SECTION 201—DECLARATION OF FINDINGS AND POLICY

Section 201 sets forth congressional findings and policies concerning the operations, activities, and obligations of foreign missions in the United States, and the international legal obligation of nations to provide assistance to missions within their territories.

Section 201(a) restates the established jurisdiction of the Federal Government over the operation in the United States of foreign missions and public international organizations and official missions to such organizations. Many aspects of the operations of such missions and organizations are already governed by Federal law, including the Diplomatic Relations Act (22 U.S.C. 254a-254c) and the foreign missions title represents a further exercise of Federal jurisdiction in this regard.

Section 201(b) enunciates U.S. policy to support and facilitate the secure and efficient operation of U.S. missions abroad and of foreign missions and international organizations in the United States. It further declares U.S. policy to assist in obtaining appropriate benefits, privileges, and immunities for foreign missions and international organizations in the United States and to require them to observe corresponding obligations in accordance with international law. These statements do not represent a new policy. Rather, they reflect the purpose of this provision to improve the ability of the Secretary of State to give effect to existing policy.

Section 201(c) mandates the consideration of benefits, privileges, and immunities accorded to U.S. missions abroad in determining the assistance to be accorded to foreign missions in the United States in the specific application of the general policy enunciated in subsection (b). This element is reciprocity, while not necessarily determinative in all cases, is a key feature of the system envisioned by the foreign missions provision. The concept requires the Secretary of State to be cognizant of the treatment of U.S. missions and personnel in foreign countries and to take that treatment into account in determining how foreign missions are to be treated in the United States.

SECTION 202—DEFINITIONS

Section 202 defines terms used in the foreign missions title and specifies the role of the Secretary of State in determining their interpretation and applicability.

Subsection 202(a)(1) defines "benefit" to a foreign mission as any acquisition or authorization for an acquisition in the United States by or for a foreign mission, including such benefits as real property, public services, supplies, including maintenance and transportation, local staff, travel and related services, and protective services. The committee stresses that this enumeration is merely illustrative and not exhaustive. In fact, this provision explicitly grants the Secretary of State authority to designate what constitutes a "benefit" for purposes of this title. The committee notes that the term "utility" should be broadly construed to include gas, electricity, oil, telephone, trash disposal, water and sewer services, and the like.

Section 202(a)(2) defines a "chancery" as the principal offices of a foreign mission used for diplomatic or related purposes (e.g., consular functions), as well as annexes, ancillary offices, support facilities, and any building site for such purposes. This means, for example, that residences, recreational facilities, and warehouses acquired by a foreign mission would not be included in the term "chancery." It is intended that the term be construed to include only those structures, facilities, and sites used by a foreign mission to conduct its business in the United States.

Section 202(a)(3) defines "Director" as the Director of the Office of Foreign Missions in the Department of State. That office is established under section 203(a) below.

Section 202(a)(4) defines a "foreign mission" as any official mission to the United States involving diplomatic, consular, or other governmental activities of a foreign government or another foreign organization (other than an international organization) which has been granted privileges and immunities under U.S. law. In addition to traditional diplomatic and consular establishments, this term includes such special missions as that of the Commission of the European Communities and diplomatic liaison offices which have been granted privileges and immunities pursuant to special legislation (22 U.S.C. 288h). It could also be applicable to state trading organizations operated by some governments, to the extent that the trading organization performs governmental functions. The term includes both the personnel and property of the mission.

Section 202(a)(5) defines the term "real property" to include any right, title, or interest in or to, or the beneficial use of, any real property in the United States. This would include situations where property has been acquired, for example, by a separate corporation controlled by a foreign mission, or by an organization which intends to make such property available for activities of a foreign mission. The term not only includes rights acquired by purchase, but also interests acquired by lease.

Section 202(a)(6) defines "Secretary" to mean the Secretary of State.

Section 202(a)(7) defines "sending state" as the foreign government, territory, or political entity represented by a foreign mission. This is the term commonly used in international agreements concerning foreign missions, such as the 1961 Vienna Convention on Diplomatic Relations (23 U.S.T. 3227, TIAS 7502) and the 1963 Vienna Convention on Consular Relations (21 U.S.T. 77, TIAS 6820).

Section 202(a)(8) defines "United States" to mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. This definition outlines the geographic application of the provision to make clear that it is intended to cover

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foreign missions situated in any such location and activities carried out in any such location.

Section 202(b) commits the interpretation and application of the terms defined in subsection (a) to the discretion of the Secretary of State. The provision is intended to avoid conflicting interpretations by different government agencies and courts and potential litigation that might detract from the efficient implementation of this title or might adversely affect the management of foreign affairs. A determination, for example, as to what constitutes diplomatic, consular, or related official activity, may affect similar determinations by foreign states concerning functions of U.S. missions abroad. Such determinations might also affect implementation of multilateral treaties. Accordingly, they should not be left open to diverse interpretations under the foreign missions title.

SECTION 203—OFFICE OF FOREIGN MISSIONS

Section 203 provides for establishment of a new office in the Department of State to administer the foreign missions provisions.

Section 203(a) directs the Secretary of State to establish the Office of Foreign Missions as an "independent office" in the Department of State. This Office is to be headed by a Director appointed by the Secretary, who will perform under the Secretary's supervision and direction. The Secretary is prohibited from delegating supervisory authority over the Director to any official below the rank of Under Secretary.

This organizational structure seeks to reconcile two competing policy interests. On the one hand, regulation of the operation of foreign missions in the United States is an important aspect of the conduct of foreign affairs and should be directly under the supervision of the Secretary of State. On the other hand, this responsibility should not be imposed on the operating bureaus in the State Department which deal with foreign missions on substantive issues on a day-to-day basis. These concerns will be met effectively by placing responsibility in the State Department and, at the same time, precluding its exercise by the operating bureaus.

This new Office will also relieve the Office of Protocol of its often-conflicting responsibilities vis-a-vis foreign missions in the United States, and will enable it to discharge its proper responsibilities more efficiently and effectively. The committee expects, in particular, that certain responsibilities will be moved from the Office of Protocol to the Office of Foreign Missions, including such matters as: (1) The determination of eligibility and issuance of credentials of diplomatic, consular, and other foreign government officers and employees with respect to rights, privileges, and immunities; (2) advising and acting as liaison to State and local government authorities on diplomatic privileges and immunities and related matters; (3) providing certifications of the immunity status of individuals for use in court cases; (4) requesting waiver of immunity in appropriate cases; (5) assisting in the negotiations of consular conventions and other treaties and agreements involving rights, privileges, and immunities of foreign government missions and personnel; and (6) providing advice and assistance to diplomatic missions.

In certain areas, the Secretary may find it appropriate to permit sharing of responsibilities between the two Offices, but the committee expects the new Office to resolve the inherent conflict between protocol duties and those duties involving regulation of foreign mission activities. Appropriate liaison between the offices should assure that conflicts are minimized.

Section 203(b) identifies the major responsibilities that the Secretary may delegate to the Director, and authorizes the Secretary to assign other functions to the Director as the Secretary may determine necessary in furtherance of the policy of the foreign missions provision. The two specific responsibilities of the Director identified in this subsection are those of assisting Federal, State, and municipal agencies in ascertaining and according benefits, privileges, and immunities to foreign missions, and of providing or assisting in the provision of benefits to foreign missions. The manner of such assistance is dealt with in section 204 below.

SECTION 204—PROVISION OF BENEFITS

Section 204 contains the key provisions empowering the Secretary of State to implement the policy of the foreign missions provision by setting terms and conditions upon which benefits may be provided for any foreign mission. Additional specific authority to impose conditions on or to regulate the acquisition or use of real property is set forth in section 205 below. The committee does not intend either section to limit the authorities granted in the other.

Section 204(a) specifically provides authority for the Director to assist foreign missions, at their request, to obtain benefits. The Secretary of State may approve terms and conditions for such benefits.

The committee notes that this authority is intended both to enable the United States to exercise more effective control over the granting of privileges, immunities, and other benefits to foreign missions and to enhance the ability of foreign missions to conduct their representational duties in the United States.

Section 204(b) authorizes the Secretary to require a foreign mission to comply with such terms as the Secretary may establish in order to obtain or utilize any benefits or to take certain other actions. Alternatively, this subsection empowers the Secretary to require a foreign mission to obtain benefits from or through the Office of Foreign Missions. The Secretary is authorized to impose substantive and procedural constraints on the basis of reciprocity or otherwise, in accordance with the criteria set forth in paragraphs (1) through (4) of this subsection. These criteria include such matters as facilitating U.S. diplomatic relations, protecting the interests of the United States, assisting in the resolution of disputes affecting U.S. interests, or adjusting for costs and procedures imposed on missions of the United States abroad.

The committee notes that flexibility is desirable and necessary in the operation of this Office. Therefore, the committee has not mandated the concept of a quid pro quo for each individual case. Nevertheless, the committee stresses its intent that the new Office of Foreign Missions recognize and utilize the concept of reciprocity effectively.

Section 204(c) sets forth certain conditions which the Secretary may impose on foreign missions in order for them to obtain benefits. Section 204(c)(1) provides that a requirement may be imposed for a surcharge to be paid to the Director by a foreign mission for the receipt of any specified benefit, regardless from whom the benefit is obtained. This provision will enable the United States to adjust for the often arbitrary imposition of costs overseas, or to provide leverage in cases where exact reciprocity may not be available, or may be insufficient to induce appropriate treatment of U.S. interests abroad. The surcharge would be paid directly to the Office of Foreign Missions, over and above any other costs or conditions set by any contractor or other party with whom the foreign mission is in-

involved in acquiring the benefit in question. Payment of the surcharge would be a condition precedent for the mission to be allowed to obtain or retain specified benefits from private or public sources. Thus, there would generally not be any direct effect on the terms or conditions set in private contracts or by persons providing benefits to such missions.

Section 204(c)(2) provides for a waiver of recourse by a foreign mission generally against any governmental authority, entity providing public services, or other person in connection with any action (including an omission) determined by the Secretary to be in furtherance of the purposes of the title. In the absence of such a provision, public agency officials, private party contractors, or persons acting for publicly regulated utilities, among others, could be exposed to suits challenging their authority to carry out such actions, or to suits for damages for complying with a requirement of the Secretary under the foreign missions title. Section 208(b), discussed below, provides further protection against suit in this regard.

Section 204(d) provides that the Secretary may designate the Director of the Office of Foreign Missions, or any other Officer of the Department of State, as the agent of a foreign mission for the purpose of executing the required waiver. This authority is necessary to assure that the U.S. person acting in response to the Secretary's direction will not incur liability to a foreign mission.

Section 204(e) prevents the State Department from certifying the diplomatic status of more than two applicants per foreign mission who are seeking diplomatic license plates from local motor vehicle departments.

SECTION 205—PROPERTY OF FOREIGN MISSIONS

Section 205 recognizes that the location and use of foreign missions facilities in the United States and the process by which those facilities in the United States and the process by which those facilities are obtained, clearly affect the Federal interest, and have a direct impact on the security and adequacy of treatment of U.S. missions abroad.

Section 205(a)(1) authorizes the Secretary to require, in those cases in which he finds it appropriate, that a foreign mission provide notice prior to any acquisition, alteration, sale, or other disposition of any real property (as defined in sec. 202(a)(5)). The notice requirement could cover any beneficial usage of property, regardless of the means by which such right of usage is acquired, or whether acquired by the mission directly or by an employee or agent thereof, or by a third party. The Secretary then has 60 days within which to disapprove the proposed action and may establish conditions which, if met, will remove the disapproval. The Secretary may, in his discretion, shorten the 60-day period.

This procedure predates any further approvals which may be necessary from State or municipal authorities regarding zoning and related matters. The committee notes that this review procedure will be useful to State and municipal authorities as an additional indication of the acceptability of the proposed action. In view of the significant Federal interest involved, section 206 further governs the process by which location approvals are made in the Nation's capital.

Section 205(a)(2) defines acquisition for purposes of the section to include any action relating to real property such as acquisitions, alterations, additions, or changes in the use for which the property is used.

Section 205(b) authorizes the Secretary to restrict a foreign mission from using, or retaining, real property interests which are not acquired in accordance with this section, or which exceed limitations placed on real property available to the United States abroad. This subsection, together with section 204, is designed to provide necessary discretion for the Secretary to adjust enforcement provisions in order to take into account the many differing legal and political systems in other countries, as well as the necessary flexibility to take into account treatment accorded U.S. missions and personnel on related bilateral issues. In many countries, for example, foreign governments are not able to acquire title to property. The United States in such a case could obtain sufficient long-term lease rights for U.S. mission facilities in exchange for permitting the acquisition of property in the United States. Alternatively, the Secretary could require a foreign mission to limit its property interests in the United States to a specific term of years, or in some cases provide a right of reversion to the United States of such property, in the event that U.S. property rights or interests in the sending state were reduced or rendered less effective by acts or omissions of that state.

The committee wishes to stress in the strongest possible terms that, in its view, the United States should seriously consider a blanket prohibition on the ownership of real property in the United States by any foreign mission whose country prohibits U.S. ownership of property. If the United States has no choice but to pay the higher costs of long-term or short-term leaseholds overseas because it is prohibited from purchasing property, the committee believes that the same treatment should certainly be reciprocated. Such a prohibition should apply to property owned on the date of enactment of this foreign missions title, as well as to future acquisitions.

The enforcement provisions of this section which may be applied against the foreign mission include the divesting of property or forgoing use of the property. The inclusion of specific enforcement provisions in this section, as compared with the general authority to impose conditions on foreign governments under section 204, is intended to assure that State and local real property laws not be construed to accord procedural or substantive rights which preclude implementation of the foreign missions title.

Section 205(c) is designed to assure that the Federal Government will be able to protect and preserve property of foreign governments under circumstances when a protecting power or other agent does not assume responsibility. In addition, this subsection authorizes the Secretary to dispose of such property after the expiration of a 1-year period from the date such foreign mission has ceased using the property for official activities. The right of disposition is intended to be exercised only in unusual cases where resumption of official activities is not likely to occur within a reasonable period of time, or where, for other reasons, the Secretary determines that it is not in the Federal interest to continue to preserve such property. Considerations such as the status of U.S. property interests in the country involved might also enter into such determinations.

SECTION 206—LOCATION OF FOREIGN MISSIONS

Section 206 will strike an effective balance between the interests of the federal government and the District of Columbia government in determining appropriate locations for foreign missions in the Nation's capital. The section provides for the establishment of the "District of Columbia Foreign Missions Commission," with members repre-

senting both the federal and city governments, and set forth criteria which promote a balancing of interests.

Section 206(a) recognizes that the location, replacement or expansion of foreign missions in the Nation's capital, and the procedures involved in determining these matters, has a substantial impact on Federal interests both in the United States and abroad. International legal obligations requiring each country to facilitate the acquisition of appropriate facilities for accredited foreign missions in the capital city of the host country cannot be subject to negotiation by the acts or omissions of local authorities.

Section 206(b)(1) creates the District of Columbia Foreign Missions Commission, comprised of the five members of the District of Columbia Zoning Commission and two additional members, who shall be the chairperson of the National Capital Planning Commission and a representative of the Secretary of Defense, in order to reflect the concerns of the Congress that decisions affecting important federal interests are made through a process which appropriately balances federal and municipal interests.

Section 206(b)(2) provides for appropriate compensation for the Chairman of the National Capital Planning Commission during the period that individual is performing his or her duties on the Commission. The other members of the Commission are employees either of the District of Columbia or federal governments and therefore receive no additional compensation.

Section 206(b)(3) provides that personnel, space and facilities will be provided by the District of Columbia Government, as the Commission is a District of Columbia Government agency.

Section 206(c) requires establishment of areas within the District of Columbia in which chanceries may be located as a matter of rights, as is the case with many uses in current zoning practice. Security, representation and related factors necessitate that chancery uses be located in lesser density areas and generally in proximity to each other where possible. Security and representational functions also preclude in most cases general usage of higher density structures, such as office buildings, except for additional space needed from time to time to accommodate official activities which cannot fit into the main chancery facilities. The Committee also notes that areas devoted to higher density commercial or residential uses are in most cases inappropriate for low density chancery uses, and are well beyond the financial reach of 85 percent of the foreign nations accredited to the United States, and from whom the United States must seek appropriate space within their capitals.

Section 206(c) also specifically precludes discriminatory treatment of chanceries vis-a-vis other non-residential uses, by prohibiting limitations on chancery uses which are greater than those placed on other non-residential uses. For example, existing regulations in some cases preclude chancery uses while at the same time permitting all other office uses to locate as a matter of right without exception or limitation.

Section 206(d) requires that rulemaking procedures under the District of Columbia Administrative Procedure Act will be applicable to such determinations. Among other things, this insures notice and opportunity to be heard for interested members of the public.

Section 206(e) sets forth the criteria to be applied to determinations by the Foreign Missions Commission. The Committee notes that these criteria are in general usage today, but that in order to provide for effective implementation of this section, it is de-

sirable to enumerate the criteria specifically.

Paragraphs (1) through (8) of subsection (e) set forth the criteria applicable to chanceries and chancery annexes which are intended to balance Federal and municipal interests. These criteria take into account the Federal interest, which involves international obligations of the United States and the accompanying security requirements involved as well as concern for the impact on local matters such as transportation, housing, and environment.

Subsection (e)(1) sets forth the standard of "adequate and secure facilities" which reflects one of the fundamental purposes of the Office of Foreign Missions and the international obligations of the United States.

Subsection (e)(2) reflects the need to continue to locate such missions in existing mixed-used areas, in which current uses already include institutions, commercial, or governmental activities, and residential uses. The obligation to provide security for foreign missions dictates the need to locate these missions in proximity to each other and in areas of lesser density. The Committee notes that areas in which current uses are entirely residential would not become available for chancery use under this amendment, except for medium-high density or high-density apartment zones.

Section 206(e)(3) assures the continued application of historical preservation measures to facilities of foreign missions under regulations issued by the new Commission.

Sections 206(b)(4) through (6) relate to transit, parking, public facilities and services, and special security requirements. Section 206(b)(4) also constitutes a recognition that special security factors affect parking requirements, and that similar considerations are taken into account in connection with the location of United States facilities abroad.

Sections 206(b)(7) and (8) specifically provide for determinations of the general municipal and federal interests by the Mayor of the District of Columbia and the Secretary of State, respectively. Finally, the Commission is required to apply the criteria of Federal and municipal interests, historical preservation, the need for adequate and secure facilities, and adequacy of protection to other official property uses by foreign governments covered by this section.

Section 206(f) is intended to preserve the existing relationship between the National Capital Planning Commission and municipal authorities with regard to land use.

Section 206(h) is intended to assure that unreasonable burdens are not placed on chancery applicants, and that such applicants are not subjected to a process inconsistent with the conduct of official relations between nations.

Section 206(i) is intended to assure the establishment of an expeditious decisionmaking process, which will preclude overlapping and time-consuming proceedings which can result under existing law and regulations. It also emphasizes the Congressional purpose in enacting this section to assure proper facilities for foreign governments consistent with international obligations.

Section 206(j) places an obligation on the Secretary to promote compliance with reasonable code requirements, taking into account special security, communications and other factors involved in foreign government facilities in the United States, as well as with United States facilities abroad.

Section 206(k) is intended to clarify the right of the United States to intervene or bring an action concerning the activities of the new Commission, either on its own

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behalf or on behalf of a foreign government.

Section 206(1) provides "grandfather" rights with regard to existing chancery locations or uses. This subsection is necessary to protect rights and uses which were acquired prior to enactment of this section.

SECTION 207—PREEMPTION

Section 207 declares the preemptive effect of the exercise of Federal jurisdiction with regard to the conferring or denying of benefits (including the location or use of real property) which are regulated by this title. The exercise of Federal jurisdiction embodied in section 206 and the other applicable provisions of this title preempts the application of any other provision of law, to the extent that such other law is inconsistent. The committee wishes to emphasize, however, that the requirements of section 205 do not preempt municipal zoning and related requirements so long as those requirements do not interfere with the exercise of the Secretary's authority under that section.

The language of section 207 would also have the effect of rendering unenforceable any rules or regulations of any Federal agency, to the extent that such rules or regulations would confer or deny benefits contrary to this title.

SECTION 208—GENERAL PROVISIONS

Section 208 contains general administrative provisions to enable the Office of Foreign Missions to operate as an adjunct of the Department of State, not affected by the day-to-day operations of the Department. It also provides protection for persons against liability for actions taken in good faith under this title. Protection is also accorded assets of or under the control of the Office of Foreign Missions.

Section 208(a) authorizes the Secretary to issue regulations to implement the policy of the title. These regulations will be controlling in determining the application of this title.

Section 208(b) provides protection against liability for persons acting in good faith to implement the title. This is intended particularly as a protection to private companies and individuals who would, in the normal course of doing business with foreign missions, be liable for breach of contract or other violations of duly constituted agreements. In all cases involving actions under this title by the Office of Foreign Missions, and good-faith compliance by any persons involved, it is the committee's intent that no liability should attach to those persons. Any problem which may be of concern to foreign missions in this connection, as in all others involving a country's bilateral relations with the United States, is to be directed to the Department of State.

The committee notes that the term "person" is intended to cover any juridical person, including any corporation or organization, as well as individuals. "Direction" by the Secretary is intended to include any official request for action or inaction.

This provision is derived from the Trading with the Enemy Act and the International Emergency Economic Powers Act and is to be construed as broadly as the corresponding provisions of those acts.

Section 208(c) provides the necessary authorities to hire personnel and acquire necessary services in order to meet the atypical needs of administering this title. The functions and personnel requirements of the Office of Foreign Missions may require a variety of employee services beyond the position descriptions generally available to the Department of State, and which could be required on an intermittent or temporary

basis. Examples include property and zoning specialists, individuals to perform specialized liaison activities with State and local authorities or public utilities, or to provide travel or other services to implement constraints on foreign missions, and the like.

These services may be required on very short notice (e.g., 24 hours) as the need arises in reviewing activities of foreign government offices (such as consulates) which are located in a number of cities in the United States. Authority to respond rapidly is therefore basic to effective implementation of this title and to the efficient operations of the Office of Foreign Missions.

The committee wishes to stress that the effectiveness of this new Office will depend greatly on its structure and staffing patterns. It is vital that the Office be structured to be directly responsive to problems of U.S. missions abroad and domestic national security issues, and it should therefore be staffed to reflect these requirements. The committee expects that, to the extent practicable, members of the Foreign Service and individuals with related experience will be assigned to this Office. It is not, however, the committee's intention to place individual Foreign Service members in an awkward or hazardous position with regard to service in this Office and future assignments overseas.

Section 208(c)(1) authorizes the use of Federal employee services from other agencies with or without reimbursement. It is expected that available resources in the Federal Government will be used to the extent possible to reduce operating costs and maximize benefits. The committee encourages other Federal agencies to assist the Secretary to the maximum extent possible, consistent with the workload of the concerned agency. In many cases, such a detail or assignment (e.g., a zoning specialist from the Department of Housing and Urban Development asked to assist the Office of Foreign Missions with a matter in San Francisco) could prove to be useful experience for the employee, and therefore for the employee's agency.

Section 208(c)(2) provides authority necessary to acquire technical or professional services which may not reasonably be obtainable on a timely basis, or may not exist at all, within the Federal Government. This authority to obtain services is necessary due to the unusual personnel needs of this Office and the lack of adequate position descriptions to cover such personnel. The committee notes that such positions are lacking in the Federal Government because they are generally not needed on a long-term basis. The committee expects this authority to be used sparingly for temporary or intermittent services when they cannot otherwise be obtained within the Federal Government in a timely manner.

Section 208(d) provides authority for contracts for supplies and services, including personal services. This subsection contains flexible contracting authority necessary to meet the requirements of this title, which in some cases may not be covered by standard procedures for supplies and services for general office purposes. Furthermore, these needs cannot always be anticipated in time to permit the operation of normal advertising and procurement processes. In addition, security requirements may necessitate special procurement procedures in some cases.

The committee notes that the procurement laws generally applicable to government agencies are intended to cover the needs of those agencies for supplies and services at the taxpayers' expense. By contrast, the Office of Foreign Missions will, on many occasions, procure supplies and services for foreign missions which will be paid

for by those missions. Unlike present practice, where the Secretary of State exercises little or no control over procurement of supplies and services for foreign missions, this new procedure will permit such control. An example of such a requirement would be the need to find a local employment service which a foreign mission would be required to use to hire local employees. The authority of this subsection will be used sparingly and will permit these unusual requirements to be met in a timely manner.

Section 208(e) provides authority to the Office of Foreign Missions to obtain property or services from, or provide services or assistance to, other Federal agencies. This is intended to maximize interagency cooperation and to increase the efficiency and effectiveness of the Office of Foreign Missions.

Section 208(f) provides assurance that any assets held by or under the control of the Office of Foreign Missions will be exempt insofar as attachment, execution, and judicial process are concerned. This is necessary to assure that the functions of a foreign mission may not be interrupted by judicial process as a result of the Office's involvement with the interests of a foreign mission in the discharge of the Office's duties and responsibilities under this title.

Section 208(g) parallels the provisions of section 202(b) with respect to the authority of the Secretary to make determinations. This is necessary in order to avoid inconsistent interpretations or policies. This provision would not affect regulatory functions placed under this title in other agencies, such as the NCPD.

Aside from the proceedings before the Commission, which necessarily involve full public participation, actions and determinations under this title are in most cases political in nature, involving considerations of foreign policy and national security. Therefore, this subsection also provides that, except for the procedural requirements under section 206(b) in connection with hearings and other proceedings before the National Capital Planning Commission, determinations otherwise required under the title shall be limited to a requirement to adhere to appropriate administrative processes established by the Department, or by other agencies or officials vested with such responsibility.

Section 208(h) provides that fiscal needs of the Office of Foreign Missions and funding procedures for implementation of this title will be managed by the Secretary of State as part of the Department's working capital fund, established by section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684). This method of funding and audit control under established procedures of the working capital fund is appropriate for activities for which procurement and fiscal requirements cannot be anticipated in advance or on a scheduled basis. In addition, the committee believes that because the funds received from foreign missions will be used to provide benefits to foreign missions, the use of the working capital fund offers a practical way for the Office of Foreign Missions to be responsive to changing requirements. Therefore, this subsection provides for the use of the fund in lieu of otherwise applicable procedures concerning receipts and expenditures by the Government. The committee will continue to monitor the operations of the working capital fund, as it has done in the past.

SECTION 209—APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

Section 209 grants authority to the Secretary to apply provisions of this title to inter-

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national organizations or official missions thereto, where it is deemed appropriate to carry out the purposes of this title. This section recognizes the special relationship of the United States to the international organizations with headquarters in this country, and the separate international agreements applicable to that relationship.

Section 209(a) specifically authorizes the Secretary of State to make any provision of this title applicable to an international organization to the same extent that it applies to a foreign mission. The Secretary's determination will be made after consultation with the international organization.

The term "international organization" is defined in section 209(b) as a public international organization designated as such pursuant to the International Organizations Immunities Act or other law. For the most part such organizations are identified in Executive Order 9698, and subsequent Executive orders (22 U.S.C. 288 note). This definition also includes missions to international organizations which, although they usually represent individual sending states, are dealt with primarily in the context of relations between the United States and the international organizations. Because of the special responsibilities assumed by the United States as host to a number of international organizations, the general application of this to such organizations would be inappropriate. Nonetheless, the committee expects that particular provisions of the title will be applied to particular organizations if it is deemed necessary in order to carry out the policy of this legislation. The international obligations of the United States to assist and regulate the operations of international organizations are equally as important as the obligations attaching to missions of sending states accredited to the United States.

SECTION 210—PRIVILEGES AND IMMUNITIES

This section declares that nothing in this title, including the congressional declaration of findings and policy in section 201, is intended to amend or supersede international obligations undertaken by the United States or other obligations required by U.S. law in connection with the conduct of activities by foreign missions and international organizations. Constraints placed pursuant to this title upon the conduct of foreign missions in the United States are not to be incompatible with permission granted by the Federal Government to conduct diplomatic and related activities in the United States. It is expected that implementation of this title will encourage a proper balancing of treatment of the foreign missions involved and will, in fact, enhance the ability of the United States to discharge its international treaty and other legal obligations. Finally, the last sentence of this subsection prevents a waiver of immunity by implication, in a manner consistent with the Foreign Immunities Act of 1976 and the Vienna Convention on Diplomatic Relations.

SECTION 211—ENFORCEMENT

Section 211 applies to parties dealing with foreign missions, and limits enforcement by the Federal Government generally to equitable or other appropriate relief through the Federal courts. This section also provides notice to third parties of the possible invalidity or impairment of contract provisions entered into in violation of this title. In view of the large number of circumstances which could arise, it is necessary to leave to applicable judicial remedies the resolution of questions with respect to the enforceability and effect of contracts or performance thereunder which the Secretary finds are in violation of this title. The committee fully expects the Secretary of State

to minimize the need for judicial remedy by making it clear that foreign missions should, as a normal practice, consult with the Office of Foreign Missions before making commitments or taking steps which may be reviewed by the Office. Since the process of consultation by a foreign mission with the Department is an integral aspect of bilateral relations today, this places no real burden on foreign missions. Instead, it will afford greater protection to their operations, and should result in improvement of their representational activities.

SECTION 212—SEVERABILITY

Section 212 contains a standard severability clause. Inclusion of this clause is appropriate in view of the new authorities granted the Government and the resulting possibility of litigation. The foreign missions title is remedial in nature and is intended to provide redress in areas in which the Secretary of State finds that the Federal interest has been adversely affected. Thus, if a particular provision of the title or its application in a given case is held to be invalid, the remainder of the title or the application of its provisions will not be affected thereby. This will provide greater flexibility for a reviewing court to interpret broadly the provisions of the title in order to carry out its purposes.

Section 119(c) of the bill amends section 13 of the State Department Basic Authorities Act of 1956 to include the relevant functions in the foreign missions title as part of the State Department's working capital fund authorities.

The committee notes the receipt of favorable comments by the Department of State on the foreign missions title. The letter from Hon. Richard Fairbanks, Assistant Secretary of State,

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1981.

HON. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: In response to your request, I am transmitting the comments of the Department of State on a proposed amendment to the fiscal year 1982 Foreign Relations Authorization Bill concerning the regulation of foreign missions.

The Department strongly supports this legislative proposal. The amendment would authorize the Secretary of State to regulate activities of foreign missions in the United States on the basis of an assessment of treatment received by United States missions abroad, as well as a review of national security issues. This will assist our country to redress the current imbalance that sometimes exists between treatment of United States missions abroad and foreign government activities here. This authority to regulate the conduct of foreign missions and their personnel in the United States is clearly within the Federal jurisdiction, and will contribute to the effective conduct of foreign relations.

Moreover, in a time of declining Federal budgetary resources, arbitrary or unreasonable increases in costs of operating United States missions abroad, imposed or permitted by foreign governments, increasingly limit the ability of our missions to perform their functions. In such cases, the ability to place restraints on foreign missions here in the United States may enable our government to deal more effectively with such problems.

In addition, the ability of the United States to meet its important obligation to assist foreign missions to obtain adequate and secure locations in the United States, as well as the need to obtain comparable treatment abroad, would be enhanced by the pro-

posed legislation. An important link in this process is to strengthen the Federal role in determining acceptable locations for foreign missions within our country, and most importantly in the Nation's Capital. We believe this legislation carefully balances the need to accommodate the Federal interest with a process that weighs the municipal concerns as well.

Furthermore, interests of other federal agencies involved in ensuring the foreign mission activities in the United States remain within appropriate limits will also be enhanced by this proposed legislation.

The Department proposes several changes to the draft bill. These changes are not intended to alter the basic thrust of the legislation, but would enhance its implementation or provide clarification of the authorities therein.

First, we suggest that the term "independent" be eliminated from the first sentence of Section 203(a). That subsection with other sections of the bill, sets forth the authority to establish the Office of Foreign Missions and specifies the functions of the office. The term "independent" does not grant additional authority or limit the application of any other provisions of this proposed legislation, and is therefore unnecessary.

We believe Section 208(c)(1) should be modified by eliminating the clause "under contracts which may be renewed annually", and subsection (c)(2) eliminated in its entirety. These authorities are unnecessary, because the Secretary of State obtain necessary personal services under remaining Sections of the bill either through assignment or detail of federal employees, or by the employment of experts and consultants under the remaining portions of subsection (c)(1) and (3).¹

Finally, Section 208(h)(2) should be modified to eliminate the clause "Notwithstanding any other provisions of law". The remainder of that section provides specific statutory authority with regard to the disposition of revenues obtained under the bill. The "notwithstanding" clause is therefore unnecessary, and could raise difficult questions as to the effect on other laws concerning audit and fiscal control which are not intended to be affected by this provision.

In addition, we note that there are minor variations between this draft legislation and S. 854, a comparable bill introduced in the Senate. In particular, sections 204 (b) and (c) of the Senate bill have been combined in the House bill in order to make the criteria set forth in subsection (b) applicable in like manner to the authority granted the Secretary in subsection (c). We believe the text of the House bill will clarify and make consistent the criteria under which the authority granted the Secretary under Section 204 can be exercised.

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

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.

Section 120(d) contains amendments clarifying certain provisions of the Diplomatic

¹ The subsections referred to in this paragraph have been revised subsequent to the committee's receipt of this letter. Former subsec. 208(c)(1) has been eliminated, 208(c)(3) revised, and 208(c)(3) renumbered as 208(c)(1).

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Relations Act, which was reported by the Committee on Foreign Affairs and enacted by the Congress in 1978.

Section 120(d)(1) amends the definition of "members of a mission" in section 2(1)(A) of the Diplomatic Relations Act to add explicit reference to members who, although not "diplomatic staff" (as that term is used in the Vienna Convention on Diplomatic Relations), have been granted equivalent status pursuant to law. This will avoid any questions about the rights and corresponding obligations under the act of the senior staff of nondiplomatic missions who, under special legislation, are accorded the same privileges and immunities as the senior staff of a diplomatic mission.

Section 120(d)(2) adds explicit reference to the mission itself in section 3(b) of the Diplomatic Relations Act which specifies that the Vienna Convention on Diplomatic Relations shall be the governing standard in the United States with respect to privileges and immunities for nonparties to the Vienna Convention. As presently worded, section 3(b) does not specifically refer to privileges and immunities such as inviolability of premises, which apply to the mission rather than to any individual member thereof.

Section 120(d)(3)(A) similarly adds an explicit reference to the mission itself in section 4 of the Diplomatic Relations Act, which authorizes more favorable or less favorable treatment in the United States on the basis of reciprocity. Like section 3(b), discussed above, section 4 of the Diplomatic Relations Act presently refers only to individuals, giving rise to the same questions of interpretation. These amendments to section 3(b) and 4 of the act are in accord with the State Department's interpretation of the present law and are merely designed to correct an earlier drafting oversight.

Section 120(d)(3)(B) also amends section 4 of the Diplomatic Relations Act to delete the reference to "any sending state." This will assure that section 4 applies to missions or entities other than "sending states," such as that of the Commission of the European Communities, which are also intended to be covered by the Diplomatic Relations Act.

Section 120(d)(4) amends title 28 of the U.S. Code, by making applicable thereto the definition of "mission" contained in the Diplomatic Relations Act, rather than the definition contained in the Vienna Convention on Diplomatic Relations. This broadening of the definition will eliminate the present unintended disparity between the "missions" which are obliged to maintain liability insurance under section 6 of the Diplomatic Relations Act and the "missions" whose insurers may be named as defendants in direct actions by accident victims.

Section 120(e) contains conforming amendments to sections 6 and 16 of the act of June 20, 1938 (Public Law 684, 75th Cong., 62 Stat. 797), in order to carry out the purposes of section 206 of the foreign missions title (sec. 119(b) above). That section vests authority in the National Capital Planning Commission over the location of foreign missions, under provisions similar to those applicable to the location of Federal buildings under section 16 of the 1938 act.

SECTION 121: REOPENING OF CERTAIN U.S. CONSULATES

This section defers the use of State Department funds for the establishment or operations of any new U.S. consulates overseas until certain specified consulates (Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandlay, Burma; and Brisbane, Australia) are reopened. The provision would not affect ongoing construction or maintenance and se-

curity measures with regard to U.S. diplomatic facilities abroad. It would, however, delay the opening of new consulates for the People's Republic of China and Brunei.

SECTION 122: UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATIONS

This section expresses the sense of the House and its concerns over proposed activities of UNESCO which threaten the free press and the free flow of information without denouncing UNESCO's entire program or jeopardizing the continued funding of beneficial programs.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SECTION 201: SHORT TITLE

This section provides a short title for the International Communication Agency provisions.

SECTION 202: AUTHORIZATIONS OF APPROPRIATIONS

This section provides authorization of \$494,034,000 for fiscal year 1982 and \$482,340,000 for fiscal year 1983 to carry out the functions and responsibilities of the International Communication Agency.

SECTION 203: CHANGES IN ADMINISTRATIVE AUTHORITIES

This section amends the U.S. Information and Education Act of 1948 to provide for certain changes in ICA administrative authorities.

Section 203(a) would enable the Director of the Agency to authorize the assignment of non-citizen as well as citizen employees of the U.S. to a foreign government at the request of that government.

Section 203(b) would authorize the Agency to enter into contracts for property and services on a multi-year basis for a period not to exceed five years when economies may be realized through long-term contracting. The section restricts the terms of any such contract to a maximum of five years and requires cancellation if Congress does not appropriate funds for the contract in subsequent years, with a cancellation payment to reimburse a contractor for the unrecouped portion of items such as startup costs that originally were to be prorated over the contract period. It is expected that this authority will result in significant cost savings to the Agency.

Section 203(c) would allow the Agency to acquire security vehicles or equipment which would help alleviate or meet terrorist threats against USICA employees and property overseas. This authority brings ICA's in line with authority previously granted to the Department of State.

Section 203(d) would grant ICA the authority to purchase a special "errors and omissions" insurance policy to meet any potential liability. Insurance rates are typically low for coverage relating to rights in creative or intellectual property. Current federal practice prohibits the Agency from signing standard indemnification agreements which most film studios and music companies require when granting ICA the use of film clips or recorded music, because of the uncertain and unfunded potential liability. Such agreements would protect the large studios from claims on further royalties resulting from ICA's use of the film.

Section 203(e) provides authority to the Associate Director's principal assistant to continue the duties of the Associate Director should he or she die, resign, become sick or absent, until a successor is appointed or until the Associate Director resumes the duties of the office.

Normally, the principal assistant does assume these duties on an acting basis in such circumstances. However, the Comptrol-

ler General has questioned the validity of actions taken by officials who occupy positions normally filled by Presidential nomination, unless legal authority is provided. This section would alleviate doubts surrounding the acting Associate Director's authority.

Section 203(f) would exempt USICA from pay federal workmen's compensation insurance for employees working on ICA's exhibits and performing arts exchanges.

As a result of a recent court decision, the law providing compensation for disability or death to employees at military bases outside the U.S. is applied to U.S. Government grants and service contracts—even when the contract is not related to the national defense. Therefore, performing arts groups on ICA-sponsored tours overseas must be insured under the more expensive Longshoremen's and Harbor Worker's Compensation Act, rather than using state or local worker's programs for which they already have coverage.

By exempting exchanges and international fairs or expositions from the label of "public works", they fall outside the purview of the Defense Base Act and the compensation program mandated by that Act.

Section 203(g) will allow funds to be appropriated to ICA (currently \$33 million) in order to liquidate notes held by ICA as a result of the Informational Media Guaranty program. This will involve no budget outlays.

SECTION 204: DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "REFLECTIONS: SAMUEL ELLIOTT MORISON"

This section would allow for the dissemination within the United States of this ICA film, provided that ICA is reimbursed for any expenses involved.

SECTION 205: DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED, "AND NOW, MIGUEL"

This section provides for the release in the United States of an ICA film entitled "And Now Miguel".

SECTION 206: REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE U.S. INFORMATION AGENCY

This section changes the name of the United States International Communication Agency to the United States Information Agency.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SECTION 301: SHORT TITLE

This section provides a short title for the Board for International Broadcasting provisions.

SECTION 302: AUTHORIZATIONS OF APPROPRIATIONS

This section provides an authorization of \$100,300,000 for fiscal year 1981, \$86,519,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983 for the operations of the Board for International Broadcasting. The supplemental request for fiscal year 1981 is actually only \$600,000 in authorization due to the provisions of the continuing resolution for fiscal year 1981 which provided the remaining authorization.

TITLE IV—MISCELLANEOUS PROVISIONS

SECTION 401: INTER-AMERICAN FOUNDATION

This section provides \$10,560,000 in authorization for fiscal year 1982 and \$12,800,000 for fiscal year 1983 for the operation of the Inter-American Foundation.

Subsection (b) provides, for the Board of the Foundation, the same authority possessed by other agencies to set travel ex-

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penses, including per diem, in accordance with civil service practice. The current restriction on the Board of the Inter-American Foundation is \$50 per day, which is unrealistic.

SECTION 402: SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

This requires a report from the Administration, before it resumes the traditional scientific conference exchanges and other scientific activities (suspended after the invasion of Afghanistan), analyzing the national security risks which might be involved in the resumption of these exchanges. Secondly, this provision seeks to assure the mutuality of any exchange between the United States and the Soviet Union.

SECTION 403: REPORT TO CONGRESS ON REFUGEE COSTS

This section requires that the President prepare and transmit to Congress within 60 days a report which would evaluate the costs to federal, state, and local governments involved in the efforts to assist refugees, and Cuban/Haitian entrants within the United States and abroad.

SECTION 404: CODE ON INFANT FORMULA

This section expresses the sense of the House in support of the implementation of the World Health Organization Voluntary Code on Infant Formula.

1. Bill Number: H.R. 4814.
2. Bill Title: To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.
3. Bill Status: As introduced by Congressman Fascell on October 22, 1981.
4. Bill purpose:

TITLE I—DEPARTMENT OF STATE

Section 102 authorizes the appropriation of:

- (1) \$1,245,637 thousand in fiscal year 1982 and \$1,248,059 thousand in fiscal year 1983 for Administration of Foreign Affairs;
- (2) \$503,462 thousand in fiscal year 1982 and \$514,436 thousand in fiscal year 1983 for International Organizations and Conferences;
- (3) \$19,808 thousand in fiscal year 1982 and \$22,432 thousand for fiscal year 1983 for International Commissions, and
- (4) \$504,100 thousand in fiscal year 1982 and \$460,000 thousand for fiscal year 1983 for Migration and Refugee Assistance.

Section 107 authorizes the annual appropriation of \$3,700 thousand for each fiscal year 1982 and 1983 for Bilateral Science and Technology Agreements.

Section 108 authorizes the appropriation of such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates.

Section 109 changes the fees associated with the issuance of a passport from \$10 to a level determined by the Secretary of State. The section also extends the period for which a passport is valid from five to ten years.

Sections 111-114 amend legislation which permanently authorizes the appropriation of funds to various international organizations.

Section 120 establishes an Office of Foreign Missions as an independent office within the Department of State and details the operations of the office. The section further authorizes the Secretary of State to transfer such amount, available to the Department of State, as may be necessary for operation of the office to the working capital fund.

Other sections of Title I further amend the Department of State Authorization Act,

Fiscal Years 1980 and 1981, and other acts which govern the activity of the Department of State.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

Section 202 authorizes the appropriation of \$494,034 thousand in fiscal year 1982 and \$482,340 thousand in fiscal year 1983 for the International Communication Agency.

Section 203 (f) provides for the liquidation of the Informational Media Guaranty Fund.

Other sections of Title II further amend the U.S. Information and Educational Exchange Act of 1948 and other acts which govern the activity of the International Communication Agency.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

Section 302 authorizes the appropriation of \$86,519 thousand for fiscal year 1982, and of \$98,317 thousand for fiscal year 1983.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401 authorizes the appropriation of \$10,560 thousand in fiscal year 1982 and of \$12,800 thousand in fiscal year 1983 for the Inter-American Foundation.

5. Cost estimate:

(By fiscal year, in millions of dollars)

	1982	1983	1984	1985	1986
Title I—Department of State					
Budget function 150:					
Authorization.....	2,256.9	2,226.2	(1)	(1)	(1)
Estimated outlays.....	1,585.1	2,164.1	506.9	112.1	10.0
Offsetting receipts:					
Authorization.....	-73.2	-83.2			
Estimated outlays.....	-73.2	-83.2			
Budget function 300:					
Authorization.....	19.8	22.4			
Estimated outlays.....	18.7	22.1	1.4	(1)	
Budget function 600: ²					
Authorization.....	73.2	83.2			
Additional revenues.....	-35.3	-47.0	-47.0	-47.0	-47.0
Title II—International Communication Agency					
Budget function 150:					
Authorization.....	494.0	482.3			
Estimated outlays.....	349.4	476.7	114.2	36.1	
Title III—Board for International Broadcasting					
Budget function 150:					
Authorization.....	86.5	98.3			
Estimated outlays.....	83.9	95.4			
Title IV—Miscellaneous provisions					
Budget function 150:					
Authorization.....	10.6	12.8			
Estimated outlays.....	6.2	9.7	4.2	2.4	.8
Total:					
Authorization.....	2,867.8	2,842.1	(1)	(1)	(1)
Estimated outlays.....	2,143.3	2,768.0	626.7	150.6	10.8
Additional revenues.....	-35.3	-47.0	-47.0	-47.0	-47.0

¹ Less than \$500,000.

² The \$73,200,000 and \$83,200,000 and authorizations for fiscal years 1982 and 1983, respectively, represent part of the Federal contribution to the Foreign Service Retirement and Disability Fund. Payments from the fund are independently determined and are not directly related to specific contributions.

6. Basis for estimate: This estimate assumes the enactment of this legislation by November 30, 1981, and the provision of the full amount authorized in subsequent appropriation acts.

Section 109 of Title I permits the Secretary of State to set fees on passports, which are credited to miscellaneous receipts of the Treasury. This estimate assumes the Secretary will increase fees from the current level of \$10 to \$25, increasing revenues by \$35.3 million in Fiscal Year 1982 and \$47 million in each fiscal year 1983-1986. In addition to amounts explicitly authorized in the title, Sections 111-114 increased permanent authorization levels by approximately \$100 thousand in each fiscal year 1982-86. Because the Committee authorized specific amounts for these accounts in fiscal years 1982 and 1983, the authorized level is not affected in these two years. Although Section

121 establishes a new Office of Foreign Missions, within the Department of State, the Section does not authorize the appropriation of funds for the office. The office will operate on less than \$1 million in funds transferred from other accounts in the department of State. Outlays for the title were estimated by applying historical disbursement rates.

Amounts explicitly authorized to the International Communication Agency in Title II are estimated to outlay in historical patterns. Section 203 terminates outstanding financial liabilities associated with activity of the Informational Media Guarantee Fund prior to fiscal year 1967. This section liquidates \$12,767 thousand in principal and \$11,950 thousand in interest but has no net budget impact. Amounts explicitly authorized to the Board for International Broadcasting in Title III and to the Inter-American Foundation in Title IV are estimated to outlay at historical rates.

7. Estimate comparison: None

8. Previous CBO estimate: On May 12, 1981, CBO prepared a cost estimate for a Senate unnumbered bill, to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. CBO prepared a cost estimate for H.R. 3518 as ordered reported by the House Foreign Affairs Committee on May 15, 1981 and as reported by the House Committee on District of Columbia on June 19, 1981.

9. Estimate prepared by: Joe Whitehill (6-2840), Willie Bradford (6-2686).

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

U.S. INTERNATIONAL COMMUNICATION AGENCY: DETAILED IMPACT OF 12 PERCENT ACROSS-THE-BOARD FISCAL YEAR 1982 CUT

The recently transmitted budget amendment reduced USICA's fiscal year 1982 estimates by \$67.4 million as follows:

	Fiscal year 1982 estimate	House appropriation bill	Amendment	Amended estimate
Salaries and expenses.....	\$453,286	\$448,286	\$-54,394	\$398,892
Salaries and expenses ¹	10,352	9,800	-1,242	9,110
East-West Center.....	16,880	16,500	-2,026	14,854
Radio construction.....	80,884	25,000	-9,706	71,178
Total.....	561,402	499,586	-67,368	494,034

¹ Special foreign currency.

The International Communication Agency, the U.S. Government's most vital weapon in the arsenal of ideas, plays a strategic role in America's security. This "weapon of ideas" must be used effectively so that the alternative, military weapons, are not put to use. In this context, following a USICA presentation to the President and the NSC on August 17, 1981, the President directed the Agency to proceed immediately with "Project Truth," a program to counter the extensive propaganda and disinformation campaign of the Soviet Union. Notwithstanding this and other important Agency national security responsibilities, the present budget emergency requires the Agency to reduce its activities in fiscal year 1982.

Over the last 15 years, USICA's funds have decreased by 30 percent in constant dollars. Even more damaging has been the decline in staff, our most critical resource, which has dropped by 35 percent from 11,604 to an authorized level of 7,513, over the same period. In the long term we do not believe that the Agency can, at the currently planned 1982 level, effectively carry out its enhanced national security role. Thus, in

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this present budget situation we have prioritized Agency programs to preserve to the maximum extent possible our staff resources and our basic program mechanisms, particularly the Voice of America, our field presence overseas, the Wireless File, and other support for the field. In the brief period of time available to consider resource alternatives, we have applied the reductions so that the Agency's basic structure is not permanently affected.

Therefore, as an emergency measure, we have allocated a major share of the reduction to the exchange program on the assumption that a significant part of this very valuable grant program can be deferred for a year or two and be rebuilt more readily than our more staff intensive programs. We regret the circumstances that necessitate this action, but feel it is preferable to a generalized cut back of many already weakened programs.

Even with this approach other programs are also affected adversely. We have applied reductions to field operations, principally to cut back on library operations and some smaller posts so that fixed costs can be reduced. Other reductions have been applied to planned technology improvements and transmission back-up systems and program support activities of the Voice of America. A substantial cut has been made in film and television programs, exhibits, and performing arts presentations.

Unfortunately, our accumulated reduction, which will now take USICA below \$500 million, have been in inverse relationship to the resources that the Soviets have been spending on the weapons of ideas, now in excess of \$2 billion per year. The pending amendment cuts heavily into our operating resources at a time when USICA's role has become more compelling.

Prior to the transmission of the September budget amendments, the House has passed the fiscal year 1982 appropriations bill, reducing USICA's request by \$61.8 million. As noted on the chart on page one, the House applied most of the cut, \$55.9 million, to the Radio Construction account inasmuch as those funds will not be required until fiscal year 1983.

The specific program cuts and their impact by program element follow:

Salaries and Expense (including Special Foreign Currency) (\$-55.6 million; -87 positions).

1. OVERSEAS MISSIONS (\$-3.4 MILLION; -73 POSITIONS)

A total reduction of \$3,384,000 and 73 positions will be applied to our overseas missions as follows:

Area	Positions	Funds
East Asia and Pacific.....	4	\$325,000
Africa.....	19	1,017,000
North Africa, Near East, and South Asia.....	15	1,080,000
American Republics.....	18	605,000
Europe.....	17	357,000
Total.....	73	3,384,000

As a result of these cuts, we will close: (1) four country programs in Iraq, Mauritania, Benin, and Rwanda; (2) six branch posts in Chile, Ecuador, Venezuela, Colombia, and Brazil; and (3) the reading room in Auckland, New Zealand, the American center and library in Stockholm, Sweden, and six minimum distribution outlets in Africa. In total, 73 positions will be eliminated. Taken together, these and other program reductions in our overseas missions will further weaken our efforts to reach the successor generation and will curtail our operations in developing nations of the third world, a group that the Administration is very concerned about.

2. VOICE OF AMERICA (\$-1.8 MILLION).

The Voice of America's staff and program broadcast schedule will be maintained intact. However, VOA will be required to eliminate its high-frequency signal transmissions which presently back up the satellite circuits that feed programming to VOA's overseas transmitters. Subsequently, should a disruption in the satellite circuit occur, VOA literally would be off the air to major geographic regions of the world until the satellite circuits could be restored or until VOA could reactivate the high-frequency transmissions from one of its U.S.-based stations. Such disruptions could be critical to U.S. national interests in times of any international crisis or major world event. In addition, VOA will have to make major resource cuts in its central news and feature operations which service all of VOA's English and foreign-language broadcast operations. Program quality will suffer.

3. EXCHANGES (\$-44.4 MILLION)

As indicated above, the major portion of the fiscal year 1982 cut will be applied to grant-funded exchange programs in order to preserve essential Agency core-program operations. Specifically, the academic program will be cut by 53 percent (\$25,600,000); the International Visitor program, by 58 percent (\$11,500,000); and Private Sector programs, by 70 percent (\$5,400,000). Library and book programs, support to American schools overseas, and program direction will also be reduced by \$1,900,000.

The full impact of cuts of this magnitude, applied to institutions and individuals after the fiscal year has begun, is not possible to gauge at this time. The private organizations that perform the detailed exchange work for the Agency would be severely damaged. Some, in all probability, would not survive.

(a) Academic programs: A 53 percent cut in funds available for the Fulbright academic program will eliminate support for all but programs administered by Binational Commissions and programs with those countries, primarily in East Europe, with which the United States has bilateral agreements. Even binational commission programs will face reductions of some magnitude. We will retain active programs in only 59 of the 120 countries in which we now operate.

This cut will increase tremendously the ever-widening disparity between the number of academic scholarships awarded by the Soviet Union and the United States Governments, particularly in Third World countries. As a direct result of these cuts, the number of academic program grantees will be reduced by at least 40 percent. In addition, host country contributions to the program, currently at \$9 million, are expected to fall off sharply in response to the diminished American commitment, leading to a further significant decrease in the number of scholars exchanged. Important diplomatic relationships and goodwill built up over three decades will be damaged. This reduction in funds will eliminate the International Student Exchange (Georgetown) Project and the Humphrey Fellowship Program. Programs in 27 private organizations with many long term relationships will be dissolved. Funding for six major program agencies will be eliminated. This could cause as many as five of these agencies to close, with major impact on parent organizations such as the American Council on Education and the Institute of International Education. All Student Support Services to the more than 300,000 foreign students in the United States without U.S. Government financial support (such as counseling, orientation, and other programs to enrich their U.S. ex-

perience) will be terminated. The American Studies Program will be reduced to minimal materials support to Fulbright Commissions. Assistance to overseas schools will be drastically reduced with severe impact on the effectiveness of these schools as show-cases of American educational philosophy and practice.

(b) International visitor program: The number of funded International Visitor program grantees will be halved from 1,500 to 750. In past decades, this program has been instrumental in introducing 33 current heads of state and government and many leaders in other fields to the United States in the formative stages of their careers. Programs in some 75 countries will be eliminated entirely and reduced substantially in the remaining 45. This will necessitate the elimination of support to 13 private agencies that arrange programs for individual grantees. We believe that three of these agencies will probably be forced to close.

Program support to the 1,600 visitors who travelled to the United States last year on non-U.S. Government funds will be eliminated entirely.

A network of some 750,000 volunteer, private sector, locally financed "citizen diplomats" in every part of the nation and nearly 100 U.S. communities has developed over three decades to assist the people who come under the auspices of our International Visitor program. Their programming and hospitality assistance make this a combined citizen-government effort, a contribution-in-kind that has been estimated at \$15.5 million per annum. Without our catalytic role for these organizations and with the curtailment of visitor inflow, these volunteer organizations will begin to dissolve and will not be available again for future IV programming.

(c) Private sector program: The Private Sector Program's commitments under existing bilateral agreements and executive orders to such organizations as the National Committee on U.S.-China Relations, Asia Society, and the Council on Scholarly Communication with the PRC, will be reduced to 50 percent of the current level with significant implications on the ability of these organizations to achieve their objectives. Core private sector programs, such as Operations Crossroads Africa, American Council of Young Political Leaders, and Council on International Programs who play a significant role in promoting citizen-to-citizen exchanges, will be reduced from half to two-thirds with support for some of the organizations being completely terminated. Overall, people-to-people exchanges will be reduced from 2,000 to less than 600. The Agency has made a general nation-wide solicitation of private non-profit organizations to participate in new projects and exchange initiatives which support U.S. foreign policy goals and objectives. All funds for these initiatives will be eliminated. USICA Private Sector grants provide "seed money" for these organizations to obtain private support, estimated by these organizations at a 5 to 10 fold effect.

4. PROGRAM AND MANAGEMENT SUPPORT (\$-3.4 MILLION, -14 POSITIONS)

Exhibits, fine and performing arts, films acquired to support our posts, and TV programs, reduced heavily in March, will be cut back again. Our in-house audio-visual production now is limited to videotape products covering current events and subjects relevant to the support of worldwide U.S. foreign policy interests and goals, with emphasis on the following USICA global themes: U.S. political and security policies, the U.S. economy and the world economic system,

solving the energy problem, America in a changing world, and the arts, humanities, and sciences in America. The added cuts will significantly curtail this effort and will totally eliminate those dealing with American political and social values and products in support of USICA's cultural presentation program. Other cuts will eliminate fine arts exhibitions or performing arts tours in 30 countries and delay the showing of a major exhibition on the American Theatre.

In addition, efforts to update the Agency's technological base with text-editing, mini-computers, word processors and other advanced computer and communication technology will be curtailed or deferred.

These cuts will deprive both our Washington operations and field posts of valuable program and management support and make their tasks more difficult.

In addition to the specific program cuts outlined above, we will apply net built-in savings of \$2.6 million to the overall \$55.6 million Salaries and Expenses cut. These savings derive from international exchange rate gains, partially offset by added inflationary costs and other mandatory requirements for Agency activities.

East-West Center (\$—2.0 million)

Support to the East-West Center in Hawaii will be cut by over \$2.0 million. This would force substantial retrenchment within this valuable center of multi-national education, study and research. Specifically, the cut will result in substantial decreases in research efforts, dissemination efforts through the Asian/Pacific region, numbers of participants involved in our programs (cut 300 participants) and in financial contributions from the governments of Asia and Pacific Islands. More broadly, the reduction will weaken our effort to strengthen relations and understanding with the influential people of Asia and Pacific at the time when it is to the national interest to build and strengthen these cooperative relationships with the United States.

Radio Construction (\$—9.7 million)

The fiscal year 1982 construction requirements for the Botswana and Sri Lanka facilities, for which equipment valued at \$5.7 million has been procured, can be accommodated within the amendment cut of \$9.7 million since these funds will not be required until fiscal year 1983.

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

Mr. FASCELL. I yield to my distinguished colleague, the gentleman from Michigan (Mr. WOLPE), chairman of the Subcommittee on Africa.

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

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I welcome the assurances that the gentleman from Florida has given with respect to the intentions of the full committee as we move this legislation through the conference committee process and the relevant appropriations committee.

With the gentleman's permission, though, I think it is important to lay out precisely what is at stake if in fact we fail in the effort to correct what the administration is now proposing.

Mr. FASCELL. I would welcome the gentleman doing that, and for that purpose I will be glad to yield the gentleman such time as he needs to make that point in the Record.

Mr. WOLPE. Very briefly, the \$44 million reduction in the educational and cultural program would mean a reduction in the number of foreign leaders and officials who are invited here as guests of the U.S. Government from 1,500 to 750; it would require the elimination of educational and cultural exchange programs in 61 out of 120 states around the world where the United States has previously maintained programs; it would virtually terminate American funding for the prestigious Fulbright scholars program in all but a handful of states and countries; it would terminate all support services for over 300,000 foreign students who need them in this country; it would force a number of very excellent and long-established private nonprofit service organizations in this country which administer and arrange schedules and programs for foreign visitors to sharply curtail their operations or to go out of business entirely.

As chairman of the Subcommittee on Africa, I am particularly disturbed, that these cuts would have the greatest impact and fallout in Africa.

Under the criteria that have been drawn up by the International Communications Agency, three of the four ICA operations which are slated to be closed around the world are in Africa. All of Africa's valuable Fulbright exchange programs would be closed down. Approximately 36 of the 40 U.S. educational and cultural exchange programs now operating in Africa would be completely eliminated. At least four of America's most important and respectable nonprofit organizations which are responsible for arranging these kinds of educational and cultural programs will either have to drastically cut back their operations or literally go out of business. I am referring to the African American Institute, the Phelps-Stokes Foundation, Operation Crossroads Africa, which may well have to shut down completely, and the Southern African education program, which is affiliated with the highly respected International Institute of Education.

In the past 3 years two examples demonstrate how our exchange programs have benefited the foreign policy objectives of this country.

In Zimbabwe, which achieved its independence less than 19 months ago, 5 of that country's 15 cabinet members were trained in this country under the very exchange programs which are being eliminated. Moreover there are some 25 other senior Zimbabwean members who have benefited and were no doubt influenced by their ability to spend some time in this country at a very modest cost to U.S. taxpayers. It has paid off with the creation of a moderate pro-Western government in Zimbabwe.

In Nigeria, which returned to civilian rule after 13 years of military government, our educational and exchange programs have also served us well. That nation's leaders adopted a

constitution almost exactly like our own—in part because of the experience many of the drafters of Nigeria's constitution had while visiting this country, this Congress, and this House as official visitors of the U.S. Government.

I cannot think of any course of action that is more incongruent with American interests in Africa and throughout the Third World than the kinds of cutbacks that are now contemplated by the administration. I certainly hope that the chairman will be successful in his efforts in the conference committee and in his conversations with the administration to correct what I regard as a terribly grievous national mistake.

Mr. FASCELL. I want to thank the distinguished chairman of the Subcommittee on Africa. I agree with his assessment totally. I think it is not only unconscionable, I think it would be foolhardy to cut these programs to the extent that has been suggested. I would welcome his continued assistance both in the conference on this bill and in the conference on the appropriations bill, to make sure that these programs are preserved.

Mr. WOLPE. I thank the gentleman.

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

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I am equally disturbed, as my colleague, the gentleman from Michigan and the Subcommittee Chairman for Africa, particularly in terms of the impacts of these cuts that provide opportunities for Africans and Americans to come together.

I think that the prioritization of these cuts is absolutely against our best interest in the continent of Africa. I hear what the gentleman from Florida is saying, that he would like to change these priorities. The question that I have is: Knowing that the Senate has already earmarked \$100 million in this area, what guarantees or what assurances can we have, those of us who share the kinds of concerns articulated by the gentleman from Michigan, that the priorities that have been listed by ICA will not be followed, whereas the concerns of Congress and our best interest in foreign policy will be followed? What guarantees do we have that that will take place?

Mr. FASCELL. I welcome the gentleman's inquiry, and I appreciate and fully understand his concern.

What we would intend to do in the conference is to write language in the statement of managers on the authorization bill to carry out what the gentleman is asking for.

The other thing that we need to do is to be sure that the conferees on the appropriations bill agree to the language that is already in the Senate report, so that it comes out of conference that way. I welcome the interest

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and the concern, and I ask the help of the Black Caucus in getting this message across also to the administration, so that we not only have the Congress directing it, but that we get the administration willingly to accept that direction.

Mr. GRAY. So what the gentleman is saying is that he will go with the Senate figure, the higher figure, and write specific language into that report that makes it very clear of the concerns for these programs that provide the opportunity for the exchange and for the cross-fertilization between our Nation and the developing nations of the world?

Mr. FASCELL. I tell my colleague, just speaking for myself—I cannot commit the conferees to anything, the gentleman can appreciate that—that I intend to work with the Senate figures in arriving at a program which will save these particular education and cultural exchange programs. We will suggest language in the statement of managers to save these programs.

Mr. GRAY. I think this becomes a very important point to those of us who historically have supported the State Department authorization bill, as well as the foreign assistance bill, and we see a movement that is cutting back on programs with regard to relations between this country and the developing countries of the world and, as the distinguished subcommittee chairman on Africa has pointed out, targeting primarily Africa.

Mr. FASCELL. I am opposed to that too.

Mr. GRAY. As if there is a desire that there not be any relationship between Black Africa and America.

Mr. FASCELL. That would be extremely injurious.

Mr. GRAY. I think that would be absolutely disastrous.

Mr. FASCELL. Let me suggest this: The conferees are probably all right here, on the House side. We will work together to see that it gets done.

Mr. GRAY. I certainly would say that those are my reservations, and I know that many of my colleagues have those reservations. I would certainly hope that some mechanism could be devised so that those misguided priorities are not set in place.

Mr. FASCELL. Absolutely.

Mr. GRAY. And that the Department is clearly instructed that it is the desire of Congress not to have the allocation in this way, even though I understand what the process is, that we are selling the ceilings, but that we somehow clearly say to the ICA that we do not like these priorities, because otherwise I think that there will be those of us who cannot support this.

Mr. FASCELL. Let me commend the gentleman from Pennsylvania and to say that I also want to congratulate the Black Caucus for being so quick in picking up on this issue. We welcome their support. What the gentleman is saying is exactly why I cannot support the motion to commit by my distin-

guished friend, the gentleman from Illinois, who wants to do the same thing, simply because even if we change the numbers around, there is no guarantee that the internal allocation of the cuts would be affected. What we have to do, in short, is to lock it into the appropriations bill, as well as write our own instructions in the conference report on the authorization bill.

Mr. GRAY. In light of the fact that the appropriations bill has already been passed on this side, the only place we can do that now, as I understand it, is in the conference.

Mr. FASCELL. They have already done it in the subcommittee there. It is a conferenceable issue, just as it will be in the authorization bill.

Mr. GRAY. So, thus, the only place we can redirect these priorities, then, is in the conference committee on the authorization side and on the appropriation side.

Mr. FASCELL. And to that effort I look for the gentleman to help us get that done.

Mr. GRAY. Certainly the gentleman knows my commitment to these programs, and some of the other Members' commitments to these programs; however, I would want to say very clearly that we must have assurances that these programs are put in place and that the priorities that we see coming from the administration, which are misguided as all the world could possibly have, do not take place.

Mr. FASCELL. I agree with the gentleman, and I give him my assurance verbally, I have done it in writing, and I will do it any other way I can.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. For the purposes of debate only, I yield to the gentlewoman from New Jersey.

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Mrs. FENWICK. I thank my colleague for yielding and, I, too, rise to express distress about the cuts, in the scholarships particularly. I think that probably nothing has been more beneficial to the United States for a relatively small expenditure and more benefit to those who are paying for the whole thing, than have these scholarships. They have provided sympathetic leaders in different countries of the world, when we have very much needed such sympathetic leaders, among whom I may say was President Sadat himself.

I think that the bill provides a shortsighted division of the funds. I noticed that the scholarships will be cut by some \$67 million and it is one of the heaviest cuts in the whole appropriation. If I may, Mr. Speaker, at this point I would like to include in the Record some editorials, one from the New York Times and one from the Boston Globe on this subject.

I would like to refer also to the words of the distinguished dean of the Woodrow Wilson School of Public and

International Studies at Princeton University, Dean Donald Stokes.

He told us:

These programs have brought this country more influence and good will in the world than any comparable outlay in taxpayer dollars since World War II. I am constantly struck in my contacts with government leaders in Europe, Asia, and Latin America, by how wide a reservoir of understanding these programs have built up over the years. We would be foolish in a time of increasing danger to buy so small a budget saving at so high a price in future good will.

The articles follow:

[From the New York Times, Oct. 28, 1981]

AMERICA SURRENDERS

The United States is about to launch a policy of unilateral disarmament in the worldwide contest of ideas. The Administration proposes cuts in the revised State Department authorization bill that would devastate educational and cultural exchange.

Like most departments, the International Communication Agency has been asked to absorb an additional cut of 12 percent in its 1982 budget. But instead of protesting or looking to its bureaucracy, it proposes that virtually the entire amount come out of educational and cultural programs.

Funds for exchange of students and scholars, for example, would be reduced from an already inadequate \$79 million to \$22 million. Academic exchanges with 61 countries would be eliminated altogether.

There would be no further support services for the more than 300,000 foreign students who require them to remain enrolled in American universities. The 35-year-old Fulbright fellowships would end except in a few countries with special agreements.

And the number of promising leaders brought here by the International Visitor program would decline from 1,500 to 750, eliminating 75 countries entirely. This is the program that first showed American life in all its variety to 33 current heads of government.

All in all, the cuts would leave the Soviet Union the unrivaled champion of education and culture for most of the poorest nations of the world.

What a travesty for an Administration determined to spread its might and influence abroad. To so shortchange contacts and communication—including the export of books, art, music, theater and drama—will have serious enough consequences in the short term. In the long run, the loss in understanding and human ties would be devastating. The trashing of these programs proclaims a policy of brawn without brain.

[From the Boston Globe, Oct. 27, 1981]

INTERNATIONAL EXCHANGES

The idea that there is a national interest in encouraging programs for scholars and other cultural exchanges would seem to be nonpolitical and nonideological. The United States can best understand the thinking in other nations by sending skilled observers and by encouraging those countries to put their cultural exhibits on display here.

It is from this commonsense perspective that the proposal of the Reagan Administration to reduce radically the budgets for such exchanges in the next fiscal year seems so foolish.

Under the Reagan plan, spending on the justifiably acclaimed program of Fulbright scholarships would be reduced from \$48.1 million to \$22.5 million. Further, the program, which for 35 years has been administered by two private, nonprofit groups, would be brought directly under the wing of

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the federal government, a change which at some time in the future is certain to raise questions about the purpose of the scholarships.

The immediate consequence of the funding change, according to those who work with the program, will be a 40 percent reduction in the number of grants and the elimination of most programs in developing countries. Richard Berendzen, president of American University, told the New York Times that the cutbacks and restructuring "is coming very close to ending the Fulbright program."

Other exchanges are also sharply reduced by the Administration's proposed budget for the International Communications Agency which oversees such efforts. The agency's own international visitors program would be reduced 58 percent and assistance for international tours by students would be eliminated as would a new program to bring professionals from developing countries to the United States for advanced training. Funding for private exchange programs, such as Operation Crossroads Africa, would be slashed 70 percent, according to congressional aides who have studied the budget.

The State Department authorization bill which contains these cutbacks is scheduled to reach the House floor this week. The Reagan proposals for reductions in exchange programs should be rejected and, in fact, an effort should be made to secure a reasonable increase in authorized spending levels for such ventures.

President Reagan has said repeatedly in recent weeks that the United States is a model for how other nations, particularly those in the developing world, ought to structure their economies. Further, he has offered to send Americans anywhere in the world to see whether US knowhow can be applied there. He should be leading the charge to encourage international exchanges so Americans can better understand how other nations work and so that visitors can better appreciate the American model.

Mr. FASCELL. Mr. Speaker, let me thank the gentlewoman from New Jersey. She is a very valuable member of our committee and I agree with her comments and the comments of the editorials. I think it would be most unfortunate for the brunt of the necessary budget adjustments in ICA to be borne by our educational and cultural programs. I do not know of any finer programs anywhere for the dollar. They are of tremendous value to the U.S. Government.

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

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

Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of the motion of the gentleman from Florida, the distinguished chairman of the Subcommittee on International Operations, and I commend him for his untiring efforts in behalf of the legislation that is before us.

The gentleman from Florida has already ably explained the purpose of his motion and the provisions of the proposed House amendment to the Senate bill. Many of our colleagues have asked me why we are following this procedure and why we did not

bring the new version of the bill before the committee and to the floor for full debate under regular order.

As the gentleman from Florida has explained, the purpose of this procedure is to expedite the passage of essentially the same bill as the House considered last month in the form of H.R. 3815. This way we can go to conference with the Senate and come back with an authorization which will enable the Congress to urge the executive branch to restore the unfair cuts that it proposes to make in educational and cultural exchange programs.

Given this administration policy toward the Soviet Union, I cannot imagine a more incongruous defeatist attitude in the battle for the minds of the people around this world than the bureaucratic decision to reduce drastically, and in some cases eliminate, several vitally important educational and cultural exchange programs, particularly with African and other third world countries. To that end, I have been joined by other members of the Foreign Affairs Committee protesting this arbitrary and inadvisable budgetary action to the President, and will include a copy of that letter at the end of my remarks today.

Because the gentleman from Florida has ably explained the bill, I will not take the time of the House to review the provisions of H.R. 4814, which are essentially the same as those contained in H.R. 3518, as amended, on the House floor subsequent to its defeat on September 17.

Mr. Speaker, as far as the motion to recommit to be made by the gentleman from Illinois, Mr. Speaker, I basically agree with what he is trying to do, but committing the bill with his proposed amendment will not achieve his purpose which is to force the agency to restore the cuts allocated to the programs in question. The way to accomplish his purpose is to support the motion of the gentleman from Florida so that we can go to conference with the Senate, and work with the higher numbers for the ICA contained in the Senate version of the bill.

Therefore, I urge that the Members vote against the gentleman's motion to recommit with instructions and urge the Members on both sides of the aisle to support the motion of the gentleman from Florida.

The letters follow:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 28, 1981.

THE PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing to protest strenuously the Administration's proposed cuts in education and cultural exchange programs, funded under the budget for the International Communication Agency.

As you know, the Soviet Union has spent billions of dollars in the war for people's minds around the world. The budget for the International Communication Agency is less than one-half billion dollars, and the programs in education and cultural affairs total less than \$100 million. Furthermore, since

1967 the actual dollar value of those programs has decreased substantially due to inflation and exchange rate fluctuations. We can conceive of no more effective way of undermining the United States effort in this vital area. However, your comments in the past lead us to believe that you would find such a policy completely unacceptable and dangerous to the security of the United States.

As you know, this Committee is preparing to support your revised budget request for the Department of State, the International Communication Agency, and the Board for International Broadcasting for the next fiscal year. That budget request, in the view of many of our members, is insufficient to conduct an effective foreign policy effort which will protect U.S. national interests. However, recognizing your wish to bring the Federal Budget under control we are reluctantly supporting these figures at this time. We cannot however condone a bureaucratic decision to undercut the remaining strength of these congressionally mandated educational exchange programs. There are areas within the International Communication Agency budget which can absorb your additional 12 percent agency cut which will not further decrease the already inadequate numbers of personnel, force the Agency to close posts, undermine the education and cultural exchange programs, or affect the Voice of America.

We therefore urge you to reconsider the allocation of this cut in a way which will avoid the destruction of a crucial area of our national security and relationships with other countries.

With best wishes, we are,

Sincerely,

WILLIAM S. BROOMFIELD,
Ranking Minority Member,
Committee on Foreign Affairs.

EDWARD J. DERWINSKI,
Ranking Minority Member,
Subcommittee on

International Operations.

CLEMENT J. ZABLOCKI,
Chairman, Committee on
Foreign Affairs.

DANTE B. FASCELL,
Chairman, Subcommittee on
International Operations.

HOWARD WOLPE.

BENJAMIN A. GILMAN.

LARRY WINN, Jr.

L. H. FOUNTAIN.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes, for the purposes of debate, to the distinguished minority member of the Foreign Affairs Committee, the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I want to associate myself with the remarks made not only by the chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI), but by the chairman of the subcommittee, the gentleman from Florida (Mr. FASCELL).

First of all, I would like to thank both of them and the leadership for working so diligently with the minority leadership in bringing this bill to the floor today.

A lot of effort has gone into this compromise and I join in the opposition to the motion to recommit the bill. At this time I would like to advise my colleagues that I received a letter from Secretary of State Haig just moments ago, and I will read it.

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The letter says:

THE SECRETARY OF STATE,
Washington, October 29, 1981.

Hon. WILLIAM BROOMFIELD,
House of Representatives.

DEAR BILL: I want you to know that it is the uniform position of the Administration that we are strongly in support of passage of the State Department Authorization bill as it is now presented before the House today. We are, therefore, opposed to a recommitment with instructions. This is the view of not only this Department, but also of the international broadcasting entities and of the White House.

As this legislation moves toward final passage in the Congress, and during the course of the fiscal year, we will, however, consider the concerns for funding priorities within the international broadcasting agencies and make such adjustments as might be necessary administratively.

With warm regards.

Sincerely,

ALEXANDER M. HAIG, Jr.

Mr. Speaker, I want to indicate to the Members of the House that I share the same concern as the gentleman from Illinois (Mr. DERWINSKI). However, as was pointed out by the gentleman from Florida, it is the responsibility of the administration through administrative procedures to make necessary adjustments among the various programs. Many of these areas have been sharply reduced at a time when we ought to be beefing them up.

I therefore oppose the motion to recommit and rise in support of the legislation as presented before the House today.

Mr. Speaker, the bill reflects the revised executive branch budget request, as agreed upon by the respective agencies affected and OMB. You will notice that the authorization amounts for both fiscal 1982 and 1983 are below the levels previously submitted to the House several weeks ago. The new amounts represent significant cuts for State, ICA, and BIB. Of great importance is that the bill is within the administration's overall budget limit. In fact, the bill is shockingly austere. It not only holds the line on needed new programs, but it cuts into existing functions to a degree that will severely strain the agencies to fulfill their objectives.

While I would prefer to see some growth in several areas, such as increased resources devoted to political and economic reporting by the State Department, I also realize that no department or agency can be exempt from shouldering its share of the burden if we are to reduce Government spending to overall sensible levels. It is, therefore, incumbent upon all of us to support the bill in its present form.

There is one area, however, concerning cuts in ICA, that I feel must be mentioned. This does not effect the bill's overall spending limits per se. It is, strictly speaking, an internal matter that concerns how ICA will implement their cuts. I share with the gentleman from Illinois, Mr. DERWINSKI, his con-

cern over cuts in the programs for Radio Free Europe, Voice of America, and Radio Liberty. There is another area that equally concerns me.

ICA has decided to severely cut back its exchange program. This program involves an academic component called the Fulbright program, an international visitor program, and a private sector program. I urge the director of ICA to review the cuts he plans to implement in this area, with a view to more equitable sharing of the overall cutback burden. These exchange programs not only afford foreign policymakers, students, and business leaders an opportunity to visit America and gain exposure to our way of thinking on crucial issues, and our broad philosophical approach to the world, but involve the voluntary input of some 750,000 Americans. This volunteer spirit, at no cost to the taxpayer, has made the program effective. It reinforces the President's own philosophy that much can and should be achieved in America through voluntary activity, rather than through Government mandate. At a time when the Soviet Union is spending many times this amount to influence foreigners with similar programs, at a time when the Third World is still fertile ground for ideas that foster either freedom or totalitarianism, I believe it is not in America's best interests for the Director of ICA to cut back our activities in these exchange programs.

On the broader questions of supporting House Report 4814, I fully endorse the bill, knowing that it represents significant cuts in line with the administration's program and in line with what we have been doing with other authorization bills. I encourage my colleagues to endorse the bill as well.

Mr. FASCELL. Mr. Speaker, I yield 20 minutes for debate purpose only to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. I thank the gentleman.

Mr. Speaker, at this time, I yield 5 minutes to the gentleman from California. (Mr. BURGNER).

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

Mr. BURGNER. Mr. Speaker, I want to speak about Radio Free Europe and Radio Liberty. I guess there are three ways to get at this to fund it properly. One would be the conference committee—and I am not sure how much latitude the conferees will have.

Another way would be the Derwinski motion to recommit.

Perhaps a third way would be a supplemental with proper authorization. The House will work its will on that a little later this afternoon.

But a tragic event occurred last February in a bombing in Munich, and this money to repair damage and provide security is essential, most essential. It is not a great deal of money. It is \$10 million in fiscal year 1982 and \$5

million in fiscal year 1983. Let me explain my involvement in this subject matter.

I am a member of the North Atlantic Assembly, appointed by the leadership of this House, along with some of my colleagues, and we have met our European counterparts on several occasions. I was elected Vice Chairman of the Committee on Education, Cultural Affairs and Information of the North Atlantic Assembly.

In the European meetings we deal with the free flow of information, part of which involves radio broadcasting. The three countries that are involved in this are the United States—we have Radio Free Europe and Radio Liberty, DeutschWelle in Germany—they do broadcasting behind the Iron Curtain—and BBC, British Broadcasting Corporation.

In Munich, just a few weeks ago, my colleagues and I spent a full day at Radio Free Europe and Radio Liberty. It is a most impressive organization with 1,000 employees.

They broadcast in 21 different languages and into the Soviet Union alone they broadcast in Russian and 14 other nationality languages that are spoken there. They broadcast 469 hours a week to the Soviet Union and 555 hours a week to Eastern Europe.

The Helsinki accords demanded and the Soviets agreed to the free flow of information. Of course, they promptly negated their commitment and did not live up to the agreement.

The Soviets also broadcast all over the world. They broadcast far more hours than we do, and we do not jam or interfere with that. It is so ponderous and so dull and so heavily propagandized and slanted that almost nobody listens to it.

But who listens to ours and how do we know that? We have a pretty stable audience. Since 1977, about 40 million people per week or 15 million people a day, of which 4 million people are in the Soviet Union. How do we know this? Well, we know it because we interview visitors who come out of the Soviet Union, come out of the Warsaw Pact countries, and we interview them professionally and we ask questions and they are very sophisticated and very candid about what they hear and how important it is to them.

Now the Soviets are jamming these broadcasts and it is costing them a lot of money. The Soviets are paying \$250 million a year. It takes a lot of electricity, a lot of energy, and this next thing I am going to relate might interest the Members about what occurred in Poland just a few weeks ago.

There was a large sign in Poland during the Solidarity labor movement. The sign said, "Save energy, stop jamming Radio Free Europe."

Very, very important. We are getting through.

One Warsaw Pact country figured out how to stop us from doing this one time some years ago. It was in Czecho-

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slovakia in 1968 before the Soviet tanks rolled in there. The way they stopped the Voice of America and Radio Free Europe and Radio Liberty was they broadcast the truth.

□ 1330

While the lid was off and they had the opportunity to broadcast the truth, the straight news as it was, there was no need therefore for anybody to listen to ours. That is fine. We would be delighted not to broadcast anywhere if people would tell the truth. Well, unfortunately, they do not.

We are fairly low key with all this. We do not go into editorial comment. We present straight news. We broadcast straight news and music and it is very, very much listened to. What it does, among other things, it keeps the other world honest. You know, they did not even used to report incidents like an airplane crash in their own countries; but we report it. We do not say who was at fault or editorialize. We report that it happened. Now they are having to report some things that happened. They dare not fail to report.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. BURGNER. One of the reasons that we need full funding is because on February 21 a tragic event occurred. We have been doing this broadcasting for 30 years without incident until we had a bombing of our facility in Munich. Luckily, mercifully, no one was killed. Three people were seriously injured. It cost \$1½ million in immediate damage to the facility; but it is going to take \$3 to \$4 million to make these facilities secure. All these thousands of people, our employees, mostly are Europeans, of course, very fluent in all of these 21 languages that they speak with fluency, and they are entitled to protection. They are entitled to be safe in the very important work that they do on our behalf; so full funding for this purpose is absolutely essential. How we accomplish it, I am not prepared to say; but in fiscal year 1982 and in fiscal year 1983 I believe we absolutely must, because the truth shall make us free and hopefully, eventually, all of them.

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

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. COLEMAN).

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

Mr. COLEMAN. Mr. Speaker, I rise in support of S. 1193.

Today we are considering passage of funding for the prime instrumentalities of U.S. foreign policy. It is a bill

sharply reduced from the one which we considered several weeks ago. The State Department, as have all of our Government agencies, has felt the budget ax.

We have before us a streamlined bill, pared of fat. I urge support of this measure for two reasons: First, it meets the budgetcutting criteria; and second, it is needed more than ever in this time of increased global tension.

There are a number of specific points I would like to make about this bill:

First, this bill is not the foreign aid bill. We will deal with this controversial bill separately at a later time.

Second, I am however concerned about the limited funding proposal contained in this legislation for the Board of International Broadcasting and the International Communication Agency. These agencies are the prime means that we in America have to share our views with people in the communist nations. The Voice of America, Radio Free Europe, and Radio Liberty are all funded in this bill. These radios are invaluable in America's efforts to spread the truth to the people of the Soviet Union and Eastern Europe. In these times of increased Soviet propaganda, disinformation and in many cases outright lies, these stations are more important than ever.

If one has been reading the newspaper reports about the so-called peace demonstrations in Europe, one is immediately struck by how aggressive the Soviet propaganda effort has been—and perhaps more disturbingly, how many of these half truths and and untruths have been believed by some Europeans. We must combat this campaign to discredit the United States. These radios are one of the most important ways to do this.

Finally, I would also like to note that while I support this bill, and support the budgetcutting philosophy which has been applied to it, I must admit that I am also very disturbed by the major cuts made in our Nation's international education exchange programs. For all the reasons I have noted already, I feel that there is an urgent need to dispel the fabrications being sowed by the Soviet Union about the United States of America. A most important way of doing this is through international exchange programs which give foreign students and scholars an opportunity to travel to the United States and learn for themselves exactly what life is like in the United States. These programs also offer American students the opportunity to go abroad and learn about foreign cultures and societies. This knowledge is invaluable to America, whose concerns and interests are global in nature.

Despite these problems, I nevertheless support S. 1193 because I feel that its passage is vitally important to our Nation and its national interest.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes for purposes of general debate to the distinguished gentleman from Michigan (Mr. CROCKETT).

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

Mr. CROCKETT. Mr. Speaker when the debate on this bill began, it was my position that I would oppose the bill and that I would vote in support of any motion to recommit.

I am opposed to the administration's proposal that we cut another 12 percent from the appropriation for the State Department and I am opposed to what I understand is the administration's position that the entire 12 percent should be taken out of the cultural and educational aspects of the State Department appropriation.

I have listened, however, very carefully to the presentation made by the chairman of my Foreign Affairs Committee, the gentleman from Wisconsin and by the chairman of my subcommittee, the gentleman from Florida and by the chairman of my second subcommittee, the gentleman from Michigan. Based on their assurances that every effort is going to be made at a conference in order to protect the interests that I feel the American people have and should continue to have in expanding our cultural and educational contacts, particularly with Africa, I want to identify myself and to associate myself with the comment made by my three chairmen.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware (Mr. EVANS).

(Mr. EVANS of Delaware asked and was given permission to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of this bill to authorize funding for the State Department for fiscal years 1982 and 1983.

I think it is appropriate to note that our Nation's foreign policy is beginning to turn away from a rather inconsistent, incoherent, and often erratic past, and is moving toward a new era of firmness and clarity which has already resulted in greater respect for America around the world.

It also strengthens greatly the cause of peace and stability in the world when we are more consistent. I do not mean to imply that we have reached Utopia, by any stretch of the imagination, but we are, I believe, heading in the proper direction.

It is important to note here, too, that this legislation does provide necessary funding to carry out the administration of our foreign policy by the State Department. There are some in this body and many around the United States, I feel, that probably do not think we ought to have a State Department. Some feel that we could put up a wall around the United States of America and exist in isolation. This is totally impractical but suffice it to say

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that in the increasingly smaller and interdependent world in which we live it is extremely important to promote better understanding rather than less.

I believe that is vital if we are to strengthen the cause of peace and security in the world.

Communications is the key to that better understanding, personal communications where it can be effective, and where this is not possible, communications by Radio Free Europe and Voice of America and Radio Liberty. That is one of the reasons why this bill is so critically important, because it does contain funding for these all important international broadcasting efforts.

I believe it would be incredibly foolish in these times for us not to increase our efforts in getting our message across.

I think at times we do not fully comprehend what we mean to freedom-loving people all over this globe.

Let me share with you an occasion that happened in June of 1980. I had just introduced an amendment to increase funding for the Voice of America. I was called to the side door here and a gentleman who was a graduate student at one of our universities here, came up with tears in his eyes. He said, "Congressman, you don't know what it means to us and to my countrymen to know that America cares about our freedom."

There are other places on the globe that are having difficult times today, and I think it would be spectacularly ill-timed if we do not proceed with funding for our broadcast efforts now. I speak, of course, of our friends in Poland. We need to send them a message of hope, a message that we care about their struggle for freedom, a message that the people of America I now fully support.

I would like to also say that these broadcast efforts are an integral part of our national defense program. President Reagan, when he was campaigning in Illinois on March 17, 1980, said as Governor Reagan then, that we needed to reemphasize our efforts on behalf of Radio Free Europe, Radio Liberty, and Voice of America.

The SPEAKER pro tempore. The time of the gentleman from Delaware has expired.

Mr. FASCELL. Mr. Speaker, I yield 30 additional seconds to the gentleman.

Mr. EVANS of Delaware. Mr. Speaker, I think it is also important to point out that we have a force within these broadcasts, a force which is a lot more powerful than arms. It is a force that totalitarian regimes fear the most. It is the force of our ideas. We need to effectively utilize the weapon of ideas.

As Lenin once said, "Ideas are more fatal than guns." That is why the Soviet Union is spending so much time and money jamming our programs. They are afraid of the truth and it is important today to send a message to freedom-loving people all over the

world that we care in the United States of America.

I hope all my colleagues will strongly support this bill.

Mr. FASCELL. Mr. Speaker, just a brief comment first before I yield.

I agree with the last two gentlemen who spoke in the well with regard to radios. As one who was intimately involved in saving the radio, so to speak, and getting the necessary mechanisms and funding for those radios and keeping them alive and improving their capability, I can certainly understand what our previous speakers have been saying.

With respect to the bomb damage, let me just briefly state that we had in the fiscal year 1981 budget \$3½ million dollars for the bomb damage to be repaired. Despite the cuts, some readjustments will have to be made internally, but they can do that.

but I still agree they need more money and we need to put more emphasis on those radios. I will be joining the gentleman in every way I know how to see that that policy is implemented.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Speaker, I thank the distinguished gentleman for yielding.

I really do not care how we send that message or that signal to people all over the world that America cares, because it is in our national security interests to do so.

Mr. FASCELL. Absolutely.

Mr. EVANS of Delaware. Whether we do it through recomittal or whether we do it administratively, and I certainly do not want to jeopardize this bill on recomittal, but there is one thing for certain that we ought to make absolutely clear in this administration and this Congress, that we do care about other other people and that we care about the impact of these international broadcasts and we are going to do everything we possible can to give them adequate funding in the future.

Mr. FASCELL. Mr. Speaker, I agree with the gentleman very strongly.

Mr. Speaker, I yield 3 minutes for purposes of general debate only to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Florida (Mr. FASCELL) for yielding to me. As everyone who is familiar with this Congress knows, I am not a member of this committee.

I kind of hate to intrude into its business, but I was shocked the other day when the House killed the authorization bill for the State Department.

I know when I came to the Congress about 20 years ago, it was fashionable then if you were dissatisfied with all the world's problems to take it out on the State Department, and I have got

to admit that I was probably guilty of some of that.

As I began to exercise my responsibilities under the Ways and Means Committee having to do with international trade, I became better acquainted with the State Department. I can tell you from personal experience that the people in the State Department work hard. They are well qualified. They do a terrific job and sometimes under very adverse and dangerous circumstances.

We should not be here talking about cutting back in this area. We ought to be here talking about expanding in this area. The State Department is doing a job in a bigger world today with fewer people than they have had in a long, long time, and our problems are much more complex.

I hope that Members when thinking about this authorization bill will think about the challenges that are out there that must be met, about our responsibility to meet those challenges, and I hope they will take my word for it as one who has been there and seen, we have got good people representing us overseas. We have got good people who work and will work hard on weekends and holidays and every other time. I have never yet had one of them complain to me about the demands that are made upon them, not only by our Government, but by other governments.

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They are loyal Americans, they work hard, they should be cheered, and we should be augmenting them. We certainly should not take out our piques about the problems of the world by voting against the State Department authorization bill.

Mr. FASCELL. I thank my distinguished colleague for those very appropriate remarks.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. LOTT).

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

Mr. LOTT. I thank the distinguished ranking member for yielding to me.

Mr. Speaker, this bill is an example of how the House can insure that we stay within the President's budget figures and still provide the President the resources he needs to run a lean, effective Government.

I voted against the bill earlier because it was over the budget, and I do not agree totally with the gentleman from Florida who preceded me here in the well, from whom I have the utmost respect, when he says we should not be talking about cutting back. I just cannot accept that. We do need to look toward keeping the State Department down in its expenditures just as we do everything else around here. That has been done with this bill. After the bill was defeated earlier, administration officials, the ranking

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members on the committee, and the distinguished chairman of the committee, got together and worked out an agreement as to the figures that should be in this bill.

It is within the President's budget request. I think that all concerned should be commended for the compromise they worked out. I realize some of the Members do not think we should have defeated it earlier, but the fact is that it was over the President's budget request.

We have made some savings here. That is what we have been trying to do in every other area and it has been done. There has been a major savings. We have reached a final agreement now and I think we should try to live up to this compromise.

I am going to vote for it because I do think we need the State Department authorization and I do think we need to have foreign aid authorizations. But I also think we should be just as conscious of what the costs are in this area, as we are in other areas of the budget.

So I urge my colleagues, let us support this compromise in its present form. Vote for this bill on final passage. Let us not break up the compromise that has been reached and tinker with the numbers that have been agreed to, and we can get this behind us and move on to what needs to be done in other areas.

Mr. Speaker, I do want to thank all of those who worked on this bill for their patience and cooperation.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

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

Mr. LAGOMARSINO. Mr. Speaker, I voted against this bill when it was before us before. It was over the President's budget in its second year. However, under the agreement, that has been taken care of and the bill is well within the budgetary constraints.

While I certainly agree with the view of those who would like to increase funding for the radios, I think we can find some other way to do that. But the important thing today is to pass this bill the way it is, and to get on with the business. We have a State Department, and whether or not we agree with everything it does, whether we agree with all the personnel that are there, it is our State Department. It is our vehicle for carrying out foreign policy.

I would say particularly to those on my side of the aisle that this is our President's foreign policy, and this is his State Department, peopled by people he has appointed. I think if we are going to have a coherent, credible foreign policy we certainly have to fund that Department.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman from Florida yield me 3 additional minutes?

Mr. FASCELL. I would be glad to.

Mr. BROOMFIELD. I thank the gentleman.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH).

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

Mr. ROTH. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I agree with the speakers who have spoken here this afternoon on the power of an idea and the power of public diplomacy. But I hope we would not fall in the trap of saying if we just throw more dollars at the agency, or any other agency, it is going to solve all our problems. I think, yes, dollars have to be appropriated. Dollars are important. But I think it is a commitment that these agencies have to their programs that are very important, too.

Recently I had a gentleman in my office from Czechoslovakia, Victor Sefcick. I asked him what kind of experience he has had with Radio Free Europe and Radio Liberty. He said their experiences have been very good; that they religiously listen to those broadcasts at 6 in the morning, 6 at night, not only to get the world news but also to find out what is happening in Czechoslovakia, their own country. But he did say that many times they have a hard time understanding the news because the Czechoslovakian that is being spoken is not the best.

I think this is one example, that we can fall in the trap of just saying if we throw more and more money at the agency, the problems are going to be solved. I think there has to be a certain amount of dedication and commitment in the agency itself.

As I see it, what we are arguing about here is an issue of where we are going to spend more money, with the elite or with the people, the masses. I think it is very important that we stressed that we sell the story of America, our programs, and so on, to all the people of the country, not just to the elite. I think if we have to make choices because we only have a number of dollars, we must always come down on the side of the people of those countries, not only the elite.

I feel the ICA does some of the most important work being done in this country, but it should not be a travel and tourism agency. I think what we have to do is spend the money on the radios and the people working in those areas so they can speak the language properly and we can get our message across.

Mr. SPEAKER. The Chair will state that the gentleman from Florida (Mr. FASCELL) has 2½ minutes remaining, and the gentleman from Michigan (Mr. BROOMFIELD) has 5½ minutes remaining.

Mr. FASCELL. Does the gentleman from Michigan desire more time?

Mr. BROOMFIELD. Yes, I have two more speakers.

Mr. FASCELL. I will be glad to yield the balance of my time to the gentleman from Michigan (Mr. BROOMFIELD).

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

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

Mr. DERWINSKI. Mr. Speaker, this measure is the renewed authorization bill for the State Department, the International Communication Agency (ICA) and the Board for International Broadcasting (BIB). As it stands, it drastically cuts funds for the ICA and BIB. My motion to recommit is intended to correct these dubious budget allocations.

I recommend that within the total spending limits, specific adjustments be made to support our foreign information agencies—ICA and BIB.

ICA, of course, manages the Voice of America and our exchanges and cultural programs, while BIB supervises Radio Free Europe and Radio Liberty. We are involved in an information war, a clash of ideas, a struggle of the truth of a free society against totalitarian propaganda. It is necessary to improve our foreign broadcast capability, and reinforce our radios. VOA broadcasts world news and particularly news about the United States to many areas of the world which would not otherwise have objective news sources. RFE and RL are our means of reaching the people of the Soviet Union and those of the Eastern European Communist countries.

Through our exchange programs, on the other hand, we have a chance to see other countries as they are and give the people of foreign nations an understanding of the real America. A significant part of the threat posed to the United States by the increasing contentions of the Soviet Union lies in the area of political and propaganda activity. Mass communication is used by the Soviets to indoctrinate, mislead, and confuse peoples throughout the world; the influence and strategic positions of the United States are weakened in the process.

The Soviet Union maintains an iron grasp on the Russian people and on the captive nationalities of its empire. Its strategic military strength shields its conquests. Nonetheless, the Soviet empire is vulnerable. Its economic system is inefficient, its agriculture a shambles. Its population, and those of the captive nations, are shamelessly exploited to support a corrupt regime. It is of special interest that RFE and RL often assist the forces of internal dissent in the U.S.S.R. and the satellite countries in frustrating the Communist secret police by broadcasting smuggled dissident papers and messages.

The role of the radios has been succinctly described by a former Director of the RFE Polish Language Service:

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Without the Western radios in recent years, Soviet dissidents would have been deprived of one of their main communication lines with the broad masses of people. The solidarity of Polish workers was made possible by Western radio, acting as a communications link between strikers in various parts of the country. Without Radio Free Europe, the authorities would have been able to isolate and suppress local strikes before the news spread to the rest of the country. Western radios remain the prime source of information about Polish developments for other countries of the Soviet Bloc. They also provide the means of comparison with life outside the Bloc necessary to generate dissatisfaction and pressure for change.

Earlier this year, a cut by the previous administration in the BIB budget for fiscal year 1982 was restored by the new administration and more added to the previous year's budget. The State Department in a report to Congress said:

The Department of State strongly supports the maintenance of effective Radio Free Europe/Radio Liberty and VOA broadcast capabilities. In this regard, I am pleased to report that we have confirmed with the Board for International Broadcasting that the proposed \$4 million cut to the Board's fiscal year 1982 budget has been restored and that a \$3 million supplemental appropriation has been added to the fiscal year 1981 budget.

Instead of restoring funds for the radios, the OMB has slashed their funding.

Recently, the President directed ICA to take responsibility for coordination of a major new U.S. overseas information program in response to the Soviet Union's growing global campaign to undercut U.S. foreign policy objectives. This activity, to be called Project Truth, is a counteroffensive to reveal Soviet disinformation efforts and to spread the truth about U.S. policy and objectives. When Project Truth was proposed to the President, his reaction was that "this could be the greatest weapon of all."

Also, the administration has announced that in an effort to tell the truth to Cuba we are going to establish a radio, to be called Radio Marti, which will cost \$10 million the first year. "This administration has decided to break the Cuban Government's control of information on Cuba," Richard Allen, the President's security adviser, is quoted as saying.

These are new responsibilities being undertaken by the administration. Unfortunately, in the past few years, the effectiveness of U.S. broadcasting to the Soviet Union and Eastern Europe has been systematically reduced, due to inadequate budgets. On April 1, 1981, the distinguished Republican leader, BOB MICHEL, said this about the radios and national security:

We are in grave danger of losing the war of ideas carried on throughout the world. How close we are of losing may be debatable—what is not debatable is the unquestioned fact that the Soviet Union and its allies outspend the United States and its allies on information—and, in the Soviet case, disinformation—program.

The time has come to recognize that the U.S. International Communication Agency—including its international broadcasting section, the Voice of America—and Radio Free Europe and Radio Liberty need to be seen as part of our national security system, as vital and as necessary to our survival and programs as weapons, manpower, and strategic concepts.

ICA'S budget has been reduced by 12 percent. To apply the OMB's cut to the Voice of America, according to ICA, would mean cutting its weekly broadcast schedule by more than 25 percent, widening the gap between Soviet and U.S. broadcasts. Moreover, the cut would mean the closing of 37 posts, many in sensitive areas. These 37 ICA posts out of 200 would include 15 country program operations and 22 posts as follows:

Country programs operations: Benin, Burundi, Iraq, Ireland, Lebanon, Lesotho, Luxembourg, Mali, Malta, Mauritania, Papua/New Guinea, Rwanda, Swaziland, Switzerland, and Upper Volta.

Branch posts: Sydney, Australia; Belo Horizonte, Porto Algere, Recife, Rio de Janeiro, and Salvador, Brazil; Toronto, Canada; Valparaiso, Chile; Cali and Medellin Colombia; Guayaquil, Ecuador; New Delhi, India; Medan, Indonesia; Kwangju and Taegu, Korea; Guadalajara and Monterrey, Mexico; Davao, Philippines; Dharan, Saudi Arabia; Barcelona, Spain; Izmir, Turkey; and Maracaibo, Venezuela.

To save VOA and the overseas operation from such drastic cuts, ICA proposes to concentrate the cuts on its public diplomacy functions. To do so, however, United States/Poland and United States/Soviet exchange programs would be severely affected, a serious development at this juncture. On the other hand, recent demonstrations in London, Brussels, Paris, Rome, and Bonn against modernization of nuclear theatre forces give evidence of a vast gap between Europeans and Americans on vital issues. Our educational exchanges should not be permitted to suffer.

To shortchange our international information programs, cultural exchanges, scholarships, and foreign broadcasting would be pennywise and pound foolish. Our radios, particularly, are key elements of our security effort. We have history and truth on our side, yet the Soviets have a technological advantage. We must recognize the responsibilities and challenges we face and make the policy and budget decisions necessary to gain the technological edge we need to win.

The motion to recommit will help preserve the ICA and BIB from the misapplied calculations of OMB non-experts. I appeal for your support of the motion to recommit.

Frankly, Mr. Speaker, when I listen with awe to my leaders, Mr. LOTT and Mr. MICHEL, who will follow me, when I see heavyweights like the chairman of the committee, the chairman of the subcommittee, the ranking member,

all speaking against my position, I feel like the bastard at a family reunion. But I stand here before the Members in righteousness, knowing my position is correct.

I would like to review a few points. Let me again quote from a recent State Department report on the radios:

Without the Western radios, Soviet dissidents would have been deprived of their main communication lines with broad masses of people. The Solidarity of the Polish workers is made possible by Western radio. Without Radio Free Europe the authorities would have been able to isolate and suppress local strikes before the news spread to the rest of the country. The prime source of information about developments of other countries in the Soviet bloc comes from Radio Free Europe.

The Department of State has indicated they strongly support the radios. Yet, now they are bludgeoned into silence at the time the radio budgets are being gutted.

When my dear friend the minority leader takes the floor, I hope he will remind the House of his strong support of the radios and then try to reconcile that with his inability to accept the funds in my motion to recommit.

Then I would also like to point out to you that the ICA, which is being the most drastically cut, has recently been directed by the President to take responsibility for what they call a major new U.S. overseas information program. Now, explain to me how one can start a major new U.S. overseas program when 30 percent of one's budget is cut? Yet that is what the figures before us provide. My figures would give some flexibility to the ICA and BIB.

We have to have an understanding of just where we are cutting and who we are hurting here. For example, in the ICA, unless my motion to recommit is accepted, the items that will be cut from the budget include country program operations in Iraq—I need not tell you how sensitive a country Iraq is—Lebanon, and Lebanon is a sensitive country, Mauritania, Burundi, Rwanda, key countries in Central Africa; India, Indonesia, Saudi Arabia, which just received our AWACS, but we are going to cut out some of our programming there; Spain, Turkey, Western countries on the edge of anarchy.

And yet here we are retreating from our obligation to tell the American story there because of what I consider penny-wise and pound-foolish approaches.

When this bill was on the floor 5 weeks ago, I supported it. I would support it now if my figures are accepted.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time, 2 minutes, to the gentleman from Illinois, the distinguished minority leader.

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

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Mr. MICHEL. Mr. Speaker, I obviously rise in support of this bill.

I want to first congratulate the chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI), the gentleman from Florida (Mr. FASCELL), and the gentleman from Michigan (Mr. BROOMFIELD) on our side, for their spirit of cooperation in bringing this bipartisan administration-supported bill to the floor.

When I came to my desk this morning, I noted, as most of you did, a "Dear Colleague" letter signed by my good friend, the gentleman from Illinois, and seven of our colleagues. The letter was in support of a motion to recommit, and here I quote, "to correct the dubious budget allocations" in the amendment now before us. I took particular interest in that letter because it quoted this Member at length. The quotation was from remarks I inserted in the RECORD early in the year in support of strengthening the U.S. International Communications Agency. I will not repeat that quotation here because of the time restraints put upon us, but the gentleman from Illinois is very clever. He is smart. He has been around a long time. There was an implied suggestion that because a motion to recommit is usually reserved for the minority a quote from the minority leader would in turn suggest to most that I supported this motion to recommit.

Let me make it abundantly clear. I am absolutely opposed to the motion to recommit of the gentleman from Illinois. He has his own little ax to grind in this particular case, and I understand his good and noble intentions.

I have to support the measure as is. This was a compromise with the other side put together in my office. It is a commitment that I am bound to keep. I stand behind it, and Members on my side particularly will have to understand that our word is only as good as our bond here. For that reason on this issue I have to oppose my friend, the gentleman from Illinois, who in most cases is on the right side of the issue, but on this one I think he has carried it a little bit too far.

Admittedly, there are adjustments, particularly in the communications agency, that ought to be made in-house. I think the subcommittee chairman, the gentleman from Florida (Mr. FASCELL) in his remarks earlier, if I followed them correctly, hit the target, and I would subscribe to the views that he expressed at that time and would urge the Members on this side, and the majority side, again to reject the motion to recommit and get on with passage of this State Department authorization bill.

Mr. FASCELL. Mr. Speaker, to conclude the debate on this side, I yield 1 minute to the distinguished chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

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

Mr. ZABLOCKI. Mr. Speaker, I will only take 1 minute. May I have the attention of the gentleman from Illinois (Mr. DERWINSKI) to state the parliamentary situation as I perceive it. What would happen if the gentleman's motion to recommit with instructions should prevail? In my opinion such an action could kill the bill because it would violate the agreement that we have on both sides regarding the content of the legislation.

Then what the gentleman desires and what we desire to accomplish is lost.

Would the gentleman agree?

Mr. DERWINSKI. No; because the chairman knows that the instructions call for the same to be reported back to the House forthwith, which means 30 seconds later.

The gentleman from Illinois (Mr. MICHEL) is going to vote for final passage regardless of the final form.

□ 1600

The SPEAKER pro tempore. Pursuant to House Resolution 257, the previous question is ordered on the amendment and on the bill.

The question is on the motion offered by the gentleman from Florida (Mr. FASCELL).

The motion was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

Mr. DERWINSKI moves that the Senate bill S. 1193 as amended be committed to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendments:

Amend the amendment as follows (page and line numbers are to H.R. 4814):

On page 2: line 8, strike "\$1,245,637,000" and in lieu thereof insert "\$1,233,637,000";

In line 9, strike "\$1,248,059,000" and in lieu thereof insert "\$1,238,059,000";

In line 11, strike "\$503,462,000" and in lieu thereof insert "\$479,462,000";

In line 12, strike "\$514,436,000" and in lieu thereof insert "\$481,436,000"; and

On page 39: line 16, strike "\$494,034,000" and in lieu thereof insert "\$520,034,000"; and

In line 17, strike "\$482,340,000" and in lieu thereof insert "\$520,340,000"; and

On page 47, line 2, strike "\$86,519,000" and in lieu thereof insert "\$96,519,000"; and strike "\$98,317,000" and in lieu thereof insert "\$103,317,000".

The SPEAKER pro tempore. The gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

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

Mr. DERWINSKI. Mr. Speaker, at times this afternoon I have felt like a voice shouting in the wilderness. I am amazed at some of the gyrations on the part of some of my colleagues. I wish they were as interested in the condition of foreign affairs 5 weeks ago as they are today, but even a belated convert to an appreciation of international affairs is appreciated.

Let me run through the fact of life for some Members on why this motion to recommit is in order.

First, there was a statement made that this will delay the bill. It will, for 30 seconds, just as long as it takes for us to bring it back to the House.

I believe the motion to recommit will strengthen the hand of the House conferees in conference with the Senate. What we specifically do—and I want the Members to be on record, knowing that deep in their hearts they know we are doing the right thing—is to restore a total of \$64 million to the International Communication Agency for 2 years, and \$15 million for the Board for International Broadcasting, which is Radio Free Europe and Radio Liberty.

Earlier my dear friend, the distinguished Republican leader, had referred to a statement he made on April 1 which he still maintains—of course, April 1 is April Fool's Day; a strange coincidence—but at the time my dear friend said as follows:

The time has come to recognize that the United States International Communications Agency, including its international section, The Voice of America and Radio Free Europe and Radio Liberty, need to be seen as part of our national security system, as vital and as necessary to our survival in programs as weapons, manpower, and strategic concepts.

Now, therefore, inspired by the oratory, I have worked hard since then to see that the misguided budget cuts coming from OMB do not damage those radio entities that my leader so nobly defends, so the Members will understand the inspiration for my position in addition to my own strong-held views.

I would also like to point out that it is fine for the gentleman from Wisconsin and the gentleman from Florida to give verbal assurances that they will do the best they can in the conference with the Senate. But the motion to recommit with instructions is the only ball game in town at this time. If Members want to have funds designated for Radio Free Europe, for the ICA, if they do not support the motion to recommit they are merely trusting negotiations with the other body, which has shown itself reluctant these days to meet the House halfway.

The other point I would like to make to my dear friend from Mississippi is that my figures merely transfer funds, and that the figures I propose are within the budget request. So, if someone is concerned about the sacredness of the budget request, we do not violate it.

October 29, 1981

CONGRESSIONAL RECORD — HOUSE

H 7931

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

Mr. DERWINSKI. I am pleased to yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding. Any motion offered by my good friend from Illinois is automatically deserving of the most serious consideration, and in this instance, I want to say very frankly that I am inclined to support it, but I would like to ask one question. Would the resources which this amendment would transfer out of the account for international organizations in any way put us in default of our obligations to the United Nations or any of its member agencies?

Mr. DERWINSKI. No. If the gentleman will look at the figures for the original request which was rejected 5 weeks ago, it was lower at that point than the figures that remain in the bill after my motion to recommit. In fact, after my motion to recommit there is an additional \$10 million for international organizations and conferences for fiscal year 1982, and an additional \$12 for fiscal year 1983.

Also, I would like to point out that the real issue here is the funds for ICA, \$64 million over the 2 years, and primarily that would permit the maintenance of certain facilities, some of which I ticked off earlier—very key countries, and of course some of the exchange programs which are so valuable.

To sum up, Mr. Speaker, may I say that I do not like to tangle with the leadership as I have. But my concern is for legitimate allocation of funds in foreign affairs.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. FASCELL. Mr. Speaker, I rise in opposition to the motion to recommit. I think the issue is well known to everybody. The motion to recommit is not the only game in town. We have conferenceable issues. We are ready to go to conference. Adjustments are going to be necessary with respect to the cultural and educational programs we are going to provide for, as we have pointed out earlier.

So, I think it would be a mistake to change the pending bill by a motion to recommit. As a matter of fact, we will actually have more flexibility between the Senate bill and House bill as we go to conference to adjust these matter. I would urge my colleagues to vote down the motion to recommit.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; the Speaker pro tempore announced that the nays appeared to have it.

Mr. DERWINSKI. 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 63, nays 318, not voting 52, as follows:

[Roll No. 288]

YEAS—63

Anderson	Early	O'Brien
Annunzio	Eckart	Petri
Applegate	English	Porter
Archer	Erlenborn	Ritter
Ashbrook	Evans (DE)	Roemer
Beard	Evans (IN)	Rostenkowski
Biaggi	Fary	Roth
Broyhill	Gray	Scheuer
Burgener	Hyde	Schulze
Burton, Phillip	Kastenmeier	Shamansky
Butler	Kemp	Sharp
Carman	LaFalce	Simon
Clinger	Lantos	Solarz
Conable	LeBoutillier	Solomon
Coughlin	Lungren	Spence
Courter	Marks	Vento
Dannemeyer	McClory	Walgren
DeNardis	McDonald	Walker
Derwinski	McGrath	Watkins
Donnelly	Moore	Weaver
Dougherty	Murphy	Yates

NAYS—318

Addabbo	Dicks	Hansen (UT)
Akaka	Dingell	Harkin
Albosta	Dixon	Hartnett
Andrews	Dorgan	Hatcher
Anthony	Dornan	Hawkins
Aspin	Dowdy	Heckler
Atkinson	Downey	Hefner
AuCoin	Dreier	Heftel
Badham	Duncan	Hendon
Bafalis	Dunn	Hertel
Bailey (MO)	Dwyer	Hightower
Bailey (PA)	Dymally	Hiler
Barnes	Dyson	Hillis
Bedell	Edwards (AL)	Holland
Benedict	Edwards (CA)	Hollenbeck
Benjamin	Edwards (OK)	Hopkins
Bennett	Emerson	Horton
Bereuter	Emery	Howard
Bethune	Erdahl	Hoyer
Bevill	Ertel	Hubbard
Bingham	Evans (GA)	Huckaby
Blanchard	Evans (IA)	Hughes
Bliley	Fascell	Hunter
Boggs	Fenwick	Hutto
Boland	Ferraro	Jacobs
Boner	Fiedler	Jeffords
Bonior	Fields	Jeffries
Bonker	Findley	Jenkins
Bouquard	Flithan	Johnston
Bowen	Flippo	Jones (OK)
Brinkley	Foglietta	Jones (TN)
Brodhead	Foley	Kazen
Brooks	Ford (MI)	Kildee
Broomfield	Ford (TN)	Kindness
Brown (CA)	Forsythe	Kogovsek
Brown (CO)	Frank	Kramer
Brown (OH)	Frenzel	Lagomarsino
Byron	Fuqua	Latta
Carney	Gaydos	Leach
Chapple	Gejdenson	Leath
Cheney	Gephardt	Lee
Chisholm	Gibbons	Lehman
Clausen	Gingrich	Leland
Coats	Glickman	Lent
Coleman	Gonzalez	Levitas
Collins (IL)	Goodling	Livingston
Collins (TX)	Gore	Loeffler
Conte	Gradison	Long (LA)
Conyers	Gramm	Long (MD)
Coyne, James	Green	Lott
Craig	Gregg	Lowery (CA)
Crockett	Grisham	Lowry (WA)
Daniel, Dan	Guarini	Lujan
Daniel, R. W.	Gunderson	Lundine
Danielson	Hagedorn	Madigan
Daschle	Hall (OH)	Markey
Davis	Hall, Sam	Marlenee
de la Garza	Hamilton	Marriott
Deckard	Hammerschmidt	Martin (NC)
Derrick	Hance	Martin (NY)
Dickinson	Hansen (ID)	Matsui

Mattox	Pickle	Smith (NJ)
Mavroules	Price	Smith (OR)
Mazzoli	Pritchard	Smith (PA)
McCollum	Pursell	Snowe
McDade	Rahall	Snyder
McEwen	Rangel	Stangeland
McHugh	Ratchford	Stanton
McKinney	Regula	Staton
Mica	Reuss	Stratton
Michel	Rhodes	Studds
Mikulski	Richmond	Stump
Miller (CA)	Rinaldo	Swift
Miller (OH)	Roberts (KS)	Synar
Mineta	Roberts (SD)	Tauzin
Minish	Robinson	Taylor
Mitchell (NY)	Rodino	Thomas
Moakley	Roe	Traxler
Moffett	Rogers	Tribe
Molinari	Rose	Udall
Mollohan	Rosenthal	Vander Jagt
Montgomery	Roukema	Volkmer
Moorhead	Rousselot	Wampler
Morrison	Roybal	Weber (MN)
Murtha	Rudd	Weber (OH)
Myers	Russo	Weiss
Natcher	Sabo	White
Neal	Santini	Whitehurst
Nelligan	Savage	Whittaker
Nelson	Sawyer	Whitten
Nichols	Schneider	Williams (MT)
Nowak	Schroeder	Williams (OH)
Oakar	Schumer	Winn
Oberstar	Seiberling	Wirth
Obey	Sensenbrenner	Wolf
Ottinger	Shannon	Wolpe
Oxley	Shaw	Wortley
Panetta	Shelby	Wright
Parris	Shumway	Wyden
Pashayan	Shuster	Wylie
Patman	Siljander	Yatron
Patterson	Skeen	Young (AK)
Paul	Skelton	Young (FL)
Pease	Smith (AL)	Young (MO)
Perkins	Smith (LA)	Zablocki
Peyster	Smith (NE)	Zerfretti

NOT VOTING—52

Alexander	Fazio	McCurdy
Barnard	Fish	Mitchell (MD)
Bellenson	Florio	Mottl
Bolling	Fountain	Napier
Breaux	Fowler	Pepper
Burton, John	Frost	Quillen
Campbell	Garcia	Rallsback
Chappell	Gilman	St Germain
Clay	Ginn	Stark
Coelho	Goldwater	Stenholm
Corcoran	Hall, Ralph	Stokes
Coyne, William	Holt	Tauke
Crane, Daniel	Ireland	Washington
Crane, Philip	Jones (NC)	Waxman
D'Amours	Lewis	Whitley
Daub	Luken	Wilson
Dellums	Martin (IL)	
Edgar	McCloskey	

□ 1415

The Clerk announced the following pairs:

On this vote:

Mr. Mottl for, with Mr. Garcia against.

Mr. BRODHEAD and Mr. AuCOIN changed their votes for "yea" to "nay."

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the Senate bill, as amended.

RECORDED VOTE

Mr. FASCELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 317, noes 58, not voting 58, as follows:

H 7932

CONGRESSIONAL RECORD — HOUSE

October 29, 1981

[Roll No. 289]

AYES—317

Addabbo
Akaka
Albosta
Andrews
Annunzio
Anthony
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnes
Bead
Bedell
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Billey
Boggs
Boland
Bonar
Bonior
Bonker
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (OH)
Broyhill
Burgener
Burton, Phillip
Butler
Byron
Carman
Chappie
Cheney
Chisholm
Clausen
Clinger
Coats
Coleman
Collins (IL)
Conable
Conyers
Coughlin
Courter
Coyne, James
Crockett
Danielson
Dannemeyer
Daschle
Davis
de la Garza
Deckard
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dorman
Dougherty
Downey
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emery
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fenwick
Ferraro
Fiedler

Fields
Findley
Fithian
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Frank
Frenzel
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Heftel
Hendon
Hightower
Hiller
Hillis
Holland
Hollenbeck
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Jeffords
Jeffries
Jenkins
Johnston
Kazen
Kemp
Kildee
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Madigan
Markey
Marks
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoil
McClory

McCollum
McDade
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moakley
Moffett
Molinaro
Mollohan
Montgomery
Moore
Morrison
Murtha
Myers
Natcher
Neal
Nelligan
Nelso
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Perkins
Peyster
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Stangeland
Stanton
Staton
Stratton
Studds
Swift
Synar
Taylor

Thomas
Traxler
Trible
Udall
Vander Jagt
Volkmer
Walgren
Wampler
Weber (MN)
Weber (OH)

Weiss
White
Whitehurst
Whitten
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley

Wyden
Wyllie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NOES—58

Anderson
Applegate
Ashbrook
Bouquard
Brown (CO)
Carney
Collins (TX)
Craig
Daniel, Dan
Daniel, R. W.
Derwinski
Derkinson
Dowdy
Dreier
Early
Emerson
English
Evans (IN)
Hall, Sam
Hansen (ID)

Hefner
Hertel
Hughes
Jacobs
Jones (OK)
Jones (TN)
Kastenmeier
Kindness
Leath
Lungren
McDonald
McEwen
Moorhead
Murphy
Paul
Petri
Ritter
Roberts (KS)
Roberts (SD)
Roemer

Rousselot
Rudd
Russo
Schroeder
Schulze
Sensenbrenner
Sheiby
Smith (NE)
Smith (OR)
Solomon
Spence
Stump
Tausin
Vento
Walker
Watkins
Weaver
Whittaker

NOT VOTING—58

Alexander
Barnard
Bellenson
Bolling
Breaux
Burton, John
Campbell
Chappell
Clay
Coelho
Conte
Corcoran
Coyne, William
Crane, Daniel
Crane, Phillip
D'Amours
Daub
Dellums
Edgar
Fazio

Fish
Florio
Fountain
Fowler
Frost
Garcia
Gilman
Ginn
Goldwater
Hall, Ralph
Holt
Ireland
Jones (NC)
Lewis
Luken
Martin (IL)
Mattox
McCloskey
McCurdy
Mitchell (MD)

Mottl
Napier
Nichols
Pepper
Quillen
Railsback
Richmond
St Germain
Stark
Stenholm
Stokes
Tauke
Washington
Waxman
Whitley
Williams (MT)
Wilson
Wright

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Mottl against.
Mr. Fountain for, with Mr. Mattox against.
Mr. Mitchell of Maryland for, with Mr. Nichols against.
Mr. Conte for, with Mr. Napier against.

Until further notice:

Mr. Richmond with Mr. Quillen.
Mr. Pepper with Mr. Railsback.
Mr. McCurdy with Mr. Tauke.
Mr. Waxman with Mr. Campbell.
Mr. Chappell with Mr. Daub.
Mr. Fazio with Mr. Corcoran.
Mr. D'Amours with Mr. Lewis.
Mr. Coelho with Mr. Daniel B. Crane.
Mr. Barnard with Mr. Ralph M. Hall.
Mr. Alexander with Mr. Philip M. Crane.
Mr. Dellums with Mrs. Martin of Illinois.
Mr. Wright with Mr. McCloskey.
Mr. Stark with Mrs. Holt.
Mr. Smith (IA) with Mr. Fish.
Mr. Ginn with Mr. Gilman.
Mr. Fowler with Mr. Ireland.
Mr. Clay with Mr. Frost.
Mr. Bellenson with Mr. Florio.
Mr. John L. Burton with Mr. Garcia.
Mr. Jones of North Carolina with Mr. Luken.
Mr. Wilson with Mr. St Germain.
Mr. Williams of Montana with Mr. Whitley.
Mr. Washington with Mr. Stenholm.

Mr. Edgar with Mr. William J. Coyne.
So the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1193, DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I move that the House insist on its amendment to the Senate bill, S. 1193, and request a conference with the Senate thereon.

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

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ZABLOCKI, FASCELL, YATRON, MICA, BROOMFIELD, DERWINSKI, and WINN.

As additional conferees, solely for consideration of proposed section 206 of the State Department Basic Authorities Act of 1956, as contained in section 120(a) of the House amendment and section 120(e) of the House amendment: Messrs. DELLUMS, FAUNTRROY, and MCKINNEY.

There was no objection.

□ 1445

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL 5 P.M. TOMORROW TO FILE REPORT ON HOUSE JOINT RESOLUTION 349

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until 5 p.m., Friday, October 30, 1981, to file a report on the joint resolution (H.J. Res. 349) to authorize participation of the United States in a multinational force and observers to implement the treaty of peace between Egypt and Israel.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so simply to ask the gentleman from Florida whether or not this has been cleared with the minority.

Mr. FASCELL. If the gentleman will yield, yes, it has.

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

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-