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time in enforcing the Constitution of the United States nor shall anything in this Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States."

After that very fine and articulate presentation as to the Senator's commitment to civil rights, this amendment does not mention the word "busing," has nothing to do with busing whatsoever. It merely is an affirmation of the right of the Justice Department to enforce the Constitution and the courts to enforce the Constitution.

Does the Senator intend to vote for that amendment?

Mr. BIDEN. I intend to support the right of the Justice Department to enforce the Constitution, but I would be very happy to vote for that amendment if we had a little dialog here and the Senator acknowledges that the intent of that language is in no way to diminish the intent of the original amendment of Senator HELMS, which is to get the Justice Department out of the busing business.

Mr. WEICKER. Let me put it this way: The Senator knows a lot better than I do that he already has voted against this amendment once before, last year.

Mr. BIDEN. That is right.

Mr. WEICKER. The Senator was not voting against busing. He was voting against the rights of the Justice Department and the courts to enforce the Constitution. That is what he voted against.

Mr. BIDEN. That is not correct.

Mr. WEICKER. That is correct. That is all the amendment said. Now the Senator is saying, "I will be glad to vote for it as long as that enforcement role is one which I agree with."

Come on. The Senator knows our Constitution just as well as I do. He knows the whole intent of the three separate branches of Government is that we maintain the independence of each and we do not make an incursion on each other's responsibility which in effect detracts from the independence of each one of those branches.

I know what is going on here and so does the Senator from Delaware.

I stated at the outset, No. 1, this is not even a busing argument. It is a constitutional argument. It is a civil rights argument. Busing is a nifty political buzz word and one that might incite passion and get votes or turn off votes, whatever.

We find we have to make a choice now in picking against a constituency and reelection and defending this Constitution.

I do not think busing is such a hot idea as far as the State of Connecticut is concerned. I know I am not going to tell the courts and I am certainly not going to go ahead and tell the Justice Department what it can or cannot do to protect the rights of all the citizens of my State.

That is what is at issue.

So I repeat as I stated at the outset of this argument. Busing is a very convenient way to take attention away from the

principal issue which is: If this type of legislation passes, then every time the justice and the court system does something that we do not like, we move in, but otherwise they can handle all the dirty problems that we shove out of our Chamber.

Last, the Senator mentioned the additional funding for education, that he voted for that every time.

I have not taken a look to see exactly what the rollcall was.

I also proposed an amendment which proposed a tax to go ahead and raise the money. I had no support in the Chamber.

It is fine to say we are going to vote a little money here to go ahead and take care of this problem. But what about the taxes to pay for that?

Mr. BIDEN. I support the Senator on that.

Mr. WEICKER. I do not think the Senator did that. I do not think I had a vote in the Chamber. It is easy to figure out where everyone is.

Mr. BIDEN. I am not sure of the interpretation of the Senator's amendment.

Mr. WEICKER. I think that the Senator has every right to go ahead and pronounce his judgment on the educational system of this country and how it is that we have or have not succeeded in desegregation efforts.

I said here at the outset and repeat, as I do not think the Senator was in the Chamber when I said it before, I have no hair shirt on about what the public education system of the United States accomplished.

Maybe again the Senator is sensitive to these little articles that appear that SAT scores have gone down and some people cannot read and write.

When I see what has been achieved, it has been an enormous success. With whatever shortcomings it has, like anything else where one tries, one is going to stumble to some degree, but the public education system of this Nation has nothing to apologize for.

No. 2, for whatever disagreeableness and failures might have occurred in the desegregation effort, the fact is desegregation has occurred, but it only occurred not only as a matter of law but as a matter of total commitment by the leadership of the political constituency, whether that happens to be national, local, or State.

That probably is more important than any law that has been written.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. WEICKER. I yield, but I wish to protect my right to the floor at this juncture. I am more than willing to accommodate the leadership in whatever the leadership wishes to do. I want to protect my right to the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate disposes of S. 1193 and resumes consideration of S. 951 that the Senator from Connecticut (Mr. WEICKER) is recognized.

The PRESIDING OFFICER (Mr.

COHEN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE AUTHORIZATIONS, 1982 AND 1983

Mr. STEVENS. Mr. President, I ask unanimous consent, pursuant to the order previously entered, that the Senate now turn to the consideration of Calendar order No. 96, S. 1193, the Department of State authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, today the Senate will consider S. 1193, a bill authorizing appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, the Board for International Broadcasting, the Arms Control and Disarmament Agency and the Inter-American Foundation.

The total amounts authorized by this legislation for fiscal years 1982 and 1983 are \$3,124,105,000 and \$2,837,034,000 respectively. This represents a cut of \$26,250,000 from the administration's fiscal year 1982 request and \$32,250,000 from the administration's fiscal year 1983 request. Despite these reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

I ask unanimous consent that the following table which compares the administration's requests with the committee's recommendations be printed in the RECORD:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

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court said, "Separate but equal is not equal, so we want to do away with dual school systems," and ordered everybody to do that. We had some creative local school systems in States in the South and I categorize my State as part of that. We were segregated by law, something I am not at all proud of.

What happened was that we found that very enterprising local authorities decided, by many different methods, including gerrymandering school districts, a way by which they could avoid the court order. So the court began to evolve a process whereby they would break that down to stop people in those jurisdictions from being able to continue to maintain those segregated school districts.

Mr. WEICKER. If the Senator will yield, I want to make sure the record is clear that the Senator is asking a question.

Mr. BIDEN. Yes, this is a long question.

Mr. WEICKER. Oh, this is a long question.

Mr. BIDEN. That is true, this is a long question.

I shall ask the Senator at the conclusion of this long question if he would like to respond to keep it in the form of an interrogatory. What happened, it seems, is that as we dealt with the problem of doing away with segregatory practices in the South, we had a situation—and I am probably oversimplifying in the interest of time, but I think I am not being inaccurate—wherein black and white people lived together in the same neighborhoods.

But the way living patterns developed in the North was very different. They were somewhat analogous to all other migratory patterns that occurred. When the Italians came, when my Irish ancestors came, when the Poles came, they tended, as a consequence of laws being Italian ghettos, and they tended to live together.

Well, as blacks moved North, they tended, as a consequence of laws being imposed upon them because of where they could and could not live to live in areas that were not integrated.

If you ride through a small town in most Southern States you will often find a black family and a white family living on the same block. You do not find that very often in the North. So when busing came along as a remedy to solve segregation in the South, it made some sense, because essentially what you had was a black family and a white family living on the same block, but going to separate schools, white to the white school and blacks to a black school. Authorities drew distinct lines that would literally go between the houses and the yards and down the middle of streets. Consequently, all the blacks would end up in one school and all the whites in another school, even though they lived in the same area.

The courts said, "Look, we look at this imaginary town of Smithville, with a population of 40 percent black and 60 percent white, but, coincidentally, the two schools in Smithville, one is 100 percent black and one is 100 percent white. Something is rotten in Smithville. So we

will tell you what we are going to do, Smithville. We are going to require you to prove you are not segregated by putting in a racial balance test. We are going to apply numbers. The schools had better reflect a 60-to-40 white-black ratio because we know that in Smithville, 60 percent to 40 percent of the population is the white-black breakdown and it is an integrated breakdown."

But when they got up North, in New York, Connecticut, Michigan, and other places—and I am not suggesting that northerners are any less prejudiced, any more good spirited, any better than southerners; but because of the way the living patterns developed, you found in Smithville, Pa., the blacks all lived in one corner of Smithville and the whites were interspersed in the rest of Smithville. There was no integration in the living pattern, so you had a reverse dilemma.

In the South, you had integrated living patterns and segregated facilities, whether it be the schoolbus, the park fountain, or the local transit authority. In the North, you had, by and large, integrated facilities but segregated neighborhoods.

So the court came along, and, understandably, out of the evolution of their frustration, applied the same method designed to solve the Southern dilemma in the North.

But guess what that meant. That meant a very preposterous arrangement, whereby they had to attempt, through the school system, to rearrange a living pattern that had developed, some of it by happenstance but much of it as a matter of law.

Instead of going in and bringing actions against developers, housing complexes, and individuals based on the fact that they had restrictive covenants as to where people could live, instead of demanding, as I have suggested over the last 8 years, that when we build Federal housing, you had better have some blacks living in that housing project instead of suggesting that you had better have low-income housing interspersed with middle income housing; instead of attacking the problem, which was housing, they went to the schools and said, "Now, look, you education folks in the schools, you take care of all our social problems. You may not be able to adequately teach kids how to read, write, add, and subtract; but, in addition to not being able to teach kids how to read, write, add, and subtract, we want you to teach them to be sexually well adjusted, to be good citizens, and solve the problems that relate to segregation in America."

Some school officials said that does not make a lot of sense, but because many school district authorities were mean spirited, and had participated in actions that were racist or had racist intent, those of us who are considered liberals and moderates kept our mouths shut because we did not want to be seen as supportive of George Wallace who was standing in front of the school door. We did not want to be associated with that. So we did not look very closely at what was happening. It was just very fashionable to say, "Hey, guess what? This is

civil rights. Therefore, I'm for it." And busing became defined as civil rights.

My question is almost over.

[Laughter.]

So what happens is that now some of us who have been associated with the civil rights movement—and I believe I have some credentials in this area. When I was in high school and college—I do not know where the Senator was then, since I got elected a little after he did—I was riding buses, sitting in on Route 40, integrating restaurants, and all that kind of thing.

I was a criminal defense lawyer, who represented the Black Panthers of my city at one time.

But even some of us guys said, "Hey, look, busing is not working. It's dividing the country. It's moving the civil rights movement backward, not forward. It's not helping education very much. It's not the way to attack the problem."

If you have a problem in housing, go to housing. If you have a problem in education, go to education. If, in fact—and I am sure the Senator agrees—the school district was intentionally designed to keep blacks out or anybody out, then we should use whatever methods are available to eliminate that segregation even if it means redrawing the whole school district line.

But that is not what is happening now. We have Federal judges, well-intentioned men and women, who sit and say, "You know what, it looks like Wilmington, Delaware, and New Castle County are 21 percent black. Therefore, it seems like a good idea that every school district in the area and every school be 21 percent black."

The fact that blacks do not live in the same neighborhoods that whites live in and the fact that there is no evidence that the people up in that school district did anything to keep blacks from going to the school, does not matter, because we have an objective. The objective is to integrate society.

That may be a laudable social objective, but it is not a constitutional imperative. There is a distinction between integration and eliminating segregation.

Now, here is my question: Will the Senator acknowledge that there could be a school that was absolutely 100 percent black and not be segregated? Does the Senator think such a circumstance could exist? A 100-percent black school, not one white person, and that school not be segregated. Is that possible?

Mr. WEICKER. That is possible.

Mr. BIDEN. I yield the floor.

Mr. WEICKER. I say to the Senator that, as he knows—

Mr. BIDEN. Not that I have had it.

Mr. WEICKER. The Senator cannot get off the hook that easily.

Mr. BIDEN. If the Senator asks me a question, I have the floor, and then he is in trouble. [Laughter.]

Mr. WEICKER. I will be glad to try to elicit from the Senator a response.

Let me put it this way: Will the Senator deny his previous act? The amendment now before the Senate is an amendment that says: "except that nothing in this Act shall be interpreted to limit in any manner the Department of Jus-

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ADMINISTRATION FUNDING REQUESTS—FISCAL YEARS 1982 AND 1983

(In thousands of dollars, fiscal years)

	1981 authorization	1981 appropriation (CR)	Revised 1982 request	Revised 1983 request	Committee 1982 recommendations	Committee 1983 recommendations
Department of State:						
Administration of foreign affairs.....	1,009,895	948,139	1,318,754	1,248,059	1,318,754	1,248,059
International organizations and conferences.....	525,082	516,941	563,806	554,436	523,806	514,436
International commissions.....	26,081	24,713	22,508	22,432	22,508	22,432
U.S. bilateral science and technology agreements.....	1,400	1,400	3,700	3,700	3,700	3,700
Migration and refugee assistance.....	517,298	456,241	553,100	460,000	560,850	467,750
Total.....	2,079,756	1,947,434	2,461,868	2,288,627	2,429,618	2,256,377
International Communication Agency:						
Board for International Broadcasting.....	465,944	447,915	561,402	482,340	561,402	482,340
Inter-American Foundation.....	86,787	99,700	98,317	98,317	98,317	98,317
Arms Control and Disarmament Agency.....	15,964	15,964	12,000	(¹)	12,000	0
Asia Foundation.....	20,645	17,000	16,768	(¹)	18,268	(¹)
	4,100	4,100	0	0	4,500	0
Total.....	2,673,196	2,532,113	3,150,355	2,869,284	3,124,105	2,837,034

¹ Such sums as may be necessary.

Mr. PERCY. In addition to authorizing funds for the above-mentioned agencies, other sections of this legislation: Earmark \$18,750,000 for the resettlement of Soviet and Eastern Europe refugees in Israel; earmark \$2,085,000 for the reopening of consulates in Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia; earmark \$45,800,000 in fiscal year 1982 and fiscal year 1983 for the Organization of American States; earmark \$1,500,000 for the International Committee of the Red Cross for its prison visitation program; require that the fiscal year 1982 and 1983 assessed contributions to the United Nations be an amount equal to the assessment minus 25 percent of the budget of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights; provide for an ex gratia payment of \$81,000 to the Government of Yugoslavia as an expression of concern for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City; grant authority to the Secretary of State to extend the duration of passports and to raise the passport fee; provide the legal authority to pay arrearages in the U.S. assessments for the International Institute for the Unification of Private Law and the Hague Conference on Private International Law; remove the legislative ceilings on the assessments to the Pan American Railway Congress and Institute of Geography and History; establish the position of the U.S. Representative to the International Organizations in Vienna; authorize the Department of State to lease living quarters for the U.S. staff at the U.N.; establish a Buying Power Maintenance Fund in the Department of State; authorized \$4,500,000 for the Asia Foundation in fiscal year 1982; authorize \$12,000,000 for the Inter-American Foundation in fiscal year 1982; provide an additional educational round trip for dependents of Foreign Service personnel; provide various changes in the administrative authorities of the International Communication Agency (ICA); mandate the threefold increase of ICA's exchange-of-persons programs over the next 4 years; merge the Board for International Broadcasting with the Board of Directors of RFE/RL, Inc.; modify ACDA's security

clearance requirements to facilitate the prompt assignment and assumption of duties of former military and Foreign Service officers; authorize research by ACDA in all aspects of anti-satellite activities; and repeal various obsolete provisions of foreign affairs law.

In conclusion, Mr. President, I wish to commend the Foreign Relations Committee for taking the administration's funding requests, which had already been severely pared by the Office of Management and Budget, and finding other areas of savings to bring this bill to the floor below the President's budget.

Mr. President, I certainly commend the staff director of the majority, Mr. Ed Sanders and also Mr. Christenson, the staff director of the minority, because of the fine way they have worked with staffs and with the Senators to bring about this budget.

I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this bill, the Foreign Relations Authorization Act for fiscal years 1982 and 1983, provides the authority to run the Department of State, the International Communication Agency (ICA), the Board for International Broadcasting (BIB), and the Arms Control and Disarmament Agency (ACDA). These agencies are the principal instruments for advancing American foreign policy interests around the world and, as such, play a role as important as that of the Defense Department in enhancing America's security.

I am pleased to report that, thanks to a proposal offered by Senator GLENN, the committee was able to come in with a budget lower than that of the administration. The Glenn proposal—which simply accelerated the administration's deferral program for contributions to 15 international organizations—saved \$40,000,000. This increase allowed the committee to better support certain deserving programs, notably in the area of humanitarian assistance, and still make substantial savings.

This bill provides a barebones authorization for our foreign policy agencies and it is certainly in line with the reductions being made across the board in

Government programs. In the long run, however, I am deeply concerned about the erosion of support for our foreign policy agencies.

For example, since 1960, the number of Foreign Service officers has declined from 3,717 to 3,564. In exactly the same period, the workload for these men and women has increased considerably. The number of embassies, consulates, liaison officers, and missions to international organizations has increased from 165 to 224, while consular work has increased 900 percent and Washington's demand for reporting cables has increased 400 percent.

In the area of our public diplomacy there has been a similar decline—the number of Fulbright participants is now 5,500, down from 9,000 in 1966. The international visitors program has declined from over 2,000 in 1966 to less than 1,600 today.

We must recognize that effective public and private diplomacy is a critical component of our national security. Diplomacy is also cost effective.

This bill contains several modest proposals—notably amendments to reopen seven consulates closed during the previous administration, and to increase our exchange programs—which will enhance the U.S. presence worldwide. I hope it will be the beginning of a process of strengthening our vitally important diplomatic arm.

I would add that this bill was arrived at in a consensual way with cooperation between the majority and minority staffs.

UP AMENDMENT NO. 156

(Purpose: Technical Amendment)

Mr. PERCY. Mr. President, before recognizing the distinguished Senator from Florida, I would just like to take a moment to send to the desk an unprinted technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 156.

On page 11, line 17, strike the words "no less than".

Mr. PERCY. Mr. President, this amendment is technical in nature and is designed to eliminate ambiguity with respect to section 113. The current language could be interpreted to imply that

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no less than \$20 million of the buying power maintenance fund must be used every time there is an adverse fluctuation in the currency rate. This is not the intent of the committee and I wish to delete the words "no less than" found on page 11, line 17 of S. 1193.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY).

The amendment (UP No. 156) was agreed to.

Mr. PERCY. Mr. President, I believe the Senator from Florida would care to seek recognition for her amendment.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 68

(Purpose: To provide for distribution within the United States of the film entitled "In Their Own Words")

Mrs. HAWKINS. Mr. President, I call up my amendment No. 68 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) proposes an amendment numbered 68.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, between lines 5 and 6, insert the following:

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.

Mrs. HAWKINS. Mr. President, this amendment permits the International Communications Agency to release one of its films for public viewing in the United States. First, I would like to mention and commend the Cuban-American National Foundation, and Of Human Rights, two nonprofit organizations that are faithfully informing the American people about Caribbean politics. Let me explain the background.

This film, "In Their Own Words," is a pictorial essay of the economic and social failure of the Communist government of Cuba. The conditions described by many of the Cuban refugees in the

film account for the massive exodus from Cuba a year ago. The film tells of a crippled economy and an oppressive regime, but more importantly it puts a human face on the countless refugees who risked their lives to begin anew in the land of the free and the home of the brave. For most of us the Cuban refugees are merely statistics on the front pages of our newspapers. This film reminds us that the refugees are people—desperate and brave people. They are people who want to live in freedom and who want an opportunity to better themselves and the lot of their children.

As a Senator from Florida, I am especially concerned about the activities of Fidel Castro and the Cuban regime in the Caribbean. Cuban involvement in Nicaragua and El Salvador, and the failure of the Cuban economy resulting in the huge Mariel boatlift have sent shock waves throughout my State. For most Americans these concerns are abstract foreign policy problems, but for the people of the State I represent they have a real, everyday impact on their lives. I believe that Cuban interventionism and mischief in the region must be brought to an abrupt halt. I also believe that this administration is well prepared to stand up to the Cuban interventionism in the Caribbean. But more than this can be done.

For almost two decades Castro has taken every opportunity to spread his revolution—both by words and by bullets. But what of Castro's revolution? Nothing has shown the world more eloquently the hypocrisy of the Cuban revolution than the pictures of thousands of Cubans boarding anything that floats in the hope of escaping Castro's island paradise. Is this what Castro wants to export? Many people are ignorant of the dismal record of the Cuban economy which is subsidized by the Soviet Union to the tune of \$45 million per day. They are also unaware that freedom and justice are nonexistent in Castro's island domain.

For this reason, I am offering this amendment that will permit the International Communications Agency to release the film "In Their Own Words." As the title suggests, this film allows the Cuban refugees themselves to tell of the oppressive conditions in Cuba. The film provides an explanation for the massive boatlift that inundated Florida last year.

As most of my distinguished colleagues are, I am sure, aware, International Communications Agency films may not be released to be shown inside the United States except by the approval of both Houses of Congress. The House of Representatives has already passed this amendment, in the form of H.R. 2884, by an overwhelming voice vote. By acting in this fashion we will greatly facilitate the speedy release of this film.

This is not an unusual request. The Congress has acted on a number of occasions to grant permission for the viewing of International Communications Agency films inside the United States. Since 1965, Congress has exempted over 35 ICA films, and the Agency has indicated to me that they

have no objection to the release of this film. I believe that this film will dispel much of the ignorance that surrounds Cuba, and I have indications from my constituents that if the ICA releases this film that it will be aired in Florida.

Florida has been made to bear the responsibility for the massive exodus from Cuba last year resulting from failed economic and social policies under Castro. America opened wide her arms for the Cuban refugees and then left the people of Florida to bear the burden. Floridians are a generous and giving people, but they have been called upon to give too much. The rest of the Nation has turned its back on the Cuban refugee problem. For example, last week the Senate Labor and Human Resources Committee denied a national responsibility in finding solutions to the Caribbean refugee problem by cutting by more than one half the funding for Cuban/Haitian refugee assistance. I believe that we must develop a national policy to prevent a recurrence of the Cuban boatlift—the people of Florida can be asked to bear no more.

Clearly, the blame for the plight of refugees lies with the disastrous socialist policies of the Cuban regime, but the immediate problems stem from decisions made by other administrations. The innocent ones in this situation are the stalwart people of Florida, and the refugees themselves. Certainly no one can condemn the Cuban refugees for seeking a better life across the water as did almost all of our forebears.

Except for the criminals that Castro sent over with the refugees, who should be treated as such, the refugees are victims of a stagnant, oppressive Cuban regime. This amendment which I am proposing will make the Cuban refugees more real and human to those who view the film, and I urge my distinguished colleagues to give their full support to this amendment.

Mr. President, I move the adoption of the amendment.

Mr. PERCY. Mr. President, with respect to the amendment offered by our distinguished colleague from Florida, I ask unanimous consent to have printed in the Record at this point a letter and accompanying materials dated April 15, 1981, which I received from Thomas Houser.

There being no objection, the material was ordered to be printed in the Record, as follows:

THOMAS J. HOUSER,
Alexandria, Va., April 15, 1981.

HON. CHARLES H. PERCY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR CHUCK: You recently received a letter from Marcelino Miyares who was helpful to us in our early campaigns in the 60's. Marcelino is asking you to introduce a bill in the Senate that has already been introduced in the House—H.R. 2636. In the interest of fair representation with what has happened with respect to the Cuban refugees, it would seem that the bill has considerable merit.

I am curious as to why a law exists prohibiting the International Communication Agency (ICA) from distributing its materials within the U.S. It seems to me that this law would have a tendency to protect the distribution of inaccurate facts as they may be distributed in foreign countries.

Because of your very busy schedule, you

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may choose not to introduce this bill yourself but have one of your colleagues on the Senate Foreign Relations Committee introduce the bill on the Senate side.

Trust all is well.
All best wishes,

THOMAS J. HOUSER.

OMAR,

Chicago, Ill., April 9, 1981.

HON. CHARLES H. PERCY,
U.S. Senate,
Dirksen Building,
Washington, D.C.

DEAR SENATOR PERCY: The purpose of this letter is to ask you to introduce a bill in the Senate similar to the House Bill H.R. 2636 introduced by Congressman Benjamin A. Gilman.

The bill was introduced to make it possible for the film. In Their Own Words, produced by the International Communications Agency (ICA) to be distributed in the United States. Present law prohibits ICA to distribute its material within the U.S.A. Precedents do exist in the form of amendments as in the case of films about George Meany, Margaret Mead, John Kennedy, etc.

Distribution in the U.S. of this film is important because it presents the reality of many of the new Cuban refugees. It shows clearly that many endured unspeakable hardships to come and to escape, not only the economic situation, but artistic repression and the absence of basic freedoms. Just as important is that the overemphasis placed by the press on the negative aspects and difficulties encountered in the arrival and resettlement process—already one year long—may be offset by the reality of "Their own words" to provide a more balanced presentation.

It is also relevant to note that Castro's government has produced two films about the exodus which predictably portray the refugees as undesirables and which are being distributed in the U.S.

I trust you will do everything in your power to make it possible for a part of the truth to be communicated to the people of the United States.

Cordialmente,

M. MIYARES.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administration of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "In Their Own Words", and the Administrator shall make copies of such film available for purchase and public viewing within the United States.

Mr. PERCY. Thomas Houser was a prominent Chicago attorney with the Burlington Railroad. He took leave of absence from that post in order to become a campaign manager for me when I ran for office early in my political career. He subsequently has served as Deputy Director of the Peace Corps, as a Commissioner of the Federal Communications Commission, and is presently general counsel for the National Association of Manufacturers.

Even though Florida is my own native State, I spent only 6 months there. When I received a letter dated May 6 from my distinguished colleague, Senator PAULA HAWKINS, I felt it more appropri-

ate that she introduce and call up this measure than myself.

I would be very honored to be a cosponsor and ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I know of no objection on this side of the aisle. I turn to my distinguished colleague, the minority manager of this bill for his reaction.

Mr. PELL. I think it is a fine amendment and we are glad to support it and recommend its adoption.

Mr. PERCY. I fully support it. We have no objection. We ask that it be accepted by the Senate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 68) was agreed to.

Mr. PERCY. I thank my distinguished colleague.

I yield to my distinguished colleague from Indiana.

UP AMENDMENT NO. 157

(Purpose: To oppose 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)

Mr. QUAYLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. QUAYLE for himself and Mr. MOYNIHAN) proposes an unprinted amendment numbered 157.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 28, add the following:

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.

Mr. QUAYLE. Mr. President, let me briefly outline what this amendment does.

This amendment incorporates a resolution that I introduced on June 9, 1981, which, in effect, shows our opposition to UNESCO's attempt, and that of many members of UNESCO, to establish what they call a "new world information order."

Mr. President, this amendment says, as the resolution says, that 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 to further control access to and dissemination of news.

Mr. President, this is not a new issue. This issue has been around for a number of years. Since 1976 in particular, the issue of controlling the flow of information has been debated. At the request of some Western nations, including the United States, it has been postponed. It has been postponed for a while, but it is going to be back on the calendar. I feel adoption of this amendment will send a very clear and vital message to UNESCO, and to those who would like to have control of the news media on an international basis—the United States will have no part of it.

Freedom of the press is very fundamental. It is inherent in our Constitution. It is one of the principles that has made this country what it is today.

There are those who say that the Western media distorts and slants against their countries. What UNESCO will want to do, if they get their way, is to license journalists. How ridiculous does this have to become before someone stands up and says something?

The licensing of journalists by UNESCO, the licensing of journalists anywhere in a free society, is repugnant to those who believe in inalienable human rights.

Make no doubts about it, Mr. President, that if we, as Members of the Senate, do nothing, and if we say nothing, this movement will continue to grow. It will grow like a cancer on the human soul and the human spirit.

We have the club, if you want to call it that, which is funding UNESCO, about 25 percent, or \$45 million a year. That is a club we do not want to use, but I, as one Member of the Senate, would not hesitate to use it if they continue to go forward.

Mr. President, this amendment is very simple, very direct. It says that we are against the regulation of the news content; that we are against any type of attempt to control the free flow of information; that we feel that the best way to have progress internationally is to have the competition of ideas, to have a free press, to have free access. If we begin to "license journalists," this action, I feel, will have far greater repercussions than anything that has come before this body.

Mr. President, I hope this amendment is agreed to. I hope the Senate will go

on record at this time to oppose efforts to curb the free flow of information by seeing the so-called new world information order for what it actually is.

It is not 1984 yet, but George Orwell was not too far off when he was talking about how Government is going to control everything.

Well, government—international government, domestic government—should not even think about controlling the press and inhibiting a free press' access to facts and information. It is through facts and information and the competition of ideas that, as a country in a very interdependent world, we shall have progress.

I thank the Chair.

Mr. President, I ask unanimous consent that a document entitled "Chronology of Events" relating to UNESCO and also the text of Senate Resolution 150 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS

1972—UNESCO identifies the Western news services as instruments for "the domination of the world public opinion . . . a source of moral and cultural pollution".

1974—Soviet representatives to UNESCO introduce a "draft declaration of fundamental principles governing use of the mass media in strengthening peace and international understanding and in combatting war propaganda, racism and apartheid." The resolution asserts the right of governmental control over the mass media.

1976—The West's opposition to the draft declaration forces the vote on the declaration to be postponed for two years. The trade-off for postponement is an agreement to establish a commission to study international communications problems.

1978—UNESCO's conference produces a draft which eliminates all references to governmental control over the media. Western representatives note, however, the "predilection toward state control of the media" within the UNESCO Secretariat.

1980—The so-called Mac Bride Commission issues its report. Western observers find in the report a constant advocacy of pressuring, if not requiring, news media to promote government-established "social, cultural, economic and political goals."

At the 1980 meeting, the West resists more Soviet-backed resolutions to legitimize restrictions on the freedom of the press. The trade-off this time is a commitment to a new body within UNESCO to assist Third World countries in building up their own communications facilities. The West supports the formation of this new body, but the suspicion lingers that UNESCO is oriented toward greater governmental control over the use and flow of information.

1981—In February, the UNESCO Secretariat holds a meeting in Paris to discuss proposals to license and protect journalists and to ensure that they comply with the "generally accepted" ethics of their profession. Only intense pressure from Western delegates and media representatives succeed in opening the meeting and blocking the proposals. The proposals remain, however, on the UNESCO agenda for its next General Conference in 1983.

S. RES. 150

Whereas the first amendment to the Constitution of the United States upholds the principle of freedom of the press;

Whereas 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";

Whereas 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";

Whereas 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

Whereas a free press is vital to the functioning of free governments: Now, therefore, be it

Resolved, That (a) the Senate of the United States of America strongly opposes 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.

(b) The Senate also opposes efforts by some countries to further control access to and dissemination of news.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary General of the United Nations and to the Director General of the United Nations Educational, Scientific, and Cultural Organization.

Mr. PERCY. Mr. President, I ask unanimous consent that I may be added as a cosponsor to the amendment of the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I point out that I have been very proud indeed that the publishers and editors in my own State of Illinois have taken a leadership position in this area. I know that Clayton Kirkpatrick of the Chicago Tribune, who just retired as chief executive officer of the Tribune Co., has taken a strong position.

I feel the amendment is well taken and should be put in the hands of the Department of State to strengthen our position and the position that they have taken at the United Nations.

Mr. QUAYLE. Mr. President, I thank the very distinguished chairman.

Mr. MOYNIHAN. Mr. President, I have the honor to be a cosponsor of the amendment introduced by the distinguished Senator from Indiana, who is leading the Senate in this matter as the United States ought to lead the world. I am delighted to hear that the distinguished chairman of the Committee on Foreign Relations joins us in this matter.

UP AMENDMENT NO. 158

Mr. President, I send to the desk an unprinted amendment to the amendment before us.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) for himself and Mr. MITCHELL proposes an unprinted amendment numbered 158 to amendment No. 157.

At the end of the amendment, add the following new section:

PROMOTION OF FREE PRESS

(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 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.

Mr. MOYNIHAN. Mr. President, the object of this amendment, which the Senator from Indiana, and the distinguished chairman of the Committee on Foreign Relations have joined me in cosponsoring, is to put teeth into the statement Mr. QUAYLE and I have offered.

Mr. President, the freedom of the press is under assault from the United Nations Economic, Scientific and Cultural Organization. It is as ironic a thing as has happened in the long history of this organization. The first head of UNESCO was Julian Huxley, that great expositor of the idea of the liberal exchange of views and of competition in the marketplace of ideas. The charter of UNESCO itself declares that "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." It goes on to pledge "unrestricted pursuit of objective truth, and the free exchange of ideas and knowledge".

This has been steadily perverted across the spectrum of UNESCO activities, but in no area has it been more alarming than this, the planned creation of a New World Information Order.

The evaluation of this proposal, it should be known, began in 1975, when the Soviet Union introduced in the general conference of UNESCO a "draft declaration on fundamental principles governing the use of the media in strengthening peace and international understanding and combating war, propaganda, racism, and apartheid."

The objective of the Soviet Union, then as now, was to bring about an alliance of the developing nations and the totalitarian nations to control the movement of information in the way it is controlled in their own countries. The proposal as it comes to us from UNESCO, in the context of its work plan for 1981 through 1983, talks about the "promotion of a free flow and a wider and better balanced exchange of information." We should view this through Orwellian lenses and understand that what this actually means is the promotion of an unfree flow and a narrow and worse and more restricted exchange of misinformation.

Mr. President, the United States has been understanding of the complaints of the developing countries, as have the other countries of the democratic world. In 1976, we met in Nairobi and asked, "Must we go forward with this?" and we agreed to a commission. A commission was appointed, headed by a winner of the

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Lenin Peace Prize. May I say, Mr. President, you do not get a Lenin Peace Prize unless you have deserved it.

The PRESIDING OFFICER. May we have order in the Senate? The Senator is making an important point.

Mr. MOYNIHAN. The predictable proposal from a commission headed by a recipient of the Lenin Peace Prize, to legitimize state power over journalists, was presented to the general conference at Paris. The West said, "We cannot have the licensing of journalists. If government gives you the right to be a journalist, it may also deny you that right."

We said, "Can we not help with the technology of information flow?" It is a complex technology. It depends very much on sophisticated and expensive things like satellites. The new nations have a legitimate claim to share the benefits of this technology. We have offered to do so. It is not what they want. They want government control of the press. They want a world press which reflects the press they have, in the main, in their own nations.

In 1980, at the Belgrade Conference, the McBride Commission again came forward. We said, "This is not acceptable to countries with a tradition of a free press. Can we not help you with the technology? Can we not offer our resources in funds and in knowledge?"

A council of 35 members, the International Program for the Development of Communications, was established to oversee the transfer of media technology to the developing world. It was agreed then, at Belgrade in November 1980, that the council would work by consensus, that it would be necessary to have the cooperation of the minority of states which value a free press, for the IPDC to operate. Then, lo and behold, the rules were presented saying decisions would be taken by majority vote, in the same way as they are done in the General Assembly and other UN forums. This should not have come as a surprise. The members of the United Nations, and UNESCO, have long since ceased to respect the obligations of the majority toward a minority. It should similarly not be a surprise when the IPDC, the proposal of the democratic states, does not work.

Mr. President, the views of one Member of this body might not seem to carry very much weight in our deliberation. Allow me to point out that I am joined in this view by others, in addition to my able colleagues who are cosponsors of this amendment. Exactly one month ago, on May 17, in the French village of Talloires, near Geneva, a group of distinguished leaders of news organizations from 20 nations assembled under the auspices of the Fletcher School of Law and Diplomacy of Tufts University. They adopted a statement of principle and purpose in defense of a free press that is called the Declaration of Talloires.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that my amendment be modified by adding eight words at the beginning, as follows: "it is the sense of the Congress".

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows:

At the end of the amendment, insert the following new section:

PROMOTION OF FREE PRESS

Sec. 503. It is the sense of the Congress that (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 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.

Mr. PERCY. Mr. President, may we have the yeas and nays?

Mr. MOYNIHAN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I shall not delay the Senate more than another minute. I would like to advise the Senate of the type of people that met at Talloires to deplore this slide toward an international accord on the harnessing of the free press, which currently preoccupies UNESCO: Mr. Harold Andersen of the Omaha World-Herald, a member of the World Press Freedom Committee; Mr. V. O. Adefela, News Agency of Nigeria; Mr. Maribel Bahia of the International Federation of Newspaper Publishers; Mr. George Beebe of the Miami Herald; representatives of United Press International and the Associated Press. I particularly call to this body's attention, the participation at Talloires of Mr. Peter Gallines, of the International Press Institute, which has kept the conscience of the world in this matter. Also attending were Mr. Murray Gart, editor of the Washington Star and Mr. Georges-Henri Martin, the publisher of Tribune de Geneve, both men of impeccable standards.

All of these individuals rose together at Talloires and said to UNESCO, "No more."

So, too, Mr. President, should the Congress of the United States. As our distinguished Assistant Secretary of State for International Organizational Affairs, Mr. Elliott Abrams, has said the ques-

tion is not the future of the free press. The question is the future of UNESCO. It is time the people at UNESCO were awakened to that fact.

The amendment before us says that it is the sense of Congress that the United States should withhold from its contribution to UNESCO our share of the money UNESCO chooses to spend implementing its misguided New World Information Order. Because we provide 25 percent of UNESCO's operating budget, we should withhold 25 percent of the amount spent on activities whose effect, in the words of the amendment: "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 journalist practice or ethics."

I urge my colleagues to adopt this amendment, which will send the message to UNESCO that we are serious about defending that most precious right of a free people, the right of opinion and expression that is both epitomized and guaranteed by a free press.

I ask unanimous consent that the Declaration of Talloires as well as the names of the distinguished signatories be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF DECLARATION BY INDEPENDENT NEWS ORGANIZATIONS ON FREEDOM OF PRESS

TALLOIRES, FRANCE, May 17.—Following is the text of the Declaration of Talloires, adopted by the leaders of independent news organizations from 20 countries at the Voices of Freedom conference:

We journalists from many parts of the world, reporters, editors, photographers, publishers and broadcasters, linked by our mutual dedication to a free press,

Meeting in Talloires, France, from May 15 to 17, 1981, to consider means of improving the free flow of information worldwide, and to demonstrate our resolve to resist any encroachment on this free flow,

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

Mindful of the commitment of the Constitution of the United Nations Educational, Scientific and Cultural Organization to "promote the free flow of ideas by word and image,"

Conscious also that we share a common faith, as stated in the charter of the United Nations, "in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small,"

Recalling moreover that the signatories of 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, 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 expressed their intention in particular to support "the improvement of the circulation of, access to, and exchange of information,"

Declare that:

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(1)

We affirm our commitment to these principles and call upon all international bodies and nations to adhere faithfully to them.

(2)

We believe that the free flow of information and ideas is essential for mutual understanding and world peace. We consider restraints on the movement of news and information to be contrary to the interests of international understanding, in violation of the Universal Declaration of Human Rights, the constitution of Unesco, and the final act of the Conference on Security and Cooperation in Europe; and inconsistent with the charter of the United Nations.

(3)

We support the universal human right to be fully informed, which right requires the free circulation of news and opinion. We vigorously oppose any interference with this fundamental right.

(4)

We insist that free access, by the people and the press, to all sources of information, both official and unofficial, must be assured and reinforced. Denying freedom of the press denies all freedom of the individual.

(5)

We are aware that governments, in developed and developing countries alike, frequently constrain or otherwise discourage the reporting of information they consider detrimental or embarrassing, and that governments usually invoke the national interest to justify these constraints. We believe, however, that the people's interests, and therefore the interests of the nation, are better served by free and open reporting. From robust public debate grows better understanding of the issues facing a nation and its peoples; and out of understanding greater chances for solutions.

(6)

We believe in any society that public interest is best served by a variety of independent news media. It is often suggested that some countries cannot support a multiplicity of print journals, radio and television stations because there is said to be a lack of an economic base. Where a variety of independent media is not available for any reason, existing information channels should reflect different points of view.

(7)

We acknowledge the importance of advertising as a consumer service and in providing financial support for a strong and self-sustaining press. Without financial independence, the press cannot be independent.

(8)

We recognize that new technologies have greatly facilitated the international flow of information and that the news media in many countries have not sufficiently benefited from this progress. We support all efforts by international organizations and other public and private bodies to correct this imbalance and to make this technology available to promote the worldwide advancement of the press and broadcast media and the journalistic profession.

(9)

We believe that the debate on news and information in modern society that has taken place in Unesco and other international bodies should now be put to constructive purposes. We reaffirm our views on several specific questions that have arisen in the course of this debate, being convinced that:

Censorship and other forms of arbitrary control of information and opinion should be eliminated; the people's right to news and information must not be abridged.

Access by journalists to diverse sources of news and opinion, official or unofficial,

should be without restriction. Such access is inseparable from access of the people to information.

There can be no international code of journalistic ethics; the plurality of views makes this impossible. Codes of journalistic ethics, if adopted within a country, should be formulated by the press itself and should be voluntary in their application. They cannot be formulated, imposed or monitored by governments without becoming an instrument of official control of the press and therefore a denial of press freedom.

Members of the press should enjoy the full protection of national and international law. We seek no special protection nor any special status and oppose any proposals that would control journalists in the name of protecting them.

There should be no restriction on any person's freedom to practice journalism. Journalists should be free to form organizations to protect their professional interests.

Licensing of journalists by national or international bodies should not be sanctioned, nor should special requirements be demanded of journalists in lieu of licensing them. Such measures submit journalists to controls and pressures inconsistent with a free press.

The press's professional responsibility is the pursuit of truth. To legislate or otherwise mandate responsibilities for the press is to destroy its independence. The ultimate guarantor of journalistic responsibility is the free exchange of ideas.

All journalistic freedoms should apply equally to the print and broadcast media. Since the broadcast media are the primary purveyors of news and information in many countries, there is particular need for nations to keep their broadcast channels open to the free transmission of news and opinion.

(10)

We pledge cooperation in all genuine efforts to expand the free flow of information worldwide. We believe the time has come within Unesco and other intergovernmental bodies to abandon attempts to regulate news content and formulate rules for the press. Efforts should be directed instead to finding practical solutions to the problems before us, such as improving technological progress, increasing professional interchanges and equipment transfers, reducing communication tariffs, producing cheaper newsprint and eliminating other barriers to the development of news media capabilities.

Our interests as members of the press, whether from the developed or developing countries, are essentially the same; ours is a joint dedication to the freest, most accurate and impartial information that is within our professional capability to produce and distribute. We reject the view of press theoreticians and those national or international officials who claim that while people in some countries are ready for a free press, those in other countries are insufficiently developed to enjoy that freedom.

We are deeply concerned by a growing tendency in many countries and in international bodies to put government interests above those of the individual, particularly in regard to information. We believe that the state exists for the individual and has a duty to uphold individual rights. We believe that the ultimate definition of a free press lies not in the actions of governments or international bodies, but rather in the professionalism, vigor and courage of individual journalists.

Press freedom is a basic human right. We pledge ourselves to concerted action to uphold this right.

SIGNATURES

V. O. Adefela, News Agency of Nigeria, National Theater, IGANMU, Post Mail Box 12756, Lagos, Nigeria.

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Robert C. Amerson, (Fletcher School of Law and Diplomacy), Center for International Business, 22 Battery March, Boston Mass. 02109, USA.

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Dr. Johannes Binkowski, (International Federation of Newspaper Publishers), Schwaebiscag Post, Villerstrasse 11, 7000 Stuttgart 1, West Germany.

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Oliver F. Clarke, The Daily Gleaner, PO Box 40, Kingston, Jamaica.

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Keith Fuller, Associated Press, 50 Rockefeller Plaza, New York, NY 10020, USA.

Peter Galliner, International Press Institute, 280 St. John Street, London EC1V 4PB, England.

Andres Garcia-Levin, (Inter American Press Association), Novidades de Yucatan, Merida, Yucatan, Mexico.

Murray J. Gart, Washington Star, 225 Virginia Ave., SE., Washington, DC 20061, USA.

Dr. Mohamed Abdel Gawad, Middle East News Agency, 4 El-Sherifein Street, Cairo, Egypt.

Henry A. Grunwald, Time, Inc., Time-Life Building, Rockefeller Center, New York, NY 10020, USA.

William G. Harley, 6323 Waterway Drive, Falls Church, Va. 20520.

Stephen Hearst, British Broadcasting Corporation, Broadcasting House, Portland Place, London W1A 1AA, England.

Argentina S. Hills (American Society of Newspaper Editors), c/o Miami Herald, One Herald Plaza, Miami, Fla. 33101, USA.

Lee Hills (American Society of Newspaper Editors), Knight-Ridder Newspapers, Inc., One Herald Plaza, Miami, Fla. 33101, USA.

Toshio Horikawa (Nihon Shimbun Kyō-

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kai), 7-23-14 Kitakoiwa, Edogawa-ku, Tokyo 133, Japan.

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Manuel Jimenez (Central American News Agency), La Nacion, San Jose, Costa Rica.

Alma Kadragic (Women in Communications), ABC News, 7 West 66th Street, New York, N.Y. 10023, USA.

Gerald Long, The Times Newspapers, 300 Gray's Inn Road, Thompson House, London 8C1X 8EZ, England.

K. Prescott Low (American Newspaper Publishers Association), Quincy Patriot-Ledger, 13 Temple, Quincy, Mass. 02169, USA.

Arch L. Madsen (National Association of Broadcasters), Bonneville International Corp., 36 South State, Suite 2100, Salt Lake City, Utah 84111, USA.

Leonard H. Marks (World Press Freedom Committee), Cohn & Marks, 1333 New Hampshire Ave., NW., Washington, D.C. 20036, USA.

Georges-Henri Martin, Tribune de Geneve, Rue du Stand 42, 1204 Geneva, Switzerland.

Lord McGregor of Durriss, (University of London), Far End, Wyldes Close, London NW11 7JB, England.

Simopekka Nortamo, (International Press Institute), Helsingin Sanomat, PO Box 240, SF-00101, Helsinki 10, Finland.

Dr. Sid-Ahmed Nugdalla, University of Khartoum, Khartoum, Sudan.

Henri Pigeat, Agence France-Presse, 11 Place de la Bourse, Paris, France.

Philip H. Power (World Press Freedom Committee), Suburban Communications Corp., 527 E. Liberty, Rm. 202, Ann Arbor, Mich. 48104, USA.

Sarah Goddard Power, 527 E. Liberty, Rm. 207, Ann Arbor, Mich. 48104, USA.

Curtis Prendergast (World Press Freedom Committee), Time, Inc., Time-Life Building, Rockefeller Center, New York, NY 10020, USA.

R. P. Ralph, Foreign and Commonwealth Office, London, SW1A 2AH, England.

Joseph P. Rawley (American Newspaper Publishers Association), The High Point Enterprise, PO 1009, High Point, N.C. 27261, USA.

Rosemary Righter (the Sunday Times), 10 Quick Street, London N1, England.

Oliver G. Robinson, International Press Telecommunications Council, Studio House, Hen and Chickens Court, 184 Fleet Street, London EC4A 2DU, England.

Mort Rosenblum, 40 rue de St. Louis en l'Isle, 75004 Paris, France.

Murray Rossant, Twentieth Century Fund, 41 East 70th Street, New York, NY 10021, USA.

Hewson A. Ryan, Fletcher School of Law and Diplomacy, Tufts University, Medford, MA 02155, USA.

Michael Saint-Pol, Agence France-Presse, 11 Place de la Bourse, Paris, France.

Victor de la Serna, Asociacion de Editores de Diarios, Espanoles, Espronceda 32, 6a Madrid 3, Spain.

Dr. M. L. Snijders, (International Press Institute), Utrecht Nieuwsblad, Drift 23, 3512 BR Utrecht, Holland.

H. L. Stevenson, United Press International, 220 East 42nd Street, New York, NY 10017, USA.

Dr. Robert Stevenson, University of North Carolina at Chapel Hill, Howell Hall 021A, Chapel Hill, NC 27514, USA.

Leonard Sussman, Freedom House, 20 West 40th Street, New York, NY 10018, USA.

Stanley M. Swinton, Associated Press, 50 Rockefeller Plaza, New York, NY 10020, USA.

Frans Vink, (International Federation of Newspaper Publishers), Het Laatste Nieuws, -Em. Jacquainlaan 105, 1000 Brussels, Belgium.

Walter N. Wells, International Herald Tribune, 181 avenue Charles de Gaulle, 92521 Neuilly Cedex, Paris, France.

Dr. Brigitte Weyl, (International Federation of Newspaper Publishers), Sudkurier, Toftach 4300, D-7750 Konstanz, West Germany.

Hector Wynter, The Daily Gleaner, PO Box 40, Kingston, Jamaica.

Mr. MOYNIHAN. Mr. President, I see that the distinguished Senator from Indiana is on his feet.

Mr. QUAYLE. Mr. President, I should like the record to show that the Senator from New York was a leader in this effort; that he and I had similar amendments coming in today; that this is a joint effort of the Senator from Indiana and the Senator from New York in bringing this matter to the attention of the Senate. The Senator from New York has described it as an international assault on the freedom of the press. I want the record to show that clearly.

The distinguished chairman of the committee is now a cosponsor of this amendment. The Senator from Delaware (Mr. ROTH) wishes to have his name added as a cosponsor, and I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. I again thank the Senator from New York for his leadership and for his cooperation.

Mr. MOYNIHAN. I thank my learned and gallant friend.

Mr. PERCY. Mr. President, today, by adopting this amendment that I am proud to cosponsor, together with my distinguished colleagues the Senator from Indiana, (Mr. QUAYLE) and the Senator from New York, Senator MOYNIHAN, we make it clear that the Senate of the United States is adamantly opposed to the efforts at UNESCO to regulate news content and to formulate rules and regulations for the operation of the world press.

Press freedom is one of the unique achievements of free societies. As representatives of the greatest free society on Earth, it is right that we express ourselves clearly and strongly on this point. We refuse to stand idly by while others seek to erode freedom of the press.

This amendment expresses the sense of the Senate that U.S. payment to UNESCO will be reduced if UNESCO sponsors efforts 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.

I support this amendment with concern for the rights of people throughout the Earth to have access to accurate, objective and comprehensive news, just as we enacted into law a few years ago the Charter of the Voice of America, requiring VOA to establish high standards of journalistic reporting and broadcasting based on press freedom.

I am proud of what we are doing with this amendment. It reflects our national pride in the press freedom we enjoy and which we desire for all peoples everywhere.

Mr. President, I know of no other

Members who wish to speak on this matter, and we are ready to vote. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (UP No. 158, as modified). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators who have not voted?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—99

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Numm
Bentsen	Hart	Packwood
Biden	Hatch	Pell
Boren	Hatfield	Percy
Boschwitz	Hawkins	Proxmire
Bradley	Hayakawa	Pryor
Bumpers	Heflin	Quayle
Eurdick	Heinz	Randolph
Ryrd	Helms	Riegle
Harry F., Jr.	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sarbanes
Chafee	Inouye	Sasser
Chiles	Jackson	Schmitt
Cochran	Jeppsen	Simpson
Cohen	Johnston	Specter
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
DeConcini	Laxalt	Symms
Denton	Leahy	Thurmond
Dixon	Levin	Tower
Dodd	Long	Tsongas
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Eagleton	Matingly	Williams
East	McClure	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NOT VOTING—1

Pressler

So Mr. MOYNIHAN's amendment (UP No. 158), as modified, was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. QUAYLE. The vote was on the amendment to the Quayle amendment. Have we voted on the Quayle amendment as amended?

The PRESIDING OFFICER. The Quayle amendment has not been agreed to as yet.

Mr. QUAYLE. All right. I move for its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, as amended. Putting the question.)

The amendment (UP No. 157), as amended, was agreed to.

Mr. QUAYLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. The Senator from Kansas will yield without losing his right to the floor.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that the Senator from Vermont was repeatedly seeking recognition. I would hope that the Chair would recognize Members on this side of the aisle when they clearly seek recognition. Under the rule the first Senator to seek recognition is to be recognized. Of course, it is within the discretion of the Chair and there is no appeal from the Chair's decision. I hope the Chair will be fair in the recognition of all Senators.

I thank the distinguished Senator from Kansas for yielding.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I appreciate the comments of the distinguished Senator from West Virginia. But I do believe that we in past months and years have recognized—

Mr. LEAHY. Mr. President, can we have order? The lack of order was the reason why the Chair was unable to hear me, because I was on my feet ahead of the Senator from Kansas. At least if we can have order we can hear now.

Mr. DOLE. Mr. President, I do not think this is unprecedented for the Chair to recognize whomever he may see seeking recognition.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield on that point?

Mr. DOLE. I have been here for 12 years—

Mr. ROBERT C. BYRD. I have been the foremost defender of the minority in the matter of fairness and being recognized by the Chair.

I say it will cause division and strife and great difficulty in this body if the minority feel that the Chair is not being fair in recognizing members of the minority.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, I do not have any quarrel with the distinguished Senator from West Virginia, and I do not think I have much of a quarrel with the Senator from Vermont. I just suggest that we may be able to resolve any differences we have before we do anything on an amendment that is about to be called up by either the Senator from Vermont or the Senator from Kansas, and I would be very willing to discuss that with the Senator from Vermont, and maybe we can work out some approach to this that is not strictly partisan.

It has been my understanding around here for some time that we had a bipartisan policy on nutrition issues. I stood here on the floor a week ago with the Senator from Vermont shoulder to

shoulder on a number of nutrition issues, and I hope we can have the same consideration today.

This involves infant formula, and I think there are some who see a chance for a little—a chance to nick the administration a bit. If that is what the Senator from Vermont has in mind, the Senator from Kansas does not consider that to be a bipartisan approach. The Senator from Kansas is going to do something else, but if we want to work it out so that we take out the language critical of the administration and approach this in a way that I think we should, then we can proceed to dispose of this very quickly.

I would like to ask the distinguished Senator from Vermont if he thinks that is a possibility.

Mr. LEAHY. The Senator from Kansas, Mr. President, will recall that the Senator from Vermont spent a number of hours on the floor last week defending the position of the Senator from Kansas while the Senator from Kansas was necessarily required to be in the Committee on Finance on very significant matters in his capacity as chairman of the Committee on Finance.

And the Senator from Vermont rather arduously argued for and defended and promoted positions taken by the Senator from Kansas and reiterated over and over again the great respect the Senator from Vermont has for the Senator from Kansas' position on nutrition matters.

I would assume that is what the Senator from Kansas—if I might have his attention just for a moment—I assume that that is what the Senator from Kansas refers to as a bipartisan effort. Certainly the Senator from Vermont felt it was.

Now, Mr. President, we may be discussing a moot point. We seem to be in a debate on an amendment or on a resolution which is not before the Senate yet.

The Senator from Vermont would remind his colleagues, including the Senator from Kansas, that the Senator from Vermont has consistently for years, both in Republican and Democratic administrations, taken precisely the same position on the issue of infant formula that he intends to take on the floor today.

The Senator from Kansas served with me on the Presidential Commission on World Hunger. The position that I took there—a position that, as I recall, the Senator from Kansas agreed with in the Presidential Commission on World Hunger under President Carter—is precisely the same position that I would hope to urge here today. It is not a partisan position. I think it is reflected, basically, in the resolution adopted in the House of Representatives yesterday by an overwhelming bipartisan coalition.

It is a case, incidentally, where the resolution that the Senator from Vermont would hope to have before us that would say, among other things, that the Congress would reaffirm the dedication of the United States in the protection of lives to all the world's children and the support of the United States for efforts to improve world health.

Now, if that is not a blessing of not only our country, our Congress, our positions in the administration, I do not know what is.

I realize I am speaking on the time of the Senator from Kansas and, naturally, I yield back to him.

Mr. DOLE. I was just asking a question. I guess the question I asked the Senator from Vermont is if there is an opportunity to let somebody else have the floor and the two of us go back and see if we can agree on some common language. I know the Senator from Virginia would like to be recognized.

Mr. LEAHY. The Senator from New York does also.

Might I suggest to the Senator from Kansas that—

Mr. DOLE. I do not need to be lectured by the Senator from Vermont. If he would like to discuss it, we will discuss it. If not, I will offer the resolution.

Mr. LEAHY. Mr. President, I was seeking to answer the question of the Senator from Kansas. I was not seeking to respond either to his lecture or to make a lecture. I would be perfectly willing to discuss the matter with him and follow his suggestion that we yield to the Senator from New York and the Senator from Virginia and, in the meantime, take up matters which I understand are either speeches or things that are just going to be accepted anyway, and then he may want to suggest that we then come back to this issue.

Mr. DOLE. Mr. President, I think the Senator from Vermont has a resolution, as I understand it, an amendment, and the Senator from Kansas and the Senator from Minnesota have an amendment. There really is not that much difference in the two approaches. I think perhaps in 5 minutes we can work out some language that might be satisfactory to the managers of the bill, the Senator from Vermont, the Senator from Kansas, and the Senator from Minnesota and others who have an interest in this.

And I say this, I hope, in the proper spirit. We do work closely together on the nutrition issues and I do not want that partnership, if that is not an overstatement, to be destroyed in some partisan effort, either by this Senator or any other Senator. So I am certainly willing to accommodate the wishes of the Senator from Vermont and, hopefully, the manager of the bill.

Mr. PERCY. Mr. President, will the Senator yield? I feel compelled to give a sequence of events here that I had agreed to. Senator BYRD approached me and asked if he could speak on a subject pertaining to the last amendment. I assured him that if I went to the Senator from Vermont, who had already indicated that he would ask and seek recognition immediately following the last vote, that he would yield to him. The Senator from Vermont agreed to that procedure. I was seeking recognition so that I might yield to the Senator from Virginia when, at the same time, recognition was sought by other Senators.

I feel that if this matter could be worked out in comity it would be far better. I would suggest we set aside this amendment until such time as it can be

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thoroughly discussed. If it is possible to reach an agreement, fine. If not, then let us take them up separately in whatever sequence is determined best.

But I would, at this time, have the Senator from Virginia, Senator BYRD, recognized, which would give us enough time to work out an agreement on this amendment. The Senator from New York has an amendment that he could dispose of rather quickly. It would be logical to take that one up next.

Mr. DOLE. Mr. President I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I certainly will advise the distinguished chairman of the Foreign Relations Committee that I have no objection to that.

A few minutes ago, when I thought this was going to be a relatively non-controversial thing, especially considering the vote in the House yesterday, my thought was to bring up my amendment, yield to the distinguished Senator from New York, who has a relatively quick matter, then to the distinguished Senator from Virginia, who said that he wanted to make a few remarks about one of the earlier votes. And then, if we did not go immediately to a vote on my amendment, to ask to have it set aside so that the distinguished Senator from California could bring up a matter that he had on the Peace Corps.

It seems to have broken down into considerably more than that. Maybe it might be good to go to the distinguished Senators from New York, Virginia, and California, and speak with the distinguished chairman of the Finance Committee and find out if, indeed, our views have spread that much apart since last year.

Mr. DOLE. Mr. President, there is no amendment pending, so I agree with the Senator from Vermont. We will, along with the Senator from Minnesota and others who have a direct interest in this, adjourn to some quiet place and maybe we can work it out. If anybody has been offended in the last few minutes, let the record show that it was not intended.

Mr. PERCY. Mr. President, I would ask, in the form of a unanimous-consent request, that the Senator from Virginia be recognized for such time as is required for him to comment on the last amendment; following his recognition, that the Senator from New York be recognized to offer an amendment; following that, that the Senator from California be recognized; and following the disposition of that amendment, the Senator from Kansas be recognized for the purpose of reporting to the Senate whether or not an agreement has been reached on the infant formula amendment.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. PERCY. I am making such a unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I yield temporarily to the Senator from New York.

UN AMENDMENT NO. 159

(Purpose: To restrict the payment of funds by the Department of State to international organizations for projects that would promote the Palestine Liberation Organization)

Mr. MOYNIHAN. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 159.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 4, immediately after line 11, add the following new section:

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 non-political benefits to the Palestinian people.

Mr. MOYNIHAN. Mr. President, this is an amendment that is supported by both of the distinguished managers of the legislation. It reenacts and somewhat extends two amendments adopted in the last 2 years by which the Department of State was instructed to reduce where appropriate any funds appropriated by the United Nations for the political advantage of the Palestine Liberation Organization.

I believe it has unanimous support on both sides of the aisle. If there is no further debate, I would move its adoption, Mr. President.

Mr. PERCY. Mr. President, there is no objection on this side that I know of.

Mr. PELL. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York (Mr. MOYNIHAN).

The amendment (UP No. 159) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

THE QUAYLE-MOYNIHAN AMENDMENTS ON FREEDOM OF THE PRESS

Mr. HARRY F. BYRD, JR. Mr. President, I wish to commend the able Senator from New York (Mr. MOYNIHAN), and the able Senator from Indiana (Mr. QUAYLE), for the amendment which was just adopted by the Senate. It is an important piece of legislation. What it does is to send a message to the United Nations that the U.S. Senate believes in freedom of the press; that the U.S. Senate does not favor licensing of the press, and it does not favor regulation by the United Nations of the press in any of the nations of the world.

I think it is an important piece of legislation for the Congress to have considered and the Senate to have enacted. I congratulate both Senator MOYNIHAN and Senator QUAYLE.

DEATH OF JOHN S. KNIGHT

That ties in, Mr. President, with another item, one of sadness. That is the death yesterday of one of the Nation's outstanding newspapermen, John S. Knight.

John S. Knight began his newspaper career some 60 years ago on the Akron, Ohio, Beacon News. As the years went by, he acquired the Chicago Daily News, the Philadelphia Inquirer, the Philadelphia Daily News, the Miami Herald. More recently, he was in the forefront of those who put together the Knight-Ridder organization combining the Knight chain of newspapers with the Ridder chain of newspapers.

Jack Knight was an all-round newspaperman: a writer, an editor, a publisher, a businessman of unusual acumen, one who knew every aspect of the newspaper business.

I think it is typical of Jack Knight that he considered himself first and foremost an editor, and his weekly column, the Editor's Notebook, was one of the best read columns in the United States.

I had the opportunity to serve with Jack Knight on the board of directors of the Associated Press.

Incidentally, I also had the opportunity to serve on the board of directors of the Associated Press with the grandfather of the distinguished Senator from Indiana (Mr. QUAYLE). I am referring to Eugene Pulliam. He was a delightful individual, one of the most interesting, one of the most attractive individuals I have had the opportunity to know and a courageous and independent-minded newspaperman.

I am getting a little off my subject here, but I did want to make a few comments in regard to Jack Knight who was a wonderful friend to me through the years. He helped me so much when I became the youngest member of the Associated Press board. He was so helpful to me, and all through the years I valued highly his friendship. The Nation yesterday lost a great newspaperman and an outstanding American—Jack Knight.

Mr. QUAYLE. If the Senator will yield, I thank the distinguished Senator from Virginia. As one Senator to another and as one former newspaperman to another former newspaperman, I thank him for those kind remarks about my grandfather.

I did not know Jack Knight personally, but my family has been in the newspaper business ever since day 1. I would like to be associated with the remarks of the Senator and I would like to say from my knowledge Jack Knight was a newspaperman's newspaperman. He knew the operation. The Knight-Ridder newspapers are very well respected in this country. They get involved in the community. So often there is some criticism. I am one of those critics of the so-called chain newspapers, but I can say that the Knight-Ridder newspapers take community involvement very seriously. I am glad that the distinguished Senator has brought up this matter and I ask that I be associated with his remarks.

Mr. HARRY F. BYRD, JR. I thank my colleague for his comments.

I do believe the Knight-Ridder organization is a wonderful organization.

I thank the Chair.

Mr. CRANSTON addressed the Chair. The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from California.

UP AMENDMENT NO. 160

(Purpose: To separate the Peace Corps from the ACTION Agency)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself, Mr. MATHIAS, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. SARBANES, and Mr. BRADLEY, proposes an unprinted amendment numbered 160.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, below line 18, insert the following:

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 not be 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 3(b)(1) were equitable.

REFERENCES IN LAW

SEC. 607. References in any statute, 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.

Mr. CRANSTON. Mr. President, the amendment I have offered contains the text of S. 1015, as reported by the Senate Foreign Relations Committee on May 15. This amendment would provide for the separation of the Peace Corps from the ACTION Agency.

Mr. President, I am offering the text of S. 1015 to this bill because I feel it is urgent that we take action on this matter now. Despite the strong bipartisan support for S. 1015 on the Foreign Relations Committee, we have been unable to schedule action on this legislation. S. 1015 was reported on a 10 to 2 vote and is cosponsored by Senators PELL, MATHIAS, BOSCHWITZ, BIDEN, GLENN, SARBANES, TSONGAS, DODD, BAUCUS, BRADLEY, HART, KENNEDY, and LEVIN. Although identical provisions are contained in S. 1196, the 1982 foreign assistance bill and virtually the same provisions are in the House companion bill, H.R. 3566, it now appears that action on the House bill is likely to be substantially delayed in the House, and there are apparently similar delays in the Senate's consideration of the foreign assistance legislation. I believe it would be most unwise for us to allow the separation legislation, which has such strong support in both authorizing committees, to fall by the wayside.

As my colleagues will recall, much of

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the impetus for the separation of the Peace Corps from the ACTION agency arose out of the nomination of an individual with a background in military intelligence work to serve as the director of the ACTION agency. I strongly felt, as did a number of my colleagues, several former directors of the Peace Corps from both parties, and many, many former and present Peace Corps volunteers, that this action would seriously and substantially undermine the effectiveness of the Peace Corps in underdeveloped nations throughout the world and would, for the first time, provide a factual nexus upon which to base attacks upon the Peace Corps' integrity and its historic separation from the intelligence activities of this country.

However, because a solution to the problem posed by the nomination of Thomas Pauken to serve as the Director of the ACTION agency—the total and complete separation of the Peace Corps from the ACTION agency—had been approved by the Senate Foreign Relations Committee and was about to be approved—as it was the next day—by the House Foreign Affairs Committee, I did not seek to block consideration of Mr. Pauken's nomination.

I took that action because I did not wish to unduly delay the Senate's business and because I believed that we would expeditiously be moving toward consideration of the separation legislation. I was also given assurances by the distinguished Senator from Maryland (Mr. MATHIAS) that Mr. Pauken had promised to keep hands off the Peace Corps and agreement was reached that the Senate would proceed immediately after the Pauken nomination to consideration of the nomination of Loret Ruppe to serve as Director of the Peace Corps, thereby avoiding creating a vacuum in the leadership of the Peace Corps itself. In light of the committee's action and these assurances, we agreed to proceed with the consideration of Mr. Pauken's nomination.

Mr. President, as I indicated, much of the impetus for this legislation was generated by the nomination of an individual with a background in military intelligence to serve as the Director of the ACTION agency. This nomination presented a breach of a tradition of strict separation of the Peace Corps from any connection or appearance of connection with intelligence activities—a tradition which has been adhered to by each successive administration—Republican and Democratic alike—over the past 20 years. There has been much discussion and debate about the degree and extent of the nominee's intelligence training and experience, whether his intelligence activities fell within or without the period for automatic disqualification under existing Peace Corps and ACTION agency regulations, and the extent to which he would be actively involved in Peace Corps activities.

Mr. President, those issues, I believe, are largely irrelevant to the basic problem presented by the nomination of Mr. Pauken. The basic problem is how his nomination would be perceived overseas in underdeveloped, not particularly so-

phisticated communities where legal and technical distinctions between professional intelligence and military intelligence are immaterial.

Mr. President, I do not wish to take the time of the Senate to labor these issues any longer. Mr. Pauken has been confirmed. Those opposing his confirmation withdrew their opposition to the Senate's consideration of his nomination because we felt that an appropriate approach to dealing with the problem would be through the separation of the Peace Corps from the ACTION agency.

Mr. President, although Mr. Pauken's nomination precipitated much of the current support for separation of the Peace Corps from the ACTION agency, it is not the sole reason nor, in the long run, should it be viewed as the primary reason, although I believe it is highly relevant to our timing in acting on the amendment. Indeed, congressional interest and support for this course of action long preceded Mr. Pauken's nomination. During the last Congress, the House of Representatives approved—by a margin of 276 to 116—legislation removing the Peace Corps from the ACTION agency. The House legislation, however, would have placed the Peace Corps within the then newly forming International Development Cooperation Agency—IDCA—a transfer which many Members of the Senate opposed on the grounds that placement of the Peace Corps within IDCA might make it appear to be simply another part of our foreign aid program and thus deprive it of its uniqueness as a people-to-people program, outside the mainstream of Government programs. The House-Senate Conference Committee rejected this transfer, expressing, however, reservations about the continuation of the Peace Corps within the ACTION agency and indicating the intent of the committees to continue to re-evaluate the issue.

Mr. President, the committee report on S. 1015 delineates the various areas that have caused considerable concern over the continued relationship of the Peace Corps to the ACTION agency. I ask unanimous consent that appropriate excerpts from the committee report, with corrections of certain printing errors, be reprinted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CRANSTON. Mr. President, these areas of concern have focused upon the unnecessary bureaucracy, decline in recruitment, lowered staff morale, and general subordination of the Peace Corps to the ACTION agency's domestic programs. Nowhere is the problem more acute than in the area of recruitment and communications. The ACTION agency, not the Peace Corps, is responsible for recruitment activities. Volunteers apply to the ACTION agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION agency can be attributed

at least in part, to the Peace Corps' loss of control over and public identification with its own recruitment activities.

The ACTION agency, not the Peace Corps, controls communication. Hence, various publications, reports, and releases issued by the ACTION agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the ACTION agency.

Finally, Mr. President, very real budgetary and personnel problems have plagued the merger of the Peace Corps and the ACTION agency. The Peace Corps is forced to pay 60 percent of the cost of joint services, irrespective of the proportion of those services actually provided to the Peace Corps. The separate personnel systems—the Peace Corps with its foreign service-based system and the ACTION agency with its general schedule-civil service system—has made it difficult for personnel to be transferred between domestic and international volunteer program activities and has been a constant source of internal tensions.

When it comes to working out some of these problems, it is the ACTION agency, not the Peace Corps, that negotiates with the employee union.

Mr. President, under the current arrangement, the Peace Corps is submerged under unnecessary layers of bureaucracy—a bureaucracy that saps its strength and vitality. Indeed, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of a Government bureaucracy. Yet, submerged within the ACTION agency and subordinate to the domestic volunteer programs, the Peace Corps has lost much of the visibility and strength which it enjoyed in its early days.

Mr. President, the amendment I am offering, and the approach approved overwhelmingly by both the Senate Foreign Relations Committee and the House Foreign Affairs Committee, would restore the Peace Corps to the kind of operational independence it enjoyed during its first 10 years. It would become an independent Federal agency, free from any entanglements with any other Federal agencies. The amendment would retain, however, the existing relationship between the Peace Corps and the Secretary of State—a relationship which has existed since the enactment of the Peace Corps Act, which provides for the effective integration of the Peace Corps with the overseas programs of other U.S. Government agencies.

Mr. President, finally, let me say that CBO has determined that there would be no budgetary impact resulting from the passage of this legislation. The only impact would be a resolution of the current problems facing the Peace Corps and a restoration of this extraordinary program to the status and the vitality it enjoyed in its early days.

As the Peace Corps prepares to celebrate next week its 20th anniversary, I can think of no more fitting action than for the Senate to approve this legislation to revivify the Peace Corps program and congressional support for its important mission. I urge my colleagues to support this amendment.

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EXHIBIT 1

EXCERPTS, WITH TECHNICAL CORRECTIONS,
FROM SENATE REPORT NO. 97-84, TO ACCOMPANY
S. 1015

COMMITTEE ACTION

S. 1015, a bill to separate the Peace Corps from the ACTION agency, was introduced by Senator Cranston (for himself and Senators Pell, Mathias, Biden, Sarbanes, Tsongas, Baucus and Kennedy) on April 27, 1981, and referred to the Committee on Foreign Relations. Additional co-sponsors are: Senators Dodd, Glenn, Bradley, Boschwitz, Levin and Hart. The Committee received testimony on the proposal to separate the Peace Corps from ACTION during the Committee's hearing on April 29, 1981.

The Committee agreed in an open markup session on May 13, 1981, to report S. 1015, as amended, favorably to the Senate and to report identical provisions as part of the Foreign Assistance Act Amendments of 1981. Senators voting in favor were: Perry, Kassebaum, Boschwitz, Pell, Biden, Glenn, Sarbanes, Tsongas, Cranston and Dodd. Senators voting in the negative were Helms and Lugar.

COMMITTEE COMMENTS

S. 1015 would separate the Peace Corps from the ACTION Agency, thereby restoring it to the full Operational autonomy it enjoyed during its early years. Although the Committee's decision was precipitated to a large extent by the controversy surrounding the appointment of an individual with a military intelligence training and field work background to serve as the Director of the ACTION agency and the impact that this nomination might have upon the long-standing policy of the Peace Corps to avoid any involvement or appearance of involvement with any intelligence activities, it is the Committee's view that a number of independent programmatic considerations make separation desirable in order to permit the Peace Corps to carry out its mission effectively.

HISTORY OF PEACE CORPS' STATUS

The Peace Corps Act, enacted September 22, 1961, authorized the President of the United States to carry out the programs authorized under the Act and to exercise the functions vested in him by it through such agency or officer of the United States government as he shall direct. Under Executive Order 11041 of August 6, 1962, the President delegated the basic operational authorities under the Act to the Secretary of State. The Secretary, in turn, delegated those authorities to the Director of the Peace Corps in State Department Delegation 35-11A, dated August 29, 1962. The Peace Corps thus was initially operated as an agency technically within the Department of State, but enjoyed very substantial operational autonomy through the delegation of authorities.

In 1971, pursuant to Executive Order 11603 of July 1, 1971, the Peace Corps was transferred to the ACTION agency, created by Reorganization Plan No. 1 of 1971, and authority to direct the Peace Corps was assigned to the Director of the ACTION agency. A statutory basis for the ACTION agency was established in 1973 in title IV of the Domestic Volunteer Service Act of 1973, Public Law 93-113. Between 1971 and 1979, the Peace Corps was administered by the ACTION agency and its director along with various domestic volunteer programs such as VISTA (Volunteers in Service to America) and the Older American Volunteer programs—R.S.V.P. (Retired Senior Volunteer Program), Senior Companions, and Foster Grandparents.

In May of 1979, President Carter issued Executive Order 12137 which superseded Executive Order 11603. Executive Order 12137 continued the Peace Corps as a program

within the ACTION agency but provided it with certain budgetary and operating autonomy. The memorandum from President Carter accompanying the Executive Order described its effect as follows:

This executive order supersedes Executive Order 11603, issued in 1971. Executive Order 11603 assigned to the ACTION Director the authority to direct the Peace Corps. The attached order delegates that authority to the Peace Corps Director.

The order requires the Peace Corps Director to consult with the Director of ACTION and to coordinate Peace Corps activities with those of ACTION. It provides that the Director of ACTION will be responsible for the general direction of all ACTION functions which jointly serve ACTION's domestic volunteer components and the Peace Corps, and for advising the Peace Corps Director to ensure the carrying out of the functions assigned to the Peace Corps Director.

Under the 1979 Executive Order, the ACTION agency controls the following services provided to the Peace Corps:

1. recruitment of volunteers and processing of applications;
2. general administration—for example, space management, accounting, data processing, procurement, and contracting;
3. internal auditing and inspections;
4. investigation of equal employment opportunity complaints;
5. limited legal services—for example, monitoring staff compliance with the Ethics in Government Act, Freedom of Information and Privacy Acts, and monitoring legal requirements of contracting procedures;
6. communication services;
7. health services to Peace Corps volunteers;
8. supervision of the Peace Corps partnership program;
9. services for former volunteers; and
10. security investigations for Peace Corps staff and some volunteers.

The ACTION agency also is responsible for applying the intelligence separation policy to ACTION agency employees providing services to the Peace Corps.

At the time the Peace Corps was placed in the ACTION agency, the desirability of effecting certain administrative economies, a closer degree of cooperation between domestic and international volunteer service efforts, and more efficient recruitment of volunteers were cited as justifications for the merger.

For the most part, these expectations have not been fulfilled. Instead, the Peace Corps, as an agency within the ACTION agency, has been continually plagued by a variety of managerial, personnel, and budgetary problems. In addition, submerged within the ACTION agency, the Peace Corps lost much of its visibility and acquired an overlay of staff and bureaucracy which did not contribute to its vitality.

These problems led the House of Representatives in April of 1979 to approve—by a margin of 276 to 116—legislation removing the Peace Corps from the ACTION agency. The House legislation, however, would have placed the Peace Corps within the then newly forming International Development Cooperation Agency—IDCA—a transfer which many members of the Senate opposed on the grounds that placement of the Peace Corps within IDCA might make it appear to be simply another part of our foreign aid program and thus deprive it of its uniqueness as a people-to-people program, outside the mainstream of government programs. Additionally, it was hoped that issuance of the 1979 Executive Order would resolve some of the problems confronting the program within the ACTION agency. For these reasons, the committee of conference on the International Development Cooperation Act of 1979 agreed to retain the Peace Corps within the ACTION agency. The conference committee, however,

expressed its strong support for maximum autonomy for the Peace Corps under the new executive order and expressly stated that:

... cost savings may be an argument for continuing some shared functions, but concern is expressed that in the long run effectiveness in meeting the needs of Peace Corps, particularly in a vital area such as recruitment, should be the dominant consideration. (Conference Report No. 96-397, pages 40-41, to accompany H.R. 3324).

The conference committee also stated the intention of the authorizing committees to review carefully the details relating to implementation of the new executive order and ... to reconsider the action taken by the House ... if implementation of the executive order does not provide sufficient autonomy and alleviate the problems which the Peace Corps has been facing in recent years.

It is the view of this Committee that the implementation of Executive Order 12137 has not effectively alleviated the problems which the Peace Corps has been facing since the merger. In the Committee's view, only full autonomy by the establishment of the Peace Corps as an independent agency will restore it to the visibility and vitality that it enjoyed in its early years.

CONTINUING PROBLEMS WITHIN THE
ACTION AGENCY

Concern over the viability of the Peace Corps' placement in the ACTION agency and the effect of that placement on the continued vitality of the Peace Corps' operations has been raised in various studies, including a 1977 report, *The Future of the Peace Corps*, prepared by former Assistant Secretary of State Harlan Cleveland under a contract between the ACTION agency and the Aspen Institute for Humanistic Studies; a 1974 report, *The Peace Corps: Perspectives for the Future*, prepared by the National Academy of Sciences; and a 1977 report, *The Ambitious Task. New Approaches to Peace Corps and Private Voluntary Organization Efforts to Promote Third World Development*, prepared by Warren Wiggan, former Deputy Director of the Peace Corps, released by the TransCentury Corporation. These reports cited increased bureaucratic entanglements, lowered staff morale, decline in recruitment, and subordination of the Peace Corps to the Agency's domestic programs as some of the adverse consequences of the placement of the Peace Corps in the ACTION agency.

Some areas where specific problems have existed include recruitment, communications, overlapping areas of authority, budget and cost allocation, and conflicting personnel systems.

Recruitment

Under the 1979 Executive Order, the ACTION agency maintains responsibility and control over the recruitment of potential volunteers. The ACTION Agency controls both the recruitment resources and the general recruitment effort. Volunteers apply to the ACTION agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION agency can be attributed, at least in part to the Peace Corps' loss of control over and public identification with its own recruitment activities.

Communications

One of the most serious problems associated with the present status of the Peace Corps with the ACTION agency is its loss of visibility. The ACTION agency, not the Peace Corps, controls communications. Hence, various publications, reports, and releases issued by the ACTION agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the

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ACTION agency (including, for example, those in connection with the recent nomination of a new Director and Deputy Director of the ACTION agency). The value of its unique history and mission and its rich heritage—which have distinguished it from simply being a “volunteer” program and from generally operating as another Government bureaucracy—have thus been substantially diminished. The overall focus and image of the ACTION agency rests upon and derives from its domestic programs; the continued submergence of the Peace Corps within the ACTION agency does not serve to enhance the Peace Corps' reputation.

Bureaucracy and overlap authority

Under the present structure, the Peace Corps is encumbered by unnecessary layers of bureaucracy and conflicting channels of communication. The Acting Director of the Peace Corps, William Sykes, in his testimony before the Committee on April 29, 1981, called attention to the problems created by the multiple channels of communication which currently exist, as well as the difficulties that arise when the various support units are required to be responsible to two different masters—the Director of the Peace Corps and the Director of the ACTION agency.

These unnecessary layers of bureaucracy tend to sap the Peace Corps of vitality. Indeed, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of government bureaucracy. A unique program from its inception, the Peace Corps needs to be free to respond creatively to new ideas and the continuously evolving and emerging needs of host countries.

Budgetary problems

The Committee has had a continuing concern about allocation of costs for support services provided by the ACTION agency to the Peace Corps, and the extent to which the Peace Corps pays a disproportionate share of the joint support services. Currently, the Peace Corps pays 60 percent of the costs of all these services irrespective of the amount or cost of the services actually provided to the Peace Corps. According to the recent testimony presented to the Committee by the Acting Director of the Peace Corps, this allocation may be equitable in some areas and inequitable in others.

Personal problems

The Peace Corps operates under a unique foreign-service personnel system which requires that its staff appointments generally not exceed 5 years. The ACTION agency, of course, operates under the general civil service system. The separate Peace Corps personnel system has repeatedly been a source of major labor/management controversies and has made it very difficult for personnel to be transferred between domestic and international volunteer program activities. The ACTION agency has also insisted upon serving as the sole management representative with respect to labor/management relations covering all of the Peace Corps' non-professional employees in the United States. As recently as April 23, 1981, the Acting Director of the ACTION agency reiterated that all negotiations with the employee's union must be handled through the ACTION agency's Labor Relations officer.

Cost issues

A preliminary analysis of the cost of operating an independent Peace Corps prepared earlier this year by the Peace Corps budget office indicated that separation would not entail additional costs to the Peace Corps. In testimony before the Committee, the Acting Director of the Peace Corps indicated that the ACTION agency budget office and OMB had reached different conclusions. In an April 2, 1981 letter to Max Friedersdorf, As-

sistant to the President for Legislative Affairs, the chairman requested the administration to provide the Committee with report on whether the shared support services provided for by the 1979 Executive Order had resulted in any significant savings for the Peace Corps, including a detailed comparison of any such savings with the probable costs that would have been incurred by the Peace Corps had it been a completely independent agency from ACTION. In a letter dated April 3, Mr. Friedersdorf indicated that the administration had no information available with respect to this question but indicated that a request was being made to OMB to review the question. On April 27, 1981 the Committee received a further response from Mr. Friedersdorf estimating at the “outside” an additional cost of \$3 million to operate an independent Peace Corps. The memorandum, which is reprinted as Appendix II, also states that the figure “is likely to be too large.”

Based upon the preliminary data available, it is the Committee's view that it is unclear whether cost savings or additional costs would result from separation of the Peace Corps from the ACTION agency. However, the Committee believes that the need to provide the Peace Corps with full autonomy in order to assure its future strength and vitality outweigh the possible minimal additional budgetary costs projected by OMB.

INTELLIGENCE-SEPARATION POLICY

Since its earliest days, the Peace Corps has had a policy of complete and total separation from intelligence agencies and activities. In order to dispel any false charges of any intelligence connection, a companion policy was established barring persons with certain intelligence backgrounds from serving as Peace Corps volunteers or staff. These policies have been strongly supported since 1961 by each successive administration and have been a cornerstone of the Peace Corps' effectiveness.

Although the Committee was sharply divided over whether the nomination of Thomas Pauken (confirmed by the Senate on May 7, 1981) to be Director of the ACTION agency would compromise the intelligence-separation policies (see Executive Report No. 97-6, (April 7, 1981)), this Committee remains staunchly committed to the continued total separation of the Peace Corps from intelligence activities and to the maintenance and strict application of the intelligence policies as described in the March 18, 1981, letter of the new Peace Corps Director, Loret Ruppe, and former Acting Director Sykes, set forth in the hearing record on this legislation.

In the Committee's view, the Peace Corps' autonomy will contribute to this goal of maintaining that separation and strictly enforcing those policies. The kinds of issues that arose with respect to Mr. Pauken's nomination and might arise with respect to other ACTION agency employees would henceforth be eliminated. Moreover, only the Director of the Peace Corps—as distinguished from the head of any other agency—would have any role in the interpretation, application, and enforcement of these internal policies.

In this regard and in order to contribute to the maximum possible effectiveness of the intelligence-separation policies and the perception of them, the Committee notes with approval the following statements by Committee member Senator Charles Mathias during debate on May 7 on Mr. Pauken's nomination.

MR. MATHIAS. Mr. Pauken gave me his assurances that he would “keep hands off” the Peace Corps if he was confirmed as the Director of the ACTION agency. I understood those assurances to mean that he would delegate whatever responsibilities he might have with respect to the Peace Corps to his Deputy and that is a major reason why I

felt I could vote to confirm his nomination when it was considered in the Foreign Relations Committee. I understand that Mr. Pauken has recently been reported to have stated his intention to delegate his responsibilities with respect to the Peace Corps to the Deputy Director of the ACTION agency and will not be directly involved in any decisions made in regard to the Peace Corps. I very much hope that he will make such a delegation of authority as soon as he takes office and will publicize it widely. (Congressional Record, May 7, 1981, S. 4495 (daily ed.).)

The Committee very much hopes that Mr. Pauken will act accordingly during the pendency of Congressional consideration of the separation legislation (also approved by the House Foreign Affairs Committee on May 7 as part of its consideration of the proposed International Security and Development Cooperation Act of 1981).

CONTINUING COORDINATION WITH THE DEPARTMENT OF STATE

The Committee's action with respect to the separation of the Peace Corps from the ACTION agency would not in any way alter the existing relationship between the Peace Corps and the Secretary of State. The Secretary of State would continue to have the responsibilities, which the Secretary has had since the enactment of the Peace Corps Act, under section 4(c) (4) and (d) for assuring that Peace Corps programs are effectively integrated with and are not unduly duplicative of the overseas programs of other U.S. government agencies.

TRANSFER OF PERSONNEL, RECORD, UNEXPENDED FUNDS AND RELATED ADMINISTRATIVE MATTERS

The Committee bill provides for all personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds which are employed, held, or used primarily in connection with functions relating to the Peace Corps as determined by the Director of the Office of Management and Budget (OMB) after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION agency, to be transferred from the ACTION agency to the Peace Corps not later than 30 days after the date of enactment, the Director of OMB is required to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs, and the Government Operations Committee, and the Appropriations Committees) and to the Comptroller General a report on the steps taken to implement the separation. This report must include a description of the manner in which the various administrative matters associated with the separation are disposed of, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended funds.

The Comptroller General of the United States is also directed to report to the appropriate Committee within 45 days after enactment, as to whether the division is equitable to the agencies, the employees, and parties involved. In the event it becomes necessary, it is the Committee's expectation that the Director of OMB and the Comptroller General will file supplemental reports to fully inform the appropriate Committees on the matters involved.

The Committee bill also provides specific protections for those employees currently employed by the ACTION agency who are to be transferred under the Committee bill to the Peace Corps. The bill provides that the transferred employees shall, to the maximum extent feasible, be assigned to related functions and organizational units in the Peace Corps. Thus, a transferred employee would, if at all possible, be assigned to a position in a unit where his or her duties and the functions of such unit would be comparable to his or her former duties and to the functions of his or her former unit. It also pro-

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vides that those employees shall not because of such transfer be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after the later of either of the following dates: the date on which the Director of OMB submits the report required with respect to implementation of the separation, or, with respect to any individual employee who has been transferred, the effective date of such individual's transfer. The Committee bill provides that any collective-bargaining agreement covering and regarding employees transferred or those employed by the Peace Corps that is in effect on the date of enactment shall continue to be recognized by the Peace Corps until the termination date of the agreement or until a mutual modification by the parties otherwise specifies. These protections are similar to those which have been provided to employees in other programs when new or independent agencies have been established, such as under section 9(a) of Public Law 93-644 (former section 601(h) of the Economic Opportunity Act) with respect to the Community Services Administration, under section 3(c) of the Legal Services Corporation Act of 1974 (Public Law 93-355) with respect to the Legal Services Corporation, and under section 502(a) of the Department of Education Organization Act (Public Law 96-88) with respect to the Department of Education.

The Committee bill specifically provides for the transferred employees to be appointed as members of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act and, with respect to the 5-year limitation on Peace Corps Act appointments, under section 7(a)(2)(A) of that Act, provides certain protections for personnel with General Schedule appointments who are transferred to the Peace Corps. These protections are based upon the provisions in section 5 of Public Law 89-134 which provided "grandfather" protection to employees with General Schedule (GS) appointments in 1965 when the unique, unified Peace Corps personnel system derived from Foreign Service Act authorities and the 5-year employment limitation were established by the Public Law 89-134. Thus, under the Committee bill, persons whose career or career-conditional appointments were above grade 8 of the General Schedule (GS-8) would be entitled to retain their existing GS appointments for three years. After 3 years, if they wished to continue their employment with the Peace Corps, they would be required to convert to a comparable appointment in the Foreign Service under authority of section 7(a)(2) of the Peace Corps Act and become subject to the 5-year employment limitation contained in clause (A) of section 7(a)(2). Transferred employees whose career or career-conditional appointments were at GS-8 or below would receive comparable Foreign Service Unlimited appointments and would thus be permanently exempt from the 5-year service limitation in the same manner as were employees at GS-8 and below by virtue of the 1965 amendments. Enactment of the Committee bill would not in any way affect the status of those employees "grandfathered" under that prior section. These new protections should be implemented in a similar fashion to the provisions of Public Law 89-134.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1979 (Public Law 150, 91st Congress), the committee provides the following estimate of the cost of S. 1015, prepared by the Congressional Budget Office. The Committee concurs with the estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1015, a bill to separate the Peace Corps from the ACTION Agency, as ordered reported by the Senate Committee on May 13, 1981.

This legislation authorizes no additional funds to carry-out the separation and is expected to have no budget impact.

Sincerely,

ALICE M. RIVLIN, Director.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations has made an evaluation of the regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below:

A. *Estimates of the numbers of individuals and businesses who would be regulated, and a determination of the groups and classes of such individuals and businesses.*—Inasmuch as the bill provides only for separation of the Peace Corps from the ACTION agency and the establishment of the Peace Corps as an independent agency, its enactment would not result in the regulation of any individuals or businesses.

B. *Determination of the economic impact of such regulations on individuals, consumers and businesses affected.*—Since, as previously indicated, there would be no such regulation, there would be no such impact.

C. *Determination of the impact on the personal privacy of the individual affected.*—The enactment of the Committee bill would not have any impact on the personal privacy of any individuals.

D. *Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill.*—The only regulations expected to be promulgated directly as a result of the bill would pertain to the transfer of certain personnel, pursuant to the provisions of the bill, from the ACTION agency to the Peace Corps. Those regulations, however, are not expected to increase substantially the paperwork involved in those transfers.

SECTION-BY-SECTION

Section 1.—Would provide that the measure may be referred to as the "Peace Corps Autonomy Act".

Section 2.—Would provide that, effective on the date of enactment, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION agency—as it now is under Executive Order 12137, dated May 16, 1979—or within any other department or agency of the United States.

Section 3: Subsection (a) would transfer to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION agency prior to the date of enactment. This would not, however, in any way limit the President's discretion to withdraw any Peace Corps delegation, under present section 4(b) or other provisions of the Peace Corps Act or under other applicable law, to the Director of the Peace Corps or to any other official.

Paragraph (1) of subsection (b) would provide for the transfer to the Peace Corps of various items, including personnel, assets, liabilities, contracts, property, records, and unexpended balances which are used primarily in connection with functions relating to the Peace Corps, as determined by the

Director of the Office of Management and Budget (OMB), after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION Agency.

Subparagraph (A) of paragraph (2) of subsection (b) would provide that the transfer pursuant to this section of full-time employees (except experts or consultants or other special government employees) and part-time permanent employees shall not cause such employees to be separated or reduced in rank, class, grade or compensation, or otherwise suffer a loss of employment benefits for one year after the later of (1) the date on which the Director of the Office of Management and Budget submits the report required under section 6(a), or, (2) effective date of a particular individual transfer.

Subparagraph (B) of paragraph (2) of subsection (b) would provide that employees transferred from the ACTION agency to the Peace Corps pursuant to this section shall be assigned, to the maximum extent feasible, to such related functions and organizational units in the Peace Corps as such employees were assigned to immediately before the date of enactment of this Act.

Subparagraph (C) of paragraph (2) of subsection (b) would provide that any collective-bargaining agreement in effect on the date of enactment of this Act covering employees transferred pursuant to this section or employed on that date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of the agreement, or until a mutual modification by the parties otherwise specifies.

Paragraph (3) of subsection (b) would provide, under such regulations as the President may prescribe, that, with two exceptions, each employee 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, upon the effective date 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. Under the first exception, no transferred employee may be so appointed without his or her consent until three years after that effective date. During this 3-year period, an employee who does not consent to such an appointment may continue to hold his or her career or career-conditional appointment. Under the second exception, each transferred employee holding a career or career-conditional appointment at grade 8 or below of the General Schedule (GS) shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act. Thus, persons at grade GS-8 or below would not be subject to the five-year appointment limitation contained in section 7(a)(2)(A) of the Peace Corps Act. Persons above grade GS-8 would be permitted to continue their employment under their career or career-conditional appointments for 3 years after their transfer to the Peace Corps. After that time, if they wished to continue their Peace Corps employment, they would be required to accept a Peace Corps Act (Foreign Service) appointment to which the 5-year appointment limitation would apply. The basic rate of compensation for persons appointed under these provisions would not be permitted to be reduced below the rate received by such person immediately prior to the effective date of such person's appointment. This paragraph is derived from section 5 of Public Law 89-134, establishing the unique, unified Peace Corps personnel system, and should be implemented in similar fashion.

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Section 4.—Would amend section 4(b) of the Peace Corps Act to limit the President's current authority to exercise the functions vested in him under the Peace Corps Act through government agencies and officials of the President's choosing by permitting the President to delegate the authority to perform those functions only to the Director of the Peace Corps.

Section 5.—Would repeal no-longer-applicable provisions of section 3(d), (e), and (f) of the Peace Corps Act, which contain references to the Director of ACTION to the Treasury in fiscal year 1976 to rectify certain imbalances in the Peace Corps readjustment allowance account, the waiver of claims for certain erroneous payments of readjustment allowances to Peace Corps volunteers, and the relieving of ACTION and Peace Corps disbursing officers of liability for certain improper or incorrect payments during that period; and would provide that the repeal of these provisions would not affect the validity of any action taken under the repealed provisions prior to their repeal or the liability of those disbursing officers for such payments.

Section 6.—*Subsection (a)* would require the Director of OMB to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs and Government Operations Committee, and both Appropriations Committees) and to the Comptroller General, within 30 days after the date of enactment, a report on the steps taken to implement the separation of the Peace Corps from the ACTION agency.

Subsection (b) would require the Comptroller General to submit to those same committees, within 45 days after the date of enactment, a report stating whether, in the Comptroller General's judgment, the determinations by OMB were equitable.

Section 7.—Would provide that references in any statute, 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.

CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law (Public Law 87-293, as amended) made by S. 1015 as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in roman):

PEACE CORPS ACT, AS AMENDED

PUBLIC LAW 87-293

87TH CONGRESS, H.R. 7500

September 22, 1961

An act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower

TITLE I—THE PEACE CORPS

SEC. 3

(d) The Director of ACTION shall transfer to the readjustment allowance, ACTION, account at the Treasury Department, no later than December 31, 1975, not to exceed \$315,000 from any sums available to carry out the purposes of this Act in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

(e) The Director of ACTION is authorized to waive claims resulting from erroneous

payments of readjustment allowances to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of title 5, United States Code, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

(f) Disbursing and certifying officers of the Peace Corps and ACTION are relieved from liability for improper or incorrect payment of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of the first section of the Act entitled "An Act to provide permanent authority for the relief of certain disbursing officers, and for other purposes", approved August 11, 1955 (31 U.S.C. 82a-2), and of section 2 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (31 U.S.C. 82c).

(g) (d) In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Corps shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economics of developing countries, thus improving their status and assisting the total development effort.

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps and a Deputy Director of the Peace Corps.

(b) The President may exercise any functions vested in him by this Act through [such agency or officer of the United States Government as he shall direct. The head of any agency or any such officer] *the Director of the Peace Corps. The Director of the Peace Corps may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions*

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I send to the desk a substitute for the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from California that so long as the Senator has the right to modify his amendment, an amendment to his amendment will not be in order.

Mr. CRANSTON. I withdraw the second amendment for the moment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on my pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 161

(Purpose: To separate the Peace Corps from the ACTION agency)

Mr. CRANSTON. Mr. President, I now call up the amendment at the desk as a substitute for my amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. MATHIAS, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. SARBANES, and Mr. BRADLEY, proposes an unprinted amendment numbered 161.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the material proposed to be inserted, insert the following:

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—

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

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(1) 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 not be 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 3(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.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURKOWSKI). Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 1193 to which are pending two amendments offered by the Senator from California (Mr. CRANSTON).

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. How can the Senator from California have two amendments pending?

The PRESIDING OFFICER. The Senator from California sent up one amendment on which the yeas and nays were ordered. He then sent up a substitute for his first degree amendment.

Mr. HELMS. I see.

Will the Chair state again what is the precise pending business? Which of the amendments is pending?

The PRESIDING OFFICER. The second-degree substitute amendment is the pending question.

Mr. HELMS. I see.

So, in effect, the second amendment submitted by the distinguished Senator from California precludes any further amendment. Is that correct?

The PRESIDING OFFICER. That is not the case.

Mr. HELMS. I thank the Chair.

In any case, shortly I shall move to table the first amendment which would bring down the second amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. If the first amendment is tabled, then the second amendment is brought down with it. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Now, Mr. President, I have checked my recollection with the White House by telephone just now. The administration is unalterably opposed to this amendment. In the first place, the able Senator from California has submitted a bill in the form of an amendment, and this bill has been reported to the Senate. Therefore, the best that can be said for the amendment is that it ought not to be acted upon on this bill but acted upon as a bill, as a piece of legislation.

The Senator from North Carolina has some thoughts about the proposal to separate the Peace Corps from the ACTION agency. With all due respect to Senators who support this concept, it is, in fact, a slap in the face to a distinguished American, Mr. Pauken, and I do not think we ought to operate that way around here.

If the concern of Senators is that the Peace Corps might be tainted, as some have indicated or implied, by having an affiliation with the U.S. Government or by having a former intelligence officer as head of the Peace Corps' parent organization, which is ACTION, which Mr. Pauken heads, then perhaps the best policy for this Senate to pursue would be to separate the Peace Corps not only from ACTION but from the U.S. Government as well, make a private organization out of it.

In that way there could be no charge raised by anybody that the Peace Corps is, as some have said today, a tool of the CIA or of any other Government agency, and in that way no life of any Peace Corps volunteer would be in jeopardy for reasons of affiliation of the Peace Corps with any agency of the U.S. Government.

I happen to think all of these suggestions are specious and unfounded and, as I said earlier, it is a veiled slap in the face of Mr. Pauken, a distinguished American who served his country well.

The Peace Corps could become a private volunteer organization and seek assistance from the Agency for International Development, AID, and from the general public. Let it stand on its own feet. Maybe it is time to do that.

We can debate that when the Senator's bill comes up. But let us not come in through the back door with a veiled slap against a fine American. Let us not come in through the back door with a piece of legislation which has been converted into an amendment. Let us meet the matter forthrightly and head-on with a full debate on this floor on a substantive question.

If the Peace Corps should become a private volunteer organization, it would then be truly and completely a volunteer organization with volunteers working in foreign countries and with contributions for its activities being voluntary, at least in part, aside from the funds it will receive from AID.

Let me repeat, the administration is correct in its unalterable opposition to this amendment, and for that reason, Mr. President, I move to lay the amendment on the table and I ask for the yeas and nays.

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The PRESIDING OFFICER. Will the Senator identify which of the two amendments he is going to move to table.

Mr. HELMS. Well, with all due respect to the Chair—and I do respect the Chair and the Parliamentarian—I do not understand why the tabling of the first amendment submitted would not bring down the second amendment.

The PRESIDING OFFICER. It would. Mr. HELMS. I thought the Chair stated exactly the opposite just a moment ago. But the Chair now says in any case that if the first amendment is tabled, it brings down the second; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. In that case I move to table the amendment first submitted, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Pennsylvania (Mr. HEINZ) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—45

Abdnor	Garn	Packwood
Andrews	Goldwater	Percy
Armstrong	Gorton	Quayle
Baker	Grassley	Roth
Byrd,	Hatch	Rudman
Harry F., Jr.	Hawkins	Schmitt
Cannon	Hayakawa	Simpson
Chafee	Helms	Stevens
Cochran	Jepson	Symms
Cohen	Kasten	Thurmond
D'Amato	Laxalt	Tower
Denton	Lugar	Wallop
Dole	Mattlingly	Warner
Domenici	McClure	Zorinsky
Durenberger	Murkowski	
East	Nickles	

NAYS—52

Baucus	Glenn	Metzenbaum
Bentsen	Hart	Mitchell
Biden	Hatfield	Nunn
Boren	Heflin	Pell
Boschwitz	Hollings	Proxmire
Bradley	Huddleston	Pryor
Bumpers	Humphrey	Randolph
Burdick	Inouye	Riegle
Byrd, Robert C.	Jackson	Sarbanes
Chiles	Johnston	Sasser
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Leahy	Stennis
Dixon	Levin	Tsongas
Dodd	Long	Weicker
Eagleton	Mathias	Williams
Exon	Matsunaga	
Ford	Melcher	

NOT VOTING—3

Heinz	Moynihan	Pressler
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So the motion to lay on the table UP amendment No. 160 was rejected.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, further debate on this amendment is now in order, is it not?

The PRESIDING OFFICER. The Senator is correct. The amendment is debatable.

Mr. MATHIAS. Mr. President, I support the proposal to separate the Peace Corps from ACTION, primarily because I believe full autonomy for the Peace Corps will increase its ability to meet the objectives the Congress set for it: First, to help people in the poorer nations to improve their skills; second, to promote better understanding of the American people among the peoples of developing countries; and, third, to promote better understanding and awareness of the people of the developing countries among the American people. The Peace Corps will be better able to recruit volunteers, and to work in foreign countries, and to communicate its purposes and results to the American people, if it is a fully autonomous agency.

Mr. President, this is a particularly appropriate time to return the Peace Corps to the independent status it enjoyed during its first 10 years of existence. The Peace Corps is celebrating its 20th anniversary this summer. More than 80,000 Peace Corps volunteers have served in more than 80 countries during the past two decades. The Peace Corps has greatly assisted many countries in their development efforts, and while doing so, has increased the understanding of American ideals and principles.

It is deeply regrettable that some Americans do not even realize the Peace Corps continues to exist today, and are totally unaware of its accomplishments. Full autonomy for the Peace Corps will greatly enhance the visibility of the Peace Corps.

Mr. President, I wish to point out to my colleagues that the Congressional Budget Office has concluded that the proposed separation of the Peace Corps from ACTION "is expected to have no budget impact." The Peace Corps itself made a preliminary analysis of the cost of operating independently from ACTION and concluded there would be no additional costs to the Peace Corps. OMB came to a different conclusion, estimating the cost, on the outside, at \$3 million, although OMB said that figure "is likely to be too large."

The Committee on Foreign Relations concluded, and I concur, that even if there were a small additional administrative cost entailed in separation—and there may not be, based on our own conclusions—an autonomous Peace Corps would be well worth it in terms of efficient realization of the purposes the Peace Corps serves.

Mr. President, I believe one of the best 20th anniversary presents the Congress can give to the Peace Corps and to the American people is approval of this measure to restore full autonomy to the Peace Corps.

Mr. RANDOLPH. Mr. President, will my able colleague from Maryland yield?

Mr. MATHIAS. It will be a privilege

to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I thank my colleague from Maryland. The arguments he sets forth are all valid. There is no partisanship or should not be in this sort of matter. There are disagreements. That is absolutely, in my opinion, the very heart and essence of what we are doing here this afternoon.

Mr. President, I am privileged to join in the amendment that has been offered by our colleague, the Senator from California (Mr. CRANSTON) who advocates the autonomy of the Peace Corps. I do it not because he is a member of the Democratic Party. I do it not because someone else from the Republican Party opposes his efforts. I feel that it is very, very important, that we, in a sense, return the Peace Corps to its original design and purpose when it was so ably directed by our good friend Sargent Shriver; we must not allow it to be frittered away, as it were.

If I may be pardoned, Mr. President, it was my privilege to address that first Peace Corps group that left the United States to go overseas. I talked with them the night before they left for Katmandu, a long way from the United States of America. I remember that tall, gangling farm lad from Iowa who said to me, "I wonder why I am going so far away from the United States of America." Just a farm boy from the Middle West. I said, "You are answering the question yourself, of course. You are going to try to help people who need to know how to plant, how to cultivate, and how to produce the foodstuffs for the countries, wherever those countries exist. You are going to help people perhaps to build a house, build a road, or build a bridge, where they may have been sheltered in a lean-to. You even will plant a crop and help harvest it or have no way to move to market so that little children will have the nourishing food they need. You are not going to revolutionize the world. That is not the purpose. But you are going to have that commonality of understanding."

Sometime we shall come, hopefully, to the realization that it is not enough to be tolerant of someone else because, in tolerance, you can walk by on the other side. People often say "I am tolerant of this or that," but what the world needs, as I talk here, perhaps too earnestly, is understanding between men and women. That is working for and with people—not for greater armaments, and not certain types of programs that are so sophisticated in the ways of death-dealing devices that we wonder what we should do. There is every reason for practical programs such as the Peace Corps, in which the United States of America will participate with people from other lands, other backgrounds in building, hopefully—and I use these words advisedly—a better world.

Mr. MATHIAS. Mr. President, the Senator from West Virginia is exactly right. He has put his finger on the objectives of the Peace Corps, to build a better world, to work for people and with people. We do that without any aura of personality or any aura of political mo-

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tivation. The best way to do that is to have the Peace Corps operating independently so no perception of political motive can creep in. That is why I am supporting this.

The Senator from West Virginia is further right in saying that there are those on both sides of the issue on both sides of the aisle. We are dealing with this as a matter of conscience for the best interests of the United States and of humanity. That is why I favor the amendment.

Mr. President, I yield the floor.

THE TIME TO ENACT THE PEACE CORPS
AUTONOMY ACT IS NOW

Mr. BRADLEY. Mr. President, the time has come to establish the autonomy of the Peace Corps and thereby restore to it the strong identity that motivated its volunteers during its formative years. This can be done by enacting the Peace Corps Autonomy Act, introduced by the distinguished senior Senator from California, Senator CRAMTON. Nothing less will do. Separation of the Peace Corps from the ACTION umbrella has been gaining support among legislators, members of the executive branch, and the Peace Corps family over the past few years. Those closest to the organization have long recognized that autonomy for the Peace Corps will increase its visibility, enhance recruitment, and thus lift up the morale of its personnel. It will renew the sense of purpose and vitality that distinguished this special organization during its early years and I believe it could launch the Peace Corps into a new era of commitment and effectiveness.

In 1961, the Peace Corps was born of a compelling ideal: Dedication to bettering the conditions of the world's poor by sharing America's resources of human talent, skills, and idealism. To establish its special identity, it was made a separate agency within the Department of State. The dynamism and exuberance of the first director of the Peace Corps, Sargent Shriver, a man whose name has become almost synonymous with the Peace Corps, turned the idea into an institution.

For 10 years, the Peace Corps remained a vibrant agency in the State Department. In 1971, it was transferred to the ACTION agency, whose umbrella also extended over VISTA and other domestic volunteer programs. Then in 1979, the House approved legislation which would have removed the Peace Corps from the ACTION agency and placed it within the newly created International Development Cooperation Agency (IDCA). However, this proposal disturbed many supporters of the Peace Corps, including Members of this body, who feared that placing the Corps within IDCA, the proposed umbrella aid agency, would cast it as another foreign aid program. This image would rob it of its unique people-to-people character, which emphasizes the mutual benefit of interaction between Peace Corps volunteers and the people of their host countries. Responding to these concerns, and recognizing the value of Peace Corps independence, President Carter offered a compromise. He issued an Executive order which made the Peace Corps "semiautonomous" within the

ACTION agency.

Mr. President, the 1979 Executive order apparently has resolved some of the administrative, personnel, and budgetary problems that concerned Members of Congress. However, being subsumed within ACTION continues to hinder the ability of the Peace Corps to project a strong independent identity, and this, no doubt, has affected the recruitment of Peace Corps volunteers. Remaining under the ACTION umbrella obscures Peace Corps' visibility both at home and abroad. Peace Corps is a unique institution with a special global purpose, and should not be grouped with domestic programs which have a noble, but different purpose. It can best accomplish its mission by standing on its own.

Indeed, Mr. President, its separate identity is intrinsic to accomplishing its mission. Foreign hosts to Peace Corps volunteers must know and believe that the Peace Corps is not just another instrument of U.S. foreign policy, but a unique force for global betterment through people-to-people contacts.

A report entitled the "Future of the Peace Corps," prepared under a contract for the ACTION agency by the Aspen Institute for Humanistic Studies, concluded, in 1977, that "as the 'holding company' for the Peace Corps," ACTION drastically reduced the Peace Corps' visibility, subordinated its recruitment function to several different domestic volunteer groups, kept the number of volunteers low, allowed the unit cost of a volunteer to rise, and, "in general, made the Peace Corps a somewhat more routine, less exciting adjunct to the foreign aid function, rather than a uniquely vibrant expression of 'the best that is in us.'" Revitalizing what can become our best means for broadening international understanding is sufficient reason to take the simple administrative action of separation authorized by S. 1015.

Mr. President, the recent confirmation of ACTION's Peace Corps Director, Thomas Pauken, presents a forceful argument for separating the Peace Corps at this time. Like a number of my colleagues, I opposed Mr. Pauken's nomination not because I questioned his character, ability, or qualifications, but because I feared that his previous service as a military intelligence advisor in Vietnam would be construed by the foreign peoples with whom the Peace Corps works as evidence of a connection between the Peace Corps and the U.S. intelligence community. Such suspicions can compromise irreparably the effectiveness of the Peace Corps. For this reason, the Corps has maintained a policy of complete separation from the intelligence community and its activities. Technically, Mr. Pauken is not barred from serving as Director of ACTION, but many friends of the Peace Corps, including me, strongly feel that Mr. Pauken's assumption of the Directorship of the Peace Corps' parent agency can be used to feed foreign suspicions that the Peace Corps serves U.S. intelligence agencies. Foreign citizens not familiar with our policies or bureaucratic structure are not likely to draw fine distinctions between an umbrella

agency and the agencies it embraces, nor between past intelligence work and current intelligence activity. Merely raising these suspicions would seriously rob the Peace Corps of its effectiveness and endanger the security of its overseas staff and volunteers.

The recent confirmation of Mr. Pauken as Director of ACTION makes it imperative that we pass this bill next year, or the next year, but now. I hope my colleagues will join with me in reinforcing the credibility of this important institution and reinvigorating its activities. I urge them to once and for all resolve the decade-old problem of submersion that has plagued the Peace Corps, and pass S. 1015, the Peace Corps Autonomy Act.

Mr. President, I yield the floor.

Mr. TSONGAS. Mr. President, I wish to make two points briefly, if I may. There are two of us in this body who were Peace Corps volunteers. I served in Ethiopia in 1962 and 1964 in the first group that went over to that country. I feel very strongly about the Peace Corps, what it was about, what it did, not only for those countries but for the United States. Ironically and appropriately, this weekend in Washington is the 20th anniversary conference of the Peace Corps. There are returned Peace Corps volunteers from all over the Nation convening in the Nation's Capital this weekend to talk about the value of the Peace Corps, where it is going, and so on. This gesture to strengthen the Peace Corps back to its original administrative foundation, I think, is very appropriate and will be appreciated by those who are here this weekend.

The second point I make is that this is a truly bipartisan effort. Let me point out that, last year and 2 years ago and before that, there were a number of us who were involved with the Peace Corps and wanted to separate it. At that time, Sam Brown, who was the head of ACTION, argued with us, "Give me a chance to prove that it can work."

Well, like fools, we agreed to that appeal and gave him a year. The year did not work out well. By the time we got around to resolving the issue, it was too late. So, under the prior Democratic administration, I was in favor of the separation. I am in favor of it now under a Republican administration.

The facts have not changed, Mr. President. The Peace Corps flourished as a separate entity. It will flourish again when it is separated from ACTION. So there is no partisanship to it, having been involved in the struggle for some time.

I believe the Peace Corps has done a great deal for this country and for those who come back. I know it has done a great deal for me.

I urge my colleagues to give us the benefit of the doubt on this issue and let us see where the separation will go.

I yield to the Senator from Connecticut.

Mr. DODD. I thank the Senator for yielding.

Mr. President, I am the other Peace Corps volunteer serving in this body. I served for 2 years in the Dominican Republic, shortly after the revolution in that country in 1965.

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I strongly support the amendment of the Senator from California. This amendment should stand on its own. It is an idea whose time has come.

I believe that the Peace Corps, in the last decade, lost much of the luster and the effectiveness it had achieved in the first decade of its existence as a result of incorporating it under the umbrella ACTION.

While there are a number of Government agencies which do not enjoy overwhelming public support in this country, one of the unique qualities of the Peace Corps throughout its 20-year existence has been that, of all the other agencies of the Federal Government, the Peace Corps has been one agency that has enjoyed overwhelming popular support.

They have had difficulty in the last few years in recruiting. I believe that allowing the Peace Corps to stand on its own, to achieve the preeminence, if you will, that it enjoyed years back, in our overall governmental structures, will contribute significantly to the work the Peace Corps has done over the years.

One of the great ironies of the Peace Corps is that the most significant beneficiary of the Peace Corps has not really been the host country which the Peace Corps has served over these 20 years. In fact, I believe most volunteers will admit that our own country, the United States, has been the great beneficiary. The more than 90,000 returned Peace Corps volunteers have made significant contributions to our own society as a result of their experience as Peace Corps volunteers.

I believe the effectiveness of the Peace Corps would be enhanced by restoring it to the full operational autonomy it enjoyed from 1961 to 1971. The Peace Corps is one of the most popular and well respected Government agencies. Unfortunately, its effectiveness had been diminished by its incorporation into the ACTION agency.

I should note that when my distinguished colleague, Senator CRANSTON, introduced this measure as S. 1015 in the Senate Foreign Relations Committee on May 13, it was passed overwhelmingly. I was pleased to be an original cosponsor of this legislation. Because of its importance, I believe it is entirely appropriate that the separation of the Peace Corps from ACTION should be offered as an amendment to the bill being considered today.

Since its incorporation into ACTION in 1971, the Peace Corps has lost much of its visibility and effectiveness in recruiting motivated volunteers. As part of ACTION, the unique international mission of the Peace Corps has been blurred by its association with all the other domestic volunteer programs. Separation from ACTION will restore the strong public image and identity of the Peace Corps and enhance its recruiting efforts, I believe.

Another reason to establish the Peace Corps as an independent agency is to relieve it of the unnecessary layers of bureaucracy. The Peace Corps currently shares various support services with ACTION which are required to report to

two different authorities. The lines of authority and communication under the present structure are confused and often conflicting. The positive image of the Peace Corps is simply not enhanced by the perception of bureaucratic conflict and inefficiencies. The Peace Corps has an international mission. Its submersion in a larger agency with purely domestic responsibilities makes little sense.

Finally, we come to the issue of the Peace Corps' historic policy of complete and total separation from intelligence activities. No one can argue that any association of the Peace Corps with intelligence-gathering activities would seriously endanger the safety of our volunteers serving overseas. Unfortunately, such an association has been made by some because of the nomination of Thomas Pauken as Director of ACTION. Mr. Pauken's previous experience in military intelligence has rightly caused concern that his oversight of the Peace Corps could blur the strict separation of the Peace Corps from intelligence activities. The complete autonomy proposed by this amendment would insure that both the reality and the perception of complete and total separation from intelligence functions could not be called into question.

An independent Peace Corps will be a stronger, more vital, and more effective Peace Corps. I join the millions of others who are striving to achieve an independent Peace Corps, and I urge my colleagues to support this amendment.

Mr. TSONGAS. Mr. President, I will finish with one story.

Yesterday, in the Foreign Relations Committee, Senator PERCY ended the meeting by talking about a speech Senator Dobb had delivered recently to a conference of Americans and Mexicans. Senator Dobb delivered his speech in Spanish, speaking as one who had served in Latin America. Senator PERCY was present at the speech and was very taken with the impact of the speech by one former Peace Corps volunteer who is now serving in the Senate.

I believe that is an illustration of what the Peace Corps has meant. I suggest we go back to what that has meant.

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that an amendment is not in order. There are two amendments currently pending.

Mr. PELL. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY addressed the Chair. The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, a moment ago, this Senator voted against the tabling motion, for the reason that a year or so ago, I offered an amendment similar to this, to remove the Peace Corps from the ACTION agency.

I have been informed by a little birdie that there is perhaps at least a tiny element of rebuke in the amendment now pending. I doubt that seriously. But just in case this amendment has some tiny element of rebuke, either to the present

Director of the ACTION agency or to the administration, I want to make it clear that I disassociate myself from any such activity. I believe that the fundamental underpinnings of the amendment are very good, and I shall support it, as I did 1 year ago.

Mr. CRANSTON. Mr. President, I thank all Senators who have spoken in favor of this amendment. It was particularly significant to have two former Peace Corps volunteers, Senators Dobb and TSONGAS, speak on its behalf.

I ask unanimous consent to have the name of the Senator from West Virginia (Mr. RANDOLPH) added as a cosponsor of both pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Senator RANDOLPH played a key part in the establishment of the Peace Corps, and I am delighted to have him as a cosponsor, and I appreciate very much his very meaningful, most heartfelt remarks about the Peace Corps.

I thank Senators MATHIAS, HATFIELD, BOSCHWITZ, and HUMPHREY and others on the other side of the aisle for their support based on the substance of this matter.

I suggest that we now proceed to a vote, if we may.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the second degree (UP No. 161) by the Senator from California.

The amendment in the second degree was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the yeas and nays have been ordered on the underlying amendment. I see no reason to put the Senate through a rollcall vote, since we have decided the issue, and I ask unanimous consent that the order for the yeas and nays on the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as amended.

The amendment (UP No. 160), as amended, was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is to be recognized.

Mr. PERCY. Mr. President, I am very pleased to report that an agreement has been reached. Senator DURENBERGER will offer an amendment on behalf of the distinguished Senator from Kansas and the distinguished Senator from Vermont.

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The PRESIDING OFFICER. The Senator from Minnesota.

UP AMENDMENT NO. 162

(Subsequently numbered amendment No. 72.)

(Purpose: Amendment to State Department authorization concerning infant nutrition)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER), for himself, Mr. LEAHY, and Mr. DOLE, proposes an unprinted amendment numbered 162.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 13 and 14, insert the following:

INFANT NUTRITION

Sec. 117. (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 100 million of the 125 million children in the world below the age of one are born in developing countries. Congress is concerned that 10 million of these 100 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 24th 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;

(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.

Mr. DURENBERGER. Mr. President, I express my appreciation to the Senator from Kansas (Mr. DOLE) and the Senator from Vermont (Mr. LEAHY) for the effort they have put into reaching an amicable solution to a proposed amendment that deals with the issue of infant formula.

Mr. President, for many years concerned people have struggled with the issue of the marketing of synthetic infant formula in underdeveloped nations. A number of Minnesotans, many of whom worked overseas on the nutritional needs of those in underdeveloped countries, were among the leaders in bringing this issue to the forefront of public attention. Because of their involvement, I am acutely aware of the controversy and bring forth this amendment today.

Our country's vote at Geneva on the World Health Organization's Infant Formula Marketing Code isolated the United States and left many people with more questions than answers. Unfortunately, the vote served to polarize a discussion that was already marked by extreme positions.

The amendment we offer today is an attempt to address the concerns that many people worldwide have raised about the U.S. vote. The amendment recognizes that synthetic infant formula, when properly used, is a valuable supplement to the diet of many infants and young children and a godsend to mothers who cannot rely upon natural feeding. In our concern for the nutritional needs of infants and children in underdeveloped nations we cannot lose sight of this fact.

Nor can we compromise on the basic guarantees in our own Constitution. As former Senator Sam J. Ervin, Jr., pointed out in a recent news article:

The issue of concern to me is that this code, if adopted, will establish a dangerous precedent of worldwide control over the advertising, labeling, and marketing of infant products.

Senator Ervin's warning is not to be dismissed lightly. However, our amendment—which is in the form of a "Sense of the Congress" resolution rather than binding law—does not infringe on the right of any person or business; rather, it addresses the very real problems of abuse, illness and malnutrition connected with the use of synthetic infant formula.

Mr. President, our concern today is the health of infants throughout the world. As our amendment points out, breastfeeding has significant advantages over the use of synthetic formulas.

Numerous studies have shown that the improper use of breastmilk substitutes is linked with higher rates of illness and death.

If the users of infant formula in these cases were well-educated and living in a modern society with access to appropriate storage facilities and clean supplies of water, there would be little concern. We all know that is not the case.

In fact, one of the specific points addressed in this amendment is the need for international health organizations to continue combating infant illness by improving sanitation and water quality.

In the wake of the U.S. vote at Geneva, our policy has been misinterpreted and used by propagandists who are always looking for avenues of attack on our country. That concerns me and gives me added impetus for this amendment.

But what concerns me even more is the health of infants. If we were dealing only with the symbolism of a vote we could swallow our pride and move on to other matters. But we are dealing with much more than that. The sum of 100 million of the 125 million children in the world under the age of one were born in developing countries. At least 10 million of these infants will not live until their first birthday. Many more millions will be undernourished.

Certainly, not all of this tragedy is related to the use of synthetic formula. But if it is in our power as a compassionate nation to give these infants a better opportunity for a healthy life, then we must take every step available to us to achieve this goal.

Mr. President, in my opinion, this amendment sets the record straight on U.S. policy, and I think it is a very important step in the direction of bringing help to the persons in underdeveloped countries.

● Mr. ANDREWS. Mr. President, I support the amendment offered by Senators DURENBERGER, LEAHY, and DOLE.

We are all aware of the horror stories that surround this issue, and I do not think I need to document the advantages of breastfeeding. But, I do think it is important that the Senate of the United States go on record in support of the World Health Organization's efforts to improve the nutrition of all infants in the world.

I am not in favor of controlling private enterprise, as you well know. But, I do feel that commonsense and decency must come into play when our products are being marketed throughout the world. During my years in the Congress, I have worked to promote our advanced agricultural products and technology around the world in a positive, productive manner.

Products like infant formulas should be provided to underdeveloped countries to promote health and well-being among the mothers and infants, but it must be done with discretion. The instances of malnutrition and suffering we have all heard about in connection with the marketing of infant formula is not the image I believe we want America to have.

Others have already outlined the entire problem, but I did want to add my voice of support.●

Mr. DOLE. The Senator from Kansas will not be available tomorrow, and I want to make a statement in support of

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the resolution. I want to thank the distinguished Senator from Vermont and the Senator from Minnesota for working out what I consider to be a positive resolution, and to also thank the members of their staff.

Mr. President, many of us have devoted considerable attention over the past few weeks to the U.S. vote against a proposed international code on breast-milk substitutes. In the course of the debates surrounding America's vote in the world health assembly against the proposed code, little attention has been given to the positive efforts in support of breastfeeding that our country makes in the Third World. The Agency for International Development (AID) is explicitly authorized by the Foreign Assistance Act to promote infant nutrition, including breastfeeding, maternal health and good weaning practices. Pursuant to these statutory authorizations, AID has spent millions of dollars in Third World countries promoting breastfeeding and surveying nutritional practices.

The Reagan administration has announced that the United States voted against the proposed breastmilk substitute code because, if enacted in the United States, the code would have posed numerous constitutional and other legal questions. Some have disputed the wisdom or necessity of the vote. The administration would, for instance, have been equally well served by an abstention coupled with an explanation of the first amendment considerations applicable in this country but nowhere else.

In any event, whatever the vote or the reasons for it, we must now look to the future. I am convinced that AID's and the administration's commitment to breastfeeding is genuine. I believe that, in our development assistance programs, we will strive to advance the spirit of the WHO code, even though the administration could never accept many of its constitutionally questionable provisions.

THE U.S. RECORD ON INFANT NUTRITION

In response to the mandate of the Congress in the Foreign Assistance Act of 1977, the United States expanded its efforts to promote maternal nutrition, breastfeeding, and good weaning practices on the international scene. The United States has been supporting projects in developing countries years before the idea of a code was recommended by the WHO/UNICEF meeting in Geneva in October 1979. We expect this to continue as more and more countries themselves give attention to the problem of maternal and infant malnutrition.

U.S. EFFORTS THROUGH AID

The following is a brief progress report of the maternal and infant nutrition activities currently supported by the United States through the agency for international development.

To assist countries in promoting a broader dialog on policy issues and to insure that policymakers have access to the most current scientific and technical knowledge, AID is supporting a series of workshops and seminars on an international, regional, and national basis. In

the past 18 months, it has supported the following:

A regional symposium in Bangkok, attended by representatives of 10 Asian countries. Held in connection with the Asian pediatric congress, the symposium results were presented to 3,000 participants of that congress.

A regional workshop in Cali, Columbia for pediatric, obstetric, and nutrition professionals from 12 Latin American countries. The printed workshop proceedings were distributed throughout Latin America.

A symposium on breast-feeding promotion in Brazil in conjunction with an international dietetic congress.

A workshop in Fiji for representatives of 10 island nations.

National workshops in the Philippines, Nepal, Indonesia, Panama, Costa Rica, Lesotho, the Gambia, and Sierra Leone.

Several of these activities have been undertaken in cooperation and/or collaboration with the World Health Organization, UNICEF, and private voluntary organizations. The choice of resource leaders and participants is the responsibility of the developing countries and the conclusions and recommendations are their own. The United States does not prejudge or attempt to influence the results.

A clearinghouse is now in operation at the American Public Health Association to provide information on request to developing-country policymakers and project implementers on research findings and on new policy and program developments.

A new newsletter has been created and is now distributed three times a year in English, French, and Spanish to developing country workers. About 7,000 copies are read by about 30,000 persons involved in maternal and infant nutrition.

About 225 midwives received training in a Guatemala course.

A training manual on the management of breastfeeding promotion in health centers was received and tested for use by health auxiliaries, midwives, and nurses in El Salvador.

The center for population activities is training midlevel managers of family planning and women's programs in at least five countries to strengthen their capabilities in promoting breastfeeding, good weaning, and improved maternal nutrition.

Expertise and some funding has been provided to the institute of child health in Tunisia to help them train pediatricians, nurses, and auxiliaries in promoting breastfeeding and other infant nutrition activities.

Seminars have been provided for Burmese medical students.

To assist countries in deciding on and implementing weaning foods strategies and programs, AID is offering several kinds of assistance:

Through an inter-agency agreement with the U.S. Department of Agriculture, we offer help to countries with the food technology to formulate products, to determine their feasibility, to engineer plants, and to plan marketing. In the past 2 years, AID-assisted weaning food

plants have been opened in Sri Lanka, Costa Rica and Guyana.

Under a contract with a group at Harvard and MIT, assistance is given to promote home and village based weaning foods. Under this relatively new project activity, personnel are in the field at the present time providing technical assistance in Senegal and Liberia.

Joint USDA-Harvard-MIT teams are available to help countries design weaning food strategies which may encompass promoting traditional weaning practices in some parts of a country while developing an industrial product to serve other areas.

To assist needy mothers and children in meeting their dietary deficits over the short and medium term, the food for peace program continues to give high priority to providing foods for maternal and child feeding programs. More than half of the donated food commodities—worth about \$173,000,000—are blended and fortified to meet the special needs of pregnancy, lactation, and weaning.

To assist countries in planning and implementing programs to educate and motivate the public in developing countries, AID has provided funds to the international nutrition communication service, a consortium of organizations with expertise in every facet of nutrition education from community development activities to mother-to-mother approaches to school curriculum development to the use of mass media in broad-based education campaigns to the general public. Similar assistance is frequently provided as part of a country specific health or nutrition project. Over this past year-and-a-half technical assistance has been given to over 25 countries in Asia, Africa, Latin America, and the Caribbean.

In order to formulate the most effective policies and programs, there is a great need to improve the quality of data on infant feeding, on the relationship between maternal diet and location, on the relationship between location and family planning, and in a host of other areas. The United States is supported by the WHO, private industry and various universities and research institutes, which should, in time, provide more universally agreed upon information so that policies and programs can be undertaken with increasing confidence. Among AID's current research activities are the following:

Food consumption surveys in a number of countries include data on breastfeeding and weaning practices.

Work is underway to compile 30 country profiles which will summarize published data on such things as prevalence of malnutrition, infant mortality and morbidity rates, prevalence and duration of breastfeeding, maternal nutrition, diet during pregnancy and lactation, and so on. This documentation of published data will provide a ready reference guide for those who design projects, make policy, or have research interest in this area. The first of these profiles is off the press, and all 30 profiles should be ready within a year.

As part of a broad inter-disciplinary research effort in Malaysia, breastfeed-

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ing patterns and determinants are being examined to identify the extent and length of breastfeeding, and to compile a profile of women who chose to limit or substitute for breastfeeding.

A grant has been given to the population council to conduct a four country study on the determinants of infant feeding practices. Anthropological techniques are being combined with cross-sectional survey methods to identify the nature of trends in breast and bottle feeding as well as their association with factors such as clinic and health center practices, the nature of traditional beliefs, women's work patterns, incomes, infant formula marketing practices, and so on. Three other institutions are affiliated with the population council in this effort and five developing-country organizations are involved. Collection of field data is currently under way in the four participating countries—Indonesia, Thailand, Kenya, and Colombia.

Technical assistance and funds are also being provided: First, to Cameroon to study the causes of high growth failure among weaning age children in the northern province; second, to Tunisia to study breastfeeding and weaning practices in mothers using hospital services; third, to Honduras to study infant feeding practices and associated factors in urban low income families; fourth, to the Congo to document infant feeding practices for designing a national nutrition education program.

Additional studies are being carried out in the Caribbean and in Central America through AID grants to the Caribbean Food and Nutrition Institute (CFNI) and the institute of nutrition for Central America and Panama.

The above-mentioned activities represent a fairly comprehensive but incomplete list of current American funded activities in the general area of maternal and infant nutrition. This may serve to provide an idea of the scope of our activities and to underscore our abiding concern for the problems of maternal and infant nutrition.

Mr. KENNEDY. Mr. President, I am pleased to join in this bipartisan effort to voice America's support for the international code on infant formula adopted at last month's meeting of the World Health Organization in Geneva.

Regrettably, the vote of our Government failed to reflect the humanitarian concerns of the American people. Among the nations of the world, the United States was the only country to cast a "no" vote on the code. We turned our back to the overwhelming majority of the world community on a fundamental issue that is literally a matter of life and death to millions of newborn children.

We could not convince a single other country to join us in voting against the WHO code.

We stood isolated on a vote of 118 against our single vote of "no".

How often, Mr. President, has the United States been so alone on a moral issue at the United Nations?

How often have we voted against a humanitarian initiative?

How often have we placed the profits of the giant international drug firms

above saving the lives of dying children?

The answer is never—until this administration's vote in Geneva.

Worse still, Mr. President, our vote was unnecessary even on the principal grounds cited by the administration—that the code would be in violation of American laws.

The WHO code is a voluntary code. It was not designed for use in the United States. It cannot supersede the laws of any nation. And it can become effective only if a particular nation decides to make it effective and acts to implement it.

Yet we voiced our opposition to the cries for help from these nations who want and need the code—the developing nations in the third world where human suffering of unspeakable proportions—from poverty, disease and malnutrition—is a daily reality.

If nothing else, America should have voted for the code to show that we understand the horror and the sickness, the poverty and the frustration of millions—to say to other nations that we are your friends, we grieve with you for your dying infants, and we want to do all we can to help.

Mr. President, I feel a particular sense of disappointment over the administration's negative vote, since it was our Subcommittee on Health that helped initiate our Government's involvement in the infant formula issue. As chairman of the subcommittee I spoke to the world health assembly in Geneva in 1977 and later at Alma Ata. The problem of infant formula deaths was raised repeatedly, and I personally saw the deep concern of delegates from throughout the Third World.

In meetings I had with the director-general of WHO, Dr. Mahler, I urged greater international action to deal with infant formula deaths. And at home I joined with others in a bipartisan effort to secure our Government's support of a voluntary code—one that was developed and modified in close consultation with our Government.

During extensive hearings I conducted in 1978, we heard eloquent testimony that the infant formula code will help save the lives of millions of newborn children. If governments and companies abide by the code's provisions on the advertising, marketing, and promotion of such formulas, millions of infants will escape infant formula deaths.

Every day, countless infants and young children pay with their lives because the formulas they are fed are watered down or prepared with unsanitary water. Daily, mothers who could have provided breast milk to their children are persuaded to be modern to do what advertisements say is the best thing for their children—to give them special infant formulas. But the tragedy is that their own milk is far safer.

Again, Mr. President, we know these facts because over the years we have heard repeated expert testimony from physicians and nurses in the field, who have seen with their own eyes infant formula deaths. We know this from missionaries and health experts who have seen malnourished children languishing in remote lands—so remote that there is

no medicine, but there are cans of infant formula available and sold by international companies.

But our Government has ignored the facts, and it has set America against the rest of the civilized world.

If there is any solace in this self-inflicted wound, it is the certain knowledge that if America's vote had been cast by the American people, the outcome would have been different.

Today's action by the Senate will help give voice to this and express the concern of the American people for the plight of infants around the world who, daily, die infant formula deaths.

Mr. HAYAKAWA. Mr. President, let me just take a very few seconds to include in the RECORD two articles on the subject of baby formula.

One is from the San Francisco Examiner of May 28, 1981, entitled "Infantile Furor Over Baby Formula," and another is from the Washington Post by Harry Levine entitled "Baby Formula: Health Isn't the Issue."

Mr. President, I ask unanimous consent to have printed in the RECORD these two articles to which I have referred.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Francisco Examiner, May 28, 1981]

INFANTILE FUROR OVER BABY FORMULA
(By R. Emmett Tyrrell, Jr.)

Infant formula! What is the conscientious citizen to do about it? More to the point, what is the United States of America going to do about it? Yes, here is the state to which our world-savers have brought us. Now a nation of almost 227 million souls with a budget of nearly \$569 billion and all the interests that go with it must also adopt a position on the marketing and use of baby formula that insures the "protection and promotion of breast-feeding"—the "unique biological and emotional basis for the health of both mother and child."

Let those Americans anxious over the clandestine powers of the world-wide conspiratorial doings of the CIA or the international bankers weigh this sudden development. Apparently, the La Leche League of militant breast-feeders is more powerful than was heretofore imagined.

Last week the world-wide advocates of breast-feeding rose up and got the august World Health Organization (WHO) to adopt a voluntary code that would ban the promotion of infant formula, a modern convenience inimical to serious breast-feeders all over the world. Not only that, but the United States received a very black eye in the process, for our government was one of a very few members of WHO to vote against the breast-feeders.

"There is no doubt," lamented Mr. John Tendrotti, secretary of the Interfaith Center on Corporate Responsibility, "that this will isolate the United States in the international health community." There we will be, all alone, while the USSR, Burundi, Bolivia, and Vietnam forge ever-ahead on the frontiers of world health. There had once been such shining hope for the United States in WHO.

What has put infant formula into such low repute with the experts at WHO is that mothers in the Third World use it rather than mother's milk to nourish their children, and they occasionally mix it improperly either out of ignorance or because such ingredients as clean water are not available. The infants occasionally get sick, some die. According to opponents of infant formula,

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Third World mothers often use infant formula because its producers advertise so effectively. That is to say, the producers can effectively educate women to buy this stuff but not to mix it properly.

Several of the major producers of infant formula are American companies, and in the measured words of Dr. Stephen C. Joseph, an opponent of infant formula who quit our government in protest last Wednesday, these companies are turning "baby bottles into lethal weapons." Can we anticipate a drive from the world-savers for the registration of baby bottles?

The United States voted against this infant formula code last week because of concern over WHO's "involvement in commercial codes." Those are the words of Gerald B. Helman, the U.S. representative. After all, it is a very big world out there, complicated by a myriad of conditions, political, economic, developmental, and physical. According to Helman, the United States objects to a "rigid set of rules applicable to companies, health workers, and health care systems in all parts of the world."

Our government, of course, is absolutely correct, and to see it take a stand against the hot-air dispensers of the United Nations and such specialized U.N. agencies as the World Health Organization is very refreshing. This preposterous code is but one more example of the world-savers' yen to reach deeper and deeper into the lives of free people in lieu of carrying out their original goal of promoting peace and freedom around the globe. We live in a world where people are evermore frequently being butchered by terrorists like the IRA, the PLO, and other such international hooligans, and what do the world-savers get up on their hind legs about? Infant formula.

Undoubtedly there are places on this earth where infant formula is a health menace. On the other hand there are places where it is a blessing, for instance where starvation and other natural disasters have made breastfeeding impossible. Every nation on this earth is free to ban infant formula as it sees fit. There is no reason for United Nations organizations to delve into this realm.

[From the Washington Post, May 7, 1981]

BABY FORMULA: HEALTH ISN'T THE ISSUE

(By Harry Levine)

This month, the World Health Assembly meeting in Geneva will vote on a proposed code to regulate the marketing of breast milk substitutes, worldwide.

The Post in its April 23 editorial ["Formula for Trouble"] concedes that, "the proposed code, sanctioning interference in the domestic marketplace to restrict the promotion of a legal product, cuts across the grain of a free-enterprise society." For those who oppose it, the code goes far beyond: It arbitrarily restrains and prohibits legitimate commercial activities in clear violation of U.S. constitutional protection of freedom of expression and freedom of association.

Although the code's proponents argue that the anti-formula campaign is a "health issue," the medical premise underlying the code is fundamentally faulty. This erroneous premise has been nurtured by critics such as Dr. Derrick Jelliffe for UCLA, who is quoted by the activist group INFAC in its fundraising letter: "Ten million Third World babies are starving because of the heartless, money-hungry actions of powerful multinational corporations."

Yet Newsweek, on Oct. 22, 1979, reported that Jelliffe "acknowledged that the number is a 'symbolic figure' that he customarily uses to underline what a huge problem malnutrition and disease represents."

The Post editorial makes a number of unfounded assumptions. The most important of these is that breast-feeding can be promoted

by imposing severe restrictions on the marketing of infant formula. There is no sound evidence that infant formula marketing practices are casually related to mothers' decisions concerning breast-feeding. In the United States, where the infant formula market is well developed and highly competitive, breast-feeding has increased dramatically during the past decade. Of greater importance, the World Health Organization's own 1975-1977 study on breast-feeding involving interviews with nearly 23,000 mothers in nine diverse countries—both developing and developed countries—failed to show any causative relationship between commercial factors and breast-feeding decisions. In response to open-ended questioning about why mothers did not breast-feed or stopped breast-feeding, the study reported that insufficient milk, maternal illness, infant illness and a new pregnancy were mentioned frequently. Not once was any commercial factor mentioned. It is important to note that the WHO study was probably the most massive study of breast-feeding practices ever conducted.

The problems contributing to infant malnutrition and disease in the Third World are profound and cannot be dismissed by ascribing them to infant formula: poverty, pollution, poor sanitation and illiteracy will not be removed with a code. As The Wall Street Journal noted: "The critics fail to mention that the same contaminated water that they fear gets mixed with formula was always mixed with traditional native weaning foods."

There are still those who believe that the infant formula companies should support the code if they care about babies' lives. The leading activist groups, INFAC and the Interfaith Center for Corporate Responsibility, call the infant formula manufacturers "baby killers" and accuse them of having, by virtue of their opposition to the code, "declared war on babies."

In this context, it is essential to remind ourselves that infant formula is life-sustaining food. All agree that breast milk is preferred, but as the Committee on Nutrition of the American Academy of Pediatrics states: "When breast-feeding is unsuccessful, inappropriate or stopped early, infant formulas provide the best alternative for meeting nutritional needs during the first year."

Still the question persists: Why not support the code? Isn't the anti-formula campaign "in essence a health issue" to protect infants in the Third World, as The Post says? For anyone willing to read the fine print, there is substantial evidence to the contrary.

Article 5.1 of the code, for example, would prohibit any and all advertising and promotion to the public, regardless of its informational, educational or economic merit. Article 5.3 prohibits worldwide all "point of sale advertising—special displays, discount coupons, premiums, special sales" at local supermarkets. Another provision of this code would prohibit sales incentive compensation, sales goals and bonuses related to sales for employees. Another would prohibit providing samples to doctors and prohibit doctors and hospitals from providing samples to the patients.

How can one really relate these sweeping prohibitions to polluted water in the Third World? For those who are skeptical about the intended scope of the code, it should be noted that proponents of the code very clearly state that this code should apply to the United States. Should the code be adopted, it would take the form of an official recommendation of the World Health Assembly to every one of the 155 member countries as a "minimum requirement" and one to be implemented "in its entirety" in the form of "legislation, regulations or other suitable measures."

We recognize, of course, that there are

areas of many less developed countries in which poverty, poor sanitation, illiteracy and insufficient access to health care and advice introduce certain health risks. It is readily accepted that breast-feeding should be particularly encouraged in such areas. In this respect, our formal policy is designed to avoid discouragement of breast-feeding while encouraging the safe and appropriate use of our infant formulas. We carefully monitor the observance of these policies, and where violations have been found—however small—they have been swiftly corrected.

The WHO's proposed code contains many unwarranted restrictions and prohibitions that are unconstitutional, and it represents a dangerous precedent. Such arbitrary and supra-national attempts to regulate commerce will be dignified and encouraged unless concerned individuals and governments voice their objections now.

We believe that the United States should vote "no" on the proposed code.

Mr. HAYAKAWA. Mr. President, I believe it is not understood well enough that in many undeveloped countries, as among the poor throughout the world, babies are not weaned very often until they are 12 or 14 years old, and baby formula very frequently enables the mother to stay alive by relieving her of breastfeeding at an age when in more plentiful societies breastfeeding stops before the age of 2 and this supplement is for the mother's sake no less than for the baby's and this fact is frequently overlooked in this discussion.

I thank the Chair.

Mr. DURENBERGER. Mr. President, I yield to my colleague and cosponsor, the Senator from Vermont, if he is prepared.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Vermont is recognized.

Mr. PERCY. Mr. President, I wonder if the Senator will yield for just a comment on procedure that we might follow now?

Mr. LEAHY. Mr. President, I am happy to yield to the Senator.

ORDER OF PROCEDURE

Mr. PERCY. Mr. President, it is my understanding that it will require about an hour and a half to complete the necessary speeches that Senators may wish to make on the pending amendment.

It is, therefore, the suggestion of the floor managers of the bill that we temporarily set this amendment aside, take up all other noncontroversial amendments that can be disposed of. It is the understanding of the floor managers that there is an unbreakable engagement that will involve half of the Senate. Therefore, we will dispose of all amendments tonight other than the pending amendment. The Foreign Relations Committee is in session tomorrow on the Israeli attack on the Iraqi reactor. That will involve every member of the Foreign Relations Committee from 10 to 12 and then from 2 p.m. forward.

It is my suggestion to the majority and minority leaders that we then set aside the period from 12 noon to 2 p.m. for the disposal of the pending infant formula amendment and then final passage of the bill.

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I have to check with our respective majority and minority leaders on that, but if that appears feasible, because there is no chance to finish the debate tonight on the infant formula amendment, I will ask that those who are offering that amendment set that aside so that we may take up next the Roth amendment, a Simpson amendment, a Pell amendment, and a Helms amendment in that sequence.

Mr. DURENBERGER. Mr. President, if the Senator will yield, I can speak for this side and I know of no other Senator who has indicated a desire to speak on the issue, although there may be some on this side.

The Senator from Vermont may have others who wish to speak on the issue.

Mr. LEAHY. Mr. President, I advise the distinguished chairman of the Foreign Relations Committee, the manager of the bill, that I wish very much to have the matter handled expeditiously.

I had assumed earlier this afternoon that we had a resolution which could have gone through at that point and when we sought recognition to call it up, I discovered at the time I sought recognition to call it up that that was not the case and that there were objections to the original resolution.

Since then I have worked with the distinguished Senator from Minnesota and the distinguished Senator from Kansas (Mr. DOLE) in an attempt to work out a resolution which we can agree to and the resolution that the Senator from Minnesota and I have before the Senate now is one we can agree to.

The only problem with that is that it changed some parts which I like to think are not material. If it did change some parts of the original resolution, there were a number of Senators who asked to be able to speak on the subject. I cannot give an accurate count of how many or how long they wish to speak on it before we bring it to a vote. Knowing the time schedule that we have here, there are enough of them so we could not bring a vote tonight.

So the suggestion of the distinguished Senator from Illinois—this is the long way around answering it—is probably a very good one.

I wonder if we might do this, if the Senator from Illinois could hold for a moment for one housekeeping thing. I know the Senator from Minnesota has a list of cosponsors he wished to put in the resolution. I now have a list of cosponsors that I did not have prepared when I was sending it in.

I wonder, before either one of us forget, if we could ask unanimous consent first the Senator from Minnesota and then myself be allowed to put our list of cosponsors in and then work out this problem that the Senator from Illinois has.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Senators DANFORTH, HATFIELD, ANDREWS, CHAFEE, D'AMATO, GORTON, and COHEN be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senators BAU-

CUS, BENTSEN, BIDEN, BRADLEY, BUMPERS, CRANSTON, DODD, HUDDLESTON, INOUE, LEVIN, KENNEDY, METZENBAUM, MITCHELL, PELL, PRYOR, PROXMIRE, TSONGAS, WILIAMS, ZORINSKY, and RIEGLE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Senator ROTH be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, might I ask the Senator from Vermont if he knows of any good reason why we could not accept this amendment tonight, since he indicates he does not have any specific indication of anyone who wishes to speak to the bill?

Mr. LEAHY. I do have a number, and I add simply, as the Senator from Illinois has alluded to, some of the scheduling problems we now face. I do know of at least three Senators who wish to speak as well as myself. I have assured them that they could speak. I have at least two Senators who asked me if I would request a rollcall vote, and I know some have already left, quite frankly. So I think that maybe the suggestion of the Senator from Illinois is a very good one.

I wonder if we might ask for the yeas and nays on the resolution now, and I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I wonder if the managers of the bill will mind if I proceed for a few minutes, and then, provided the Senator from Minnesota does not object, I would be happy to have this matter laid aside and brought back up again at an appropriate time tomorrow.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. LEAHY. I am happy to yield.

Mr. BAKER. Mr. President, let me make an inquiry, if I may, of the distinguished manager of the bill, the chairman of the Foreign Relations Committee, and the ranking minority member, as to what other amendments they know of to this bill and what estimates they can give me on how long it may take to complete the bill other than the amendment that has now been offered or the resolution that has now been offered by the Senator from Vermont.

Mr. PERCY. Mr. President, to the best of my knowledge there are two Roth amendments that can be disposed of in 2 minutes. There is a Helms amendment that can be disposed of in probably 5 minutes. I want that checked, but I think it could be done. And there is a Pell amendment that could be disposed of in 1 minute. There is a Simpson amendment that could be disposed of in 2 minutes.

So if we could get underway immediately on these amendments, we would

then be able to be completed with this phase of it by 5:30 p.m. I renew my suggestion now to the majority and minority leaders that because of the hearings tomorrow from 9 a.m. to 12 and 2 p.m. to ad infinitum on the Israeli attack on the Iraqi reactor, I hope that the floor managers of the bill could be here from 12 to 2 p.m. and that we could enter into a unanimous-consent agreement that no other amendments would be accepted, with the time reserved for discussion of 1½ hours on the infant formula amendment, that it would be voted on at that time, followed immediately by final passage of the State Department authorization bill.

Mr. BAKER. Mr. President, if the Senator will permit me then, I would like to suggest that the Senator from Vermont might agree that we could temporarily lay aside his resolution and proceed to some of those amendments or resolutions that have been identified now by the manager of the bill on this side. While we are doing that I will check our cloakroom to identify any other amendments that may be in the wings and in the office, and if the minority leader would care to do the same, I am perfectly agreeable in a few minutes to see if we can get a unanimous-consent agreement to provide for a time certain to debate the resolution tomorrow and for a time certain for a vote on final passage of this bill, and provide that no other amendment will be in order except those that we sequence and consider tonight.

Mr. LEAHY. Mr. President, reserving the right to object—

Mr. BAKER. I have not made the request, but what I am saying is I am willing to do that if the Senator is willing to lay aside his resolution temporarily so that we can proceed.

Mr. LEAHY. Mr. President, if the distinguished minority leader does not mind, there has been a lot of discussion on this resolution this afternoon, and I wonder if I might be able to proceed for just a few minutes so that it will be in the record and at least give my position on the resolution?

Mr. PERCY. The Senator from Illinois has stated that he has no deadline tonight at all. I am available until midnight, but I understand half of the Senate has other engagements that begin at 5:30. If the Senator from Vermont will continue from now until 5:15 then the floor managers could dispose of all other amendments by 5:30 and we would be prepared, if the majority and minority leaders see fit, to set a time certain for debate and then vote on the infant formula amendment and final passage tomorrow. We would be prepared to wrap up our business tonight.

Mr. DURENBERGER. Mr. President, will the Senator yield for 10 seconds?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the name of the Senator from Maryland (Mr. MATHIAS) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, have we reached an agreement relative

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to the introduction of other amendments? I was willing to yield to the Senator from Vermont so that he could make his statement at this point.

Mr. LEAHY. The distinguished majority leader has advised me that he has some further scheduling problems. But what I would suggest is that my immediate problem would be taken care of if at some point here this evening I could have 5 or 6 minutes to discuss the resolution that I helped draft and then we can always set this aside temporarily and leave it to everybody who wants to discuss it to discuss it tomorrow during whatever time it takes prior to the vote, and I am perfectly willing to hold off for a relatively short period until I do speak.

Mr. BAKER. Mr. President, I do not want to urge the Senator from Vermont to forfeit any rights, but I really do believe it would expedite this whole proceeding if the Senator from Vermont would agree to lay this resolution aside momentarily and let us go to a few other things. I can assure him that at some point during the course of the remainder of this day we will return to his resolution. In the time we are disposing of other matters I think the cloakrooms on both sides will see if we can get the unanimous-consent agreement we have just described. Altogether I think it would expedite the proceedings of the Senate, so I hope the Senator from Vermont will permit that.

Mr. LEAHY. With the assurances of my good friend from Tennessee that I will have a chance to speak this evening, and that there will be no unanimous-consent agreement entered into without my being on the floor, I would be perfectly happy to step aside and let somebody else bring up their matters.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, is the resolution of the Senator from Vermont now pending before the Senate?

The PRESIDING OFFICER. The Senator's amendment is now the pending business.

Mr. BAKER. Mr. President, I ask unanimous consent that it be laid aside temporarily with the understanding that before the conclusion of the day today that his amendment—is it an amendment?

The PRESIDING OFFICER. It is an amendment.

Mr. BAKER. The amendment will once more be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, at this time I yield to Senator ROTH for the purpose of offering amendments. Will the Senator be offering the amendments en bloc?

Mr. ROTH. We can do that. I think in the interest of time I will do that.

UP AMENDMENT NO. 163

(Purpose: To facilitate investment of certain amounts received by the Japan-United States Friendship Commission)

Mr. ROTH. Mr. President, I send two amendments to the desk. The first amendment I offer on behalf of the distinguished Senator from Hawaii (Mr. Inouye) as well as myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware (Mr. Roth), for himself and Mr. Inouye, proposes an unprinted amendment numbered 163.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 28, add the following:

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 502. (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)".

The PRESIDING OFFICER. Is the Senator seeking to have the amendments considered en bloc?

Mr. ROTH. Yes.

Mr. President, my distinguished colleague from Hawaii (Mr. Inouye) and I ask unanimous consent for an amendment, which I understand has been cleared on both sides of the aisle. That would permit the full utilization by the Japan-United States Friendship Commission of a generous \$2 million gift from the Government of Japan. During his visit to the Capitol last month, prime Minister Suzuki presented this gift to the Commission, which was established by the Congress in 1975 to promote mutual understanding between our two countries, with the explicit understanding that it would be expended at the rate of \$500,000 per year for at least 4 years. The Friendship Commission Act explicitly invests authority in the Commission for the expenditure of gifts and donations outside of the appropriations process.

The act is, however, silent on the question of earnings on donated funds. Our amendment would correct this drafting oversight by allowing the Commission to place the Japanese gift in the general fund where it could accumulate interest earnings for a fifth year of programs.

To enable the Commission to meet its obligation to expend the gift at the rate of \$500,000 per year, and in response to the generous spirit with which the gift was given, our amendment also exempts the gift from the 5 percent of principal annual expenditure ceiling, and from the appropriation process. With regard to the latter exemption, the Congress, of course, has every right to expect an annual full report on the Commission's activities and programs, regardless of the funding source.

The purpose of this amendment is to permit full utilization by the Japan-United States Friendship Commission of

a generous \$2 million gift from the Government of Japan. What we seek to do by this amendment is to provide unquestionable authority for the Commission to invest the principal of the gift in the existing trust fund and allow the Commission to expend the gift without regard to limitations on expenditures of principal which exist under current law.

This has been cleared with both sides as well as with the distinguished Senator from Connecticut (Mr. Weicker), chairman of the Subcommittee on Appropriations for the State Department.

Mr. WEICKER. Mr. President, I believe that I share the sentiment of my colleagues in grateful appreciation to the Government of Japan for its generous contribution to the Japan-United States Friendship Commission. It is my understanding that these funds are intended to be used within the United States for public programs promoting greater understanding of our ties and mutual interests.

I wish to commend the Senator for taking the initiative to clarify a situation in the law with respect to the Commission's authority to invest the Japanese donation and provide for the expenditure of this gift in a prudent manner. It is my understanding that the amendment is necessary in order to provide unquestionable authority for the Commission to invest the principal of the gift in the existing Trust Fund and allow the Commission to expend the gift without regard to the limitation on expenditure of principal which exists under current law. Is that correct?

Mr. ROTH. The Senator from Connecticut is correct. A clarification is needed because existing law does not explicitly provide the Commission authority to expend the principal amount of donations which may be deposited in the Japan-United States Friendship Trust Fund. The law does provide authority to expend gifts without regard to limitations on the expenditure of trust fund moneys; however, the law is unclear with respect to gifts deposited in the trust fund to earn interest.

However, the Commission also wishes to be able to draw upon the principal of the gift without regard to the limitation on expenditure of trust fund moneys. This will allow the Commission to expend approximately \$500,000 each year for the next 4 years on programs in the United States supported by this gift from the Japanese.

Mr. WEICKER. Thank you. I have one last question. It is my understanding that the principal and interest from this gift will be able to be expended without approval of the Appropriations Committees. However, we would expect the Commission to include in its report to the Congress each year details on the manner in which these funds are spent. Does the Senator agree that this matter should be included in the Commission's report?

Mr. ROTH. I agree fully with the Senator that the Commission should include a report on all of its activities to the Congress, including those financed through donations.

Mr. WEICKER. I thank the Senator. From the standpoint of the Committee

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on Appropriations, we would have grave concerns regarding the use of unappropriated Federal funds if the activity supported by these funds carried with it any sort of implication of future obligation or liability on the part of the U.S. Government.

Mr. ROTH. I understand the concern expressed by the Senator from Connecticut and agree that the amendment in no way authorizes the Commission to undertake programs which may result in an obligation which must be supported by appropriated funds.

UP AMENDMENT NO. 164
(Purpose: To require each chief of diplomatic mission of the United States to promote United States exports)

Mr. ROTH. Mr. President, I send the second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH), on behalf of himself, Mr. SASSER, Mr. PELL, and Mr. CHAFFEE, proposes an unprinted amendment numbered 164.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 13 and 14, insert the following:

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.

Mr. ROTH. Mr. President, on behalf of Senator SASSER, Senator PELL, Senator CHAFFEE, and myself, I rise to offer printed amendment No. 71 to S. 1193, the Department of State authorization for fiscal years 1982 and 1983. This amendment would add a new section to the authorization bill, citing the promotion of U.S. goods and services overseas as one of the prime functions of our Ambassadors and other high-level official representatives in foreign countries.

Mr. President, right now, the United States is facing a serious challenge in the international marketplace. U.S. producers of goods and services are suffering ever-increasing competition at home and abroad. They are losing the competitive contest in manufacturing trade.

We see the effects everywhere of our inability to compete. Here at home, foreign producers are taking a growing share of the market in steel, autos, fabricated metals, and other products traditionally supplied by U.S. firms. Overseas, our share of the global market for manufactured goods has been cut in half over the last 25 years. We now supply only 12 percent of the world's manufactured products; and this, at a time when markets in Latin America and around the rim of Asia are growing at astounding rates.

Our cumulative trade deficit grows larger and larger each year. In 1980, the United States witnessed a \$25 billion def-

icit in our merchandise trade account. This year has seen some progress, but the overall outlook is still not good. More to the point, however, rather than measuring the ebb and flow of our merchandise trade deficit, we should be seeing surpluses.

Our workers, factories, firms, indeed entire industries, should enjoy surpluses in our balance of trade.

While the President's economic recovery program will go a long way to restore our economic health and the long-term security for U.S. labor, I believe more must be done in the international field to promote trade.

All of us have a stake in expanding exports. All of us in business, government, and labor must pitch in to restore domestic economic growth, international trading strength, and job opportunities.

Concentrating on Government for a moment, I believe all branches can help. Here in Congress, LLOYD BENTSEN and I have formed a 73-member Senate Export Caucus. We have banded together to support trade-expanding legislation; to work with the executive branch in charting and achieving our export goals; and to spread the word generally on the benefits to labor and management of increased export activity.

In the executive branch, all agencies—Commerce, the U.S. Trade Representative, Agriculture, and others—should make the greatest possible effort to discover trade opportunities and facilitate U.S. firms' ability to compete internationally.

Mr. President, in light of this, I believe the State Department and its overseas representatives can do much to improve our competitive picture. While Reorganization Plan No. 3 of 1979 transferred responsibility for our overseas commercial representation to the Department of Commerce—and I enthusiastically support that transfer—I believe export promotion should also be pursued at the highest levels of our overseas diplomatic missions. Put simply, our ambassadors—our chiefs of diplomatic missions—should make trade expansion an important element of their own portfolios.

Recently, a majority of the Senate Export Caucus wrote to President Reagan with that suggestion. We requested that he instruct Ambassadors and Embassy staffs to become aggressive marketers of U.S. goods and services. As we stated in our letter, we should consider our Ambassador's ability and success in encouraging foreign purchases of U.S. products as important criteria in judging their performance in the field. Moreover, as I wrote in a similar letter to the Secretary of State:

Our Embassies can make a valuable contribution, as well, by taking every opportunity to press for host country consideration and purchases of U.S. products.

Mr. President, the amendment we are offering today would cement this concept that trade promotion should be pursued at the highest levels of our overseas missions. It would place the Senate firmly on record as saying that every effort should be made to improve our footing in the international field.

Mr. President, I urge my colleagues to support this amendment. Now is the time

to get everyone—including our Ambassadors and other chiefs of mission—into the international trade race. The longer we wait, the more we will slip in the export competitiveness ratings.

Mr. President, I also ask unanimous consent that the text of the Senate Export Caucus letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, D.C., May 14, 1981.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The United States is facing one of the greatest challenges in its international economic history. We are losing our competitive preeminence and our world leadership role in the trade of manufactured goods. As a result, we are forfeiting numerous overseas and domestic sales opportunities, our foreign market share and employment possibilities in the United States. All sectors—business, labor, consumers and government—have much to gain in reversing this decline and restoring our export competitiveness and domestic growth capabilities. All Executive Branch agencies, the Department of State and its representatives abroad, in particular, have a vital role to play in this trade expansion effort.

In light of our critical need to increase exports, we in the Senate Export Caucus believe we should institute an important criteria by which to judge our Ambassadors and Embassy staffs their ability and success in encouraging foreign purchases of U.S. products. All overseas representatives should include this export expansion responsibility as a major element of their portfolios. The Export Caucus would therefore request that our Ambassadors be instructed to make trade expansion a top priority of their Embassies.

Many in the Senate have devoted much of their efforts to improving the environment for U.S. firms seeking to sell overseas. Our Embassies can make a valuable contribution, as well, by taking every opportunity to press for host country consideration and purchases of U.S. products. Much as the President of France actively promotes the sale of Airbus aircraft, our Ambassadors should direct their efforts toward strengthening the U.S. balance of trade and hence our international pre-dominance.

Through cooperation among business, labor and government at all levels, here and abroad, we can regain international trade health, which is an important component of our economic recovery. We must have the assistance and dynamism of our diplomatic corps in the field, however, if we are to be successful in our export endeavors.

Sincerely,

Lloyd Bentsen, Co-Chairman, Senate Export Caucus; Jennings Randolph, Barry Goldwater, Thad Cochran, Roger W. Jepsen, David Durenberger, John H. Chafee, William V. Roth, Jr., Co-Chairman, Senate Export Caucus; Ernest F. Hollings, Daniel K. Inouye, Max Baucus, Steven D. Symms, Larry Pressler, Mack Mattingly, Lawton Chiles, Richard G. Lugar, David Pryor, Charles H. Percy, S. I. Hayakawa, Alan J. Dixon, Howard Cannon, Mark O. Hatfield, Jesse Helms;
Carl Levin, William S. Cohen, Dan Quayle, John Heinz, John C. Danforth, Bob Kasten, J. James Exon, Paul Tsongas, Edward M. Kennedy, Wendell H. Ford, Frank H. Murkowski, Howell Heflin, Strom Thurmond, John Stennis, Sam Nunn, Lowell Weicker, Mark Andrews, George J. Mitchell, Harrison "Jack" Schmitt, Orrin G. Hatch, Donald Riegle, Daniel Patrick Moynihan, Howard M. Metzenbaum.

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Mr. ROTH. This amendment would add a new section to the authorization bill assigning the promotion of U.S. goods and services overseas as one of the principal functions of our ambassadors and other high-level official representatives in foreign countries.

I think we are in agreement in this body that it is important that we do everything possible to promote the export of American-made goods. What this amendment would do is to make that a requirement for our diplomatic representatives abroad.

I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, first I should like to simply congratulate Senator ROTH on the role that he has played in accepting from Prime Minister Suzuki a \$2 million contribution to the United States-Japan mission and for his amendment that facilitates that gift.

The Japanese Government and the Japanese people have extended themselves in any number of ways to demonstrate their friendship to this country.

Their gift of \$3 million to the John F. Kennedy Center for the theater was a magnificent gesture of friendship. This particular gift is also extraordinarily generous and is greatly appreciated.

The purpose of the Japanese contribution is to expand cultural communications in public affairs programs on Japan in the United States in an effort to enhance U.S. public understanding of the Japanese people and their great culture.

Having learned a good deal about the Japanese culture over a period of three decades now in visiting Japan, both in the private sector and public sector, and having developed so many close friends within the Japanese Government and its citizenry, as has Senator ROTH, I commend again Senator ROTH for the role that he has played in this connection.

With respect to the duty of our missions abroad, certainly the chief of our diplomatic mission should have a major role in the promotion of U.S. goods and services for export to the countries that they represent the United States in.

I introduced legislation several years ago to create a full-time Under Secretary of State for Economic Affairs because we were not paying the same kind of attention to economic affairs and export matters that other countries were.

Efforts being made by the distinguished chairman of the Government Affairs Committee to put emphasis on exports strengthens this Nation, strengthens our economy, and strengthens our role in the world. Certainly we hope that the State Department understands fully our feeling that they have a duty and a responsibility in this regard that is coequal, in a sense, with their political responsibilities.

Promoting trade is an underpinning of a strength of this country. It is a strong part of the economic recovery program of the Reagan administration. I fully support this amendment and urge adoption of both amendments.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think both amendments have great merit. I am particularly glad to be a cosponsor of the one that encourages our ambassadors to take the responsibility for exports.

I commend these amendments to our colleagues.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I move the adoption en bloc of the two amendments offered by me.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Delaware.

The amendments (UP amendment No. 163 and UP amendment No. 164) were agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 165

(Purpose: To remove provisions dealing with visa waiver)

Mr. SIMPSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) for himself and Mr. THURMOND, proposes an unprinted amendment numbered 165.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 8 strike out all that appears after line 7 down through and including line 10 on page 11.

Mr. SIMPSON. Mr. President, this amendment would delete the provision which would amend the Immigration and Nationality Act in order to waive visas for nonimmigrants entering the United States from certain countries.

As chairman of the Subcommittee on Immigration and Refugee Policy, of the Committee on the Judiciary, I have become acutely and even painfully aware of the serious difficulties this Nation faces in enforcing its immigration laws.

Our immigration problems are complex and interrelated and cannot be easily resolved with any single solution. Improvements, therefore, in this area might well be best realized through comprehensive reform measures which will increase enforcement efficiently while addressing the root causes of illegal immigration. We have learned that illegal immigration to this country results not only from surreptitious entry across our borders, but increasingly it results from the nonimmigrants who enter with legal documents and then simply overstay their visas.

So we intend, Mr. President, to fully examine the merits of the visa waiver

provision within the context of a very comprehensive overhaul of immigration laws and with new immigration reforms. In this regard, I have discussed the provisions with officials, the White House and Department of State and notified them of my intent to review this thoroughly during the course of hearings by the Subcommittee on Immigration and Refugee Policy and I assure you will be of every assistance in shepherding its passage.

Mr. President, I understand the chairman of the Foreign Relations Committee has, along with his staff, reviewed the amendment and is prepared to accept it.

Mr. PERCY. Mr. President, that is correct. I believe both managers of the bill are prepared to accept it and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 165) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I thank the chairman of the Foreign Relations Committee.

Mr. PERCY. Mr. President, the ranking minority member and floor manager of the bill will offer an amendment on behalf of himself and myself.

UP AMENDMENT NO. 166

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself and Mr. PERCY, proposes an unprinted amendment numbered 166.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 24, strike out lines 1 through 15 and insert in lieu thereof the following new section:

MEMBERSHIP OF THE RFE/RL BOARD AND THE BIE

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

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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 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."

Mr. PELL. Mr. President, this amendment is a perfecting amendment to the committee's proposed merger of the Board for International Broadcasting and the Board of RFE/RL, Inc. The effect of this amendment is to increase the size of the Board for International Broadcasting from five voting members to nine voting members. In addition, the chief executive officer of RFE/RL, Inc., shall serve, as he does now, as an ex officio member of the Board for International Broadcasting.

The perfecting amendment explicitly states that the merger of the Boards "shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality." This puts in statutory language the clear intent of the Committee not to "federalize" the radios.

It is my belief that the President would appoint to the four positions created by the perfecting amendment some of the very distinguished members of the Board of Radio Free Europe/Radio Liberty. This Board, which includes former Ambassadors, prominent educators, and other very accomplished individuals, has a depth of experience and knowledge which would greatly benefit the BIB. We cannot, of course, require the President to use the new slots for this purpose, but I strongly urge him to do so.

When I originally proposed the merger of the BIB with the Board of RFE/RL, Inc., in 1977, the committee report included a suggestion that the President set up a Citizen's Advisory Commission to include those members of the Board of RFE/RL not appointed to the Board for International Broadcasting. If the Senate approves the merger of the two Boards, I hope the President will again consider this suggestion. The talent represented by the Board of RFE/RL should be utilized.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (UP No. 166) was agreed to.

Mr. PERCY. Mr. President, I am happy to yield, for the purpose of offering an amendment which the managers of the bill find acceptable, to the distinguished Senator, a member of this committee, Senator HELMS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair, and, of course, I thank my distinguished chairman.

UP AMENDMENT NO. 167

(Purpose: To designate certain radio broadcasts to Cuba as "Radio Free Cuba")

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment No. 167.

On page 24, between lines 15 and 16, insert the following:

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".

Mr. HELMS. Mr. President, the people of Cuba yearn for freedom from the tyranny of the Castro dictatorship. They yearn for the freedoms of speech, press, and privacy that their American neighbors enjoy. They seek freedom from the oppression of unreasonable searches and seizures, or detention without fair trial or writ of habeas corpus that are part of our tradition of freedom.

Radio broadcasts into Cuba primarily are done by the Voice of America, which carries Spanish language broadcasting into all of Latin America, with no specific broadcast for Cuba. Additionally, VOA broadcasting is essentially news programming, and so forth, and is not geared toward telling Cubans the hard facts about the Castro regime, the high cost to Cuba of Castro's regime, the failures of Castro and his Communist allies, and the alternatives of freedom and a better life that awaits all Cubans if the Castro regime is overthrown or removed from office.

This amendment creates a Radio Free Cuba in the Board of International Broadcasting. Additionally, it designates any other U.S. broadcasting into Cuba

as Radio Free Cuba as well. Radio Free Cuba under the Board of International Broadcasting should operate just as Radio Free Europe and Radio Liberty operate in Eastern Europe and the Soviet Union. Funding from the general funds available to the Board of International Broadcasting can be augmented by solicitations within the United States for the activities of Radio Free Cuba—much as has been done with Radio Free Europe in the past. This way, all Americans can participate in getting out the message of freedom to Cuba.

Mr. President, there are two wars that can be waged: The war of words and ideas; and the war of bullets. When a nation loses the war of words and ideas, the war of bullets inevitably follows. As far as Cuba is concerned, the United States is barely contesting the war of words. Must we resort to a shooting war, as a result? In the meantime, should we give Castro the field in the war of words, not even contesting him?

Obviously not, and for that reason I urge my colleagues to support this amendment, setting up Radio Free Cuba. A similar amendment was included in the State Department Authorization bill last year, but that bill, as Senators know, was bottled up at the end of the session in the last Congress.

We should move forward with Radio Free Cuba.

I thank the Chair and I thank the distinguished managers of the bill for their willingness to accept this amendment.

Mr. President, I ask unanimous consent that a one-page document entitled VOA Broadcasting to Cuba be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

VOA BROADCASTING TO CUBA

The addition of Spanish-language broadcasts targeted specifically for a Cuban audience has been suggested as a topic for review by the VOA and the USICA.

At this time, the Voice broadcasts 5½ hours daily in Spanish to the Hemisphere, all of which is beamed to Cuba by a medium-wave (standard band) transmitter located in the Florida keys, using a directional antenna aimed at Cuba.

The length of time on the air clearly is not as important as the message communicated, the information provided, the portrait of U.S. society that is delineated. The framework for any Voice of America broadcast, in any language to any country, is the VOA Charter, which mandates the Voice to provide world news accurately, objectively, and comprehensively; to reflect American thought and institutions; and to present U.S. policies and responsible discussion of them. Those responsibilities preclude VOA's broadcasting into a country as a surrogate national radio, or unduly concentrating on subject matter of specific concern to another country. What VOA can do, and does, is to deal with another nation's internal developments when and as they become issues of international significance.

How to present reports and discussions of such developments becomes the crucial question. For some years, VOA carried a daily program "tailored" for Cuban listeners, created in reaction to the Bay of Pigs debacle in 1961. In 1974, the Nixon Administration concluded that it would be more productive

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and persuasive to incorporate the materials carried in that program into the general flow of programming in Spanish to the Hemisphere.

Among the program materials used in the regular Spanish language programming in the first half of 1980, for example, were interviews with Cuban political prisoners Huber Matos and Emilio Rivero and with a broad cross-section of Cuban refugees in Costa Rica, Peru, Key West, Miami, Eglin Air Force Base, Fort Chaffee, Arkansas, and Indiantown Gap, Pennsylvania. Developments involving Cubans in Angola and Ethiopia are reported to Cuba, as developments in Cuba are reported to Africa. News analyses, commentaries, editorial opinion packages, and special reports and documentaries appear regularly and on special occasions.

Evidence through the years—the latest coming from the recent influx of refugees—suggests that Cuban listeners have indeed used VOA Spanish as a chief source of information about the outside world, about the United States, and about developments in and concerning their own country. It is not the form that has been important to them, but the substance of the broadcasts. And it has been, from the VOA point of view, just as important to keep the rest of the Hemisphere informed regarding Cuban developments as Cuba itself. Creating a separate broadcast "for Cubans only" would in no way increase the supply or availability of appropriate broadcast materials, but could rather be interpreted as a special propaganda campaign, less credible and even dismissible.

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Mr. HELMS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I reluctantly acquiesce in the adoption of the amendment. I am concerned that one effect of this amendment would be to require the Voice of America, whose mission is to tell the world about America, to be relabeled Radio Free Cuba. The Voice of America is the voice of our country and should not be disguised under any other label.

I hope the Senate understands that this amendment does not set up an entity like Radio Free Europe or Radio Liberty. By relabeling present U.S. Government broadcasts, I hope this amendment will not have the effect of undermining the objectivity or straightforwardness of the Voice of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (UP No. 167) was agreed to.

Mr. HELMS. I thank the distinguished managers of the bill.

The PRESIDING OFFICER. The Senator from Vermont.

UP AMENDMENT NO. 162

Mr. LEAHY. Mr. President, earlier this afternoon, the Senator from Minnesota and I offered an amendment on infant formula. I would like to speak to that for a few minutes.

The persistence of widespread hunger and malnutrition in the world continues to be one of the most awesome challenges confronting humanity. Hunger has many faces, but is perhaps most tragic when it strikes at the lives of children.

Over 200 million young children are chronically malnourished, and each year

more than 11 million children die before reaching their first birthday.

Less well known is the fact that each year as many as 10 million infants in developing countries suffer acutely from the effects of bottle feeding under poverty conditions.

Mother's milk provides all of the essential nutrients required for infant health, as well as a range of natural anti-infective properties. It is the optimal means of feeding for all infants for at least the first 4 to 6 months. When mothers have ready access to clean water, refrigeration and modern stoves, are able to read formula labels and mixing instructions, and have sufficient incomes to be able to mix formula full strength, feeding with formula can be a viable alternative to breastfeeding.

But in most areas of developing countries, infant formula use has been shown to be extremely hazardous. Dr. Halfdan Mahler, director-general of WHO (World Health Organization), has said:

Evidence from the Third World indicates that infants breastfed for less than 6 months, or not at all, have a mortality 5 to 10 times higher in the second 6 months of life than those breastfed for 6 months or more.

Modernization and urbanization are among the major causes of declining breastfeeding and increased bottle feeding. Another important, and relatively more controllable, cause has been the vigorous advertising and promotional campaigns undertaken by formula manufacturers.

Billboards, posters, calendars, and baby books have been used to promote formula use. Milk nurses or mothercraft workers, often dressed to resemble nurses, have visited mothers in maternity wards, in clinics and in homes, offering free samples of formula. Once interrupted, the process of lactation can be extremely difficult to reestablish.

James Grant, executive director of UNICEF, has highlighted the importance of countercyclical measures to protect breastfeeding:

In the crucial first few months of life, breastfeeding is usually the young child's lifeline. And the recent drift towards the bottle feeding of babies, a drift for which the industrialized world has provided both the example and the means, has cost tens of thousands of young lives.

Sadly, therefore, advertising the fact that breast milk is best is now also a necessary step in improving child health.

In part, the campaign for breastfeeding must also be a campaign to regulate those who promote and sell commercial infant formula to mothers who do not need it, and are unable to safely use it.

No one argues seriously that infant formula should be withdrawn from the marketplace. A small percentage of women are physiologically incapable of breastfeeding; for their children, formula can be lifesaving. All mothers, of course, should be able to make their own choices about infant feeding practices. Mothers should be able to make informed choices, however, with full knowledge as to the benefits of breastfeeding and the potential health posed by bottle feeding.

Mr. President, as we all know, the

United States cast the lone negative vote against the World Health Organization's International Code of Marketing Breast-milk Substitutes. The vote was 118 to 1. This code, while it will have the sanction of world public opinion, is nonbinding and voluntary. Each member nation is urged to take appropriate steps for its implementation. However, the code provided that:

Governments should take action to give effect to the principles and rules of this code, as appropriate to their social and legislative framework, including the adoption of national legislation, regulations or other suitable measures.

To cast the lone negative vote, Mr. President, was detrimental to our national and international interests. I fail to see the foreign policy advantage that we gained from this "no" vote.

I am concerned that the international community may misread this vote to conclude that the United States does not share a concern for the health of the world's children, that the United States will turn aside when presented with a real life threat to innocent babies.

Now what is this real life threat? The point was made by a nun I heard a few weeks ago. She was explaining the situation in an African nation where the baby bottle was a status symbol of all that is Western, modern, and good. This baby bottle had such a high status that it cost the equivalent of \$15—\$15 for a plastic baby bottle, in most areas more than a month's income. And because of this expense, and because of its value, it was used over and over, by family after family. But with no sterilization, no purification, the bottle quickly became black with mold. And yet this blackened bottle was used, with formula or with any liquid, and it was still considered a status symbol. As the nun said, the bottle was so decayed, any Member of this body would dare not to touch it, let alone feed a child with it.

This is the situation in Africa, I have heard similar examples in other regions.

Let me present the problem in basic human terms. If a mother in a Third World country clinic receives a free sample of formula given to her by a representative of a formula company, she may be persuaded that bottle feeding is indeed the modern thing to do and that it is best for her baby.

Yet, when she returns to her home she may find that the water to mix with the powdered formula is impure, or that she cannot sterilize the bottles, or that she cannot afford the formula.

But by then she, and her baby, are tragically trapped. Once she has stopped breastfeeding, she cannot change her mind. Her body will not produce milk.

In a very real sense, she and her baby are hooked on the expensive formula. She must keep using it, even if the baby becomes ill, even if she has to dilute it, even if the baby's life is threatened.

No one, not even the formula companies themselves, denies that breast milk is the most perfect food for infants. Breast milk offers a baby unique immunities, balanced nutritional content, and it is always sterile. It is also

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free, unfortunately for the formula manufacturers.

This is first of all a human and moral question. I cannot banish from my mind the image of a child slowly starving on formula so diluted it is a pale grey—even if others can. I cannot ignore the anguish a poor mother must go through, knowing that her baby is suffering and that, since she cannot go back to breastfeeding, there is nothing she can do—even though those who have advocated infant formula for purely commercial reasons apparently can.

There are also foreign policy considerations. As a recent editorial from the *Journal of Commerce* stated:

If the United States abstains or votes no on the Infant Formula Code, we believe that it will gain little and possibly lose much in its effort to restore U.S. credibility and influence with the developing world.

I firmly believe that it was not in our best national interest to oppose this code.

This decision did not reflect the compassion and the concern of the American people. It was a mistake. It was made for the narrowest of economic reasons and the rest of the world will not soon forget our position on this issue.

I would hope that the world would not misinterpret the United States feeling in this regard.

Mr. President, I ask unanimous consent that Senators HOLLINGS and HART be added as cosponsors to the Durenberger-Leahy resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Michigan (Mr. RIEGLE) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, S. 1195 would authorize U.S. participation in the general capital increase of the World Bank. The bill also authorizes completion of the U.S. shares of the fifth replenishment of the Inter-American Development Bank and the second replenishment of the Asian Development Fund.

These last two items—replenishments of the IDB and ADF—were passed by the Senate in the previous Congress, but the House did not concur. Because these are catch up authorizations which were previously considered by the Senate, I will not take the Senate's time to discuss them. I refer my colleagues to the committee report and to the record in the 96th Congress.

The general capital increase for the World Bank is a new and vital proposal to increase the development of poor countries. The proposed amounts are included in the President's budget and in the congressional budget resolution. This legislation has the strong support of the administration.

The general capital increase would approximately double the capital of the World Bank from \$40 billion to \$80 billion. The increased capital will enable the World Bank to maintain its lending for development at a constant level in real terms despite the ravages of inflation.

When the general capital increase was originally proposed, it was expected to enable the World Bank to increase its lending by 5 percent per year in real terms. Worldwide inflation turned out to be much higher than expected; consequently, the proposed capital increase is needed to prevent World Bank lending from declining in real terms.

The U.S. share of the total capital increase will be 22 percent, approximately \$8.8 billion. Only a small portion, 7.5 percent, of the total subscription will be paid-in capital. The remainder, 92.5 percent, will be callable capital.

The administration has budgeted the U.S. share of paid-in capital over a 6-year period beginning with fiscal year 1982. The United States will pay in less than \$110 million each year for 6 years, a total of \$658 million.

Actual budget outlays during the next few fiscal years will be tiny compared to the total capital increase and to the return to the U.S. economy.

As shown in the estimate prepared by the Congressional Budget Office, which is reprinted in the committee's report, budget outlays will be only \$11 million per year in fiscal years 1982 through 1985.

The reason for this very low outlay figure is the administration's decision to provide only 10 percent of the appropriated amount in cash each year.

The remainder will be provided in the form of a letter of credit to be drawn upon in future years. Clearly, the administration has done everything possible to reduce the budgetary impact of the capital increase on the United States.

In fact, the U.S. economy will reap substantial benefits from the World Bank's expanded lending program. Other countries are contributing more than \$3 for every dollar the United States subscribes to the World Bank. The Bank will be able to lend \$65 for every \$1 paid in by the United States. The United States will gain from \$13 to \$15 of U.S. exports, up to a \$30 increase in national income and output, and from \$6 to \$9 in increased Federal revenues from every \$1 the United States pays into the World Bank.

These remarkable returns to the U.S. economy are due to the structure of the Bank, which uses capital subscriptions to back its borrowings of funds on the market, and to the successful record of economic development supported by the Bank. From 1950 to 1975 the average per capita income of the developing world grew at over 3 percent per year. Never have so many people—over 2 billion—achieved so much economic growth in so short a time. Much of that growth would not have been possible without lending by the World Bank.

The World Bank not only provides money for development, but also technical assistance and policy advice which help developing countries adopt successful development strategies.

The United States also gains in terms of security through the World Bank. The United States has mutual defense relationships with 7 of the top 10 re-

ipients of World Bank loans: Brazil, Turkey, Korea, Thailand, Colombia, the Philippines, and Mexico. These seven countries received about one-half of all new lending by the World Bank in 1980.

If anyone has any doubt, despite all the objective evidence, that U.S. participation in the World Bank serves U.S. interests just consider the Soviet view of the World Bank. A Russian author, V. Zholobov, writing in an official Soviet publication, recently described the World Bank as the "servant of monopoly capital"—the Communist code words for the capitalist system. He says:

The facts concerning IBRD's real activities . . . show that the Bank has always been and remains, a staunch defender of the capitalist economic system, and assists in establishing a private enterprise sector in the economies of developing countries.

He complains that most of the Bank's loans have gone to Brazil, Indonesia, Korea, Morocco, the Philippines and a number of Latin American capitalist countries, which he says are the "bulwarks of private capital." He also complains that the World Bank does not finance public sector industrial undertakings:

During 1978, the majority of countries with a socialist philosophy—Ethiopia, Afghanistan and the People's Democratic Republic of Yemen, plus a number of others that seek primarily to develop the public sector of their economies—did not receive a single loan from IBRD or its affiliates.

The Russians would like nothing better than to see us weaken our support for the multilateral development banks. They know, although some Americans seem still to be confused on the point, that the multilateral development banks are a powerful instrument for advancing the free-market system and U.S. security, as well as the economic development of poor nations.

S. 1195 represents one more step in advancing U.S. interests and frustrating Russian ambitions. The Reagan administration is fully in support of this legislation. Secretary of Treasury Regan and Secretary of State Haig have testified repeatedly in support of this legislation and the IDA legislation which the Senate passed in April. On June 5 they wrote to the House Banking Committee in support of the President's request for funds for the multilateral development banks, and were joined in signing that letter by Budget Director Stockman, Secretary of Commerce Baldrige, and U.S. Trade Representative Brock.

The Committee on Foreign Relations reported S. 1195 favorably by a vote of 14 to 0. I urge my colleagues to join in supporting this important legislation.

Mr. PELL. Mr. President, today the Senate will consider S. 1195—a bill to authorize U.S. participation in the general capital increase (GCI) of the International Bank for Reconstruction and Development—the World Bank—and to complete U.S. obligations with respect to the fifth increase in the capital subscriptions of the Inter-American Development Bank (IDB); the sixth replenishment of the fund for special operations (FSO)—the concessional loan window of the IDB; and the second replenishment

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of the Asian Development Fund—the concessional loan window of the Asian Development Bank.

THE GENERAL CAPITAL INCREASE

The general capital increase (GCI) in the World Bank's subscribed capital will result in a doubling of its resources from \$40 billion to \$80 billion. The U.S. share of this increase will be \$8.7 billion—approximately 22 percent of the total capital increase—and will raise the total U.S. subscription in the Bank to \$18 billion.

The World Bank has performed a vital role in stabilizing the world economy throughout its 35-year history. Some of my colleagues may not be aware, Mr. President, that in its early days, the World Bank was instrumental in raising capital at that time desperately needed to rebuild the war-torn economies of Western Europe and Japan, our principal allies.

In the more recent past, the Bank has provided assistance to Greece, Ireland, Singapore, Spain, Finland, and Iceland; and thanks in good measure to the Bank, the economies of these countries have now grown and developed to the point that World Bank assistance is no longer necessary. It is imperative that the work of the World Bank be allowed to continue not only because it benefits individual countries in the developing world but because through its activities, it promotes economic growth and stability in the world economy as a whole.

The actual budgetary cost of U.S. participation will be modest. Only \$658 million, or 7.5 percent of the \$8.7 billion, will actually be transferred to the World Bank. This will be accomplished over a 6-year period through contributions of \$110 million annually. The remaining \$8 billion of the U.S. subscription will be in the form of callable capital guarantees, and except under extraordinary circumstances, will never leave the U.S. Treasury.

I might note, Mr. President, that it is highly unlikely that the callable portion of the U.S. subscription would ever be called. Not once since the founding of the Bank 35 years ago have members been asked to transfer any of their callable shares to the Bank.

Yet, the callable capital subscriptions to the World Bank serve a vital function in its lending operations—they allow the Bank to borrow funds on international financial markets up to the value of these subscriptions and to lend these funds to developing countries for specific development projects. The U.S. Treasury has estimated that for every dollar that the United States provides in paid-in capital, the Bank is able to extend \$65 in loans to the developing world, largely because of the financial leverage provided by the callable capital subscriptions.

MAKEUP LEGISLATION

The other major purpose of this bill, as I noted earlier, is to complete the authorizations for U.S. participation in the increase in the capital of the Inter-American Development Bank (IDB), the replenishment of the IDB's fund for special operations (FSO), and the replenishment of the Asian Development

Fund (ADF). On May 17, 1979, the Senate passed S. 662—a bill authorizing U.S. participation in the IDB's capital increase and the FSO and ADF replenishments at the levels that had been internationally negotiated.

However, due to a difference in the House-passed version, the authorization levels which finally became law fell short by 10 percent for the IDB's capital increase and FSO and by 15 percent for the ADF.

The Reagan administration has requested that this Congress act expeditiously to authorize the outstanding U.S. commitments—\$275 million for the IDB, \$70 million for the FSO, and \$66.8 million for the ADF—so that the capital increase and replenishment plans of these institutions can be completed as originally negotiated. This administration has stressed that this must be done if the United States is to meet its international commitments.

Mr. President, I urge my colleagues to support this bill. In my view, the enactment of this legislation is important not only because it will preserve the integrity of these multilateral development institutions and permit them to continue to provide financial assistance to the developing world, but also because it is a signal to the rest of the world that the United States continues to be committed to a policy of responsible economic and political leadership in international affairs.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, will the Senator from Kentucky permit me to make a unanimous-consent request? If he has a brief statement, I shall defer.

Mr. HUDDLESTON. I have a brief amendment that has been accepted.

Mr. BAKER. Mr. President, I have talked to the distinguished minority leader about this and I believe it is agreeable. We have run a hotline on our side. I am informed that perhaps the minority has done so, as well. There are no other amendments to this bill, the Department of State authorization, with the exception of the amendment of the Senator from Kentucky.

I ask unanimous consent, Mr. President, that at this time, the Department of State authorization bill be temporarily laid aside following the consideration of the amendment by the Senator from Kentucky and that the Senate immediately proceed to the consideration of Calendar Order No. 101, S. 1195, and that, without any debate, we proceed immediately to a rollcall vote on that bill.

Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on that measure at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. I ask unanimous consent

that, after the disposition of S. 1195, there be a brief period for the transaction of routine morning business; that when the Senate reconvenes tomorrow, it resume consideration of the Department of Justice authorization bill after the recognition of any Senators under the standing order or any special orders and the transaction of routine morning business, if ordered; that at 12 o'clock tomorrow; the Senate return to consideration of the Department of State authorization bill and at that time the amendment of the Senator from Minnesota (Mr. DURENBERGER) and the Senator from Vermont be the pending business; that there be a period of 1½ hours for debate on that measure—

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BAKER. I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I shall have to say if the rollcall vote is not begun virtually immediately on Calendar Order No. 101, I cannot agree to taking it up tonight.

Mr. BAKER. Mr. President, I withdraw my previous request and formulate this request:

Mr. President, I ask unanimous consent that the Department of State authorization bill be laid aside temporarily and that the Senate proceed to the consideration of Calendar Order No. 101, S. 1195; that there be no debate in order; and that, after the disposition of that measure, the Senate return to the consideration of the Department of State authorization.

The PRESIDING OFFICER. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, Mr. President, does that preclude my amendment?

Mr. BAKER. It is going to take 15 minutes to do the rollcall. As the minority leader pointed out, unless we get that rollcall done right now, I am afraid we cannot get it done this evening. I am at the mercy of the Senator from Kentucky and the Senator from West Virginia.

Mr. PERCY. The Senator from Kentucky said his amendment will take 30 seconds.

Mr. HUDDLESTON. It will take me 30 seconds, but—I shall not object, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN THE INTERNATIONAL BANK

Mr. BAKER. Mr. President, are the yeas and nays ordered on S. 1195?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will state the bill by title.

The legislative clerk read as follows: A bill (S. 1195) to provide for continuing participation by the United States in the International Bank for Reconstruction and Development, the Inter-American Development Bank, and for other purposes.

Mr. MATHIAS. Mr. President, I support S. 1195, the bill to authorize U.S. participation in the World Bank's General Capital Increase and completion of the shortfall in U.S. subscriptions to the

Asian Development Fund and Inter-American Development Bank. I do so because the multilateral development banks are vital to sustaining economic development in a period of severe financial strain in the global economy.

Many developing countries, including many close allies of the United States and important trading partners, will have great difficulty paying their oil import bills over the next few years. Their economic prospects are further diminished by the slower growth rates expected in the developed countries. Major economic adjustments will be required in most developing countries, and assistance from the multilateral development banks can spell the difference between sound adjustment and disaster.

The United States has a much larger stake in the continuing economic development of Third World nations than we sometimes realize. We import over 50 percent of our needs of 24 or 32 minerals designated as strategic and critical, including more than 90 percent of the bauxite, chromite, cobalt, columbium, manganese ore, and nickel that we use. A continuous, assured supply of these minerals is absolutely essential to our industrial and military security. The United States cannot afford to neglect the development needs of mineral rich nations.

Access to secure supplies of minerals and raw materials at relatively stable prices is only one facet of the American stake in developing countries. Another is that the United States currently sells 40 percent of its manufactured exports to developing countries. These countries form the fastest growing market for U.S. exports, expanding at a rate of 20 percent a year, compared to 15 percent for U.S. exports to developed countries. The developing countries are also major purchasers of U.S. agricultural commodities and will inevitably become better customers as their populations expand. In turn, we import 50 percent of the goods they manufacture.

We have consistently underestimated the vital security stake we have in the Third World stability both in terms of limiting Soviet expansion and of guaranteeing access to essential resources for the West. A list of the top recipients of World Bank loans is nearly identical to a list of the developing countries of greatest strategic interest to the United States. Brazil, Turkey, Korea, Thailand, Colombia, the Philippines, and Mexico received nearly half of all IBRD loans in 1980. China will be an important recipient in the future.

The World Bank plays a vital role in supporting an open, growing, market-oriented world economy. The National Advisory Council on International Monetary and Financial Policies in its special report to the President on the World Bank's General Capital Increase notes:

A "western" market-oriented economic outlook has always guided the Bank's policy advice. The IBRD has consistently encouraged realistic public sector pricing policies and discouraged excessive trade barriers.

The administration strongly supports S. 1195 and the appropriations necessary to maintain United States commitments

to the multilateral development banks. Secretary of Treasury Regan told the Senate Appropriations Committee on April 28th:

The Administration fully recognizes the important support that the banks can provide for the orderly, market-oriented economic development of a large number of developing countries. The Administration also recognizes that the multilateral character of the banks and the substantial resources at their command make these institutions well positioned to help promote growth-spurring economic policies in the developing world.

Mr. President, when you add to all these considerations: the fact that we are talking about actual budget outlays of \$11 million per year for the next few fiscal years for the General Capital Increase; and the fact that the World Bank will be able to lend more than \$60 to developing countries for every dollar the United States pays into the Bank; and the fact that the U.S. economy will receive back several times our budget expenditures in terms of exports and investment income—I cannot think of a sounder investment in our future. On humanitarian grounds, on economic grounds, on security grounds, the multilateral development banks are one of the best deals the United States has ever had.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Pennsylvania (Mr. HEINZ), the Senator from South Dakota (Mr. PRESSLER), the Senator from Delaware (Mr. ROTH) and the Senator from New Mexico (Mr. SCHMITT), are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "aye."

Mr. CRANSTON. I announce that the Senator from New York (Mr. MOYNIHAN), the Senator from Colorado (Mr. HART) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. ARMSTRONG). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—65

Armstrong	Danforth	Hellings
Baker	Dixon	Huddleston
Baucus	Dodd	Inouye
Bentsen	Dole	Jackson
Biden	Domenici	Jepsen
Boschwitz	Durenberger	Johnston
Bradley	Eagleton	Kassebaum
Bumpers	Eaton	Kasten
Cannon	Ford	Kennedy
Chafee	Glenn	Lavalt
Chiles	Gorton	Leahy
Cochran	Hatfield	Levin
Cohen	Hayakawa	Lugar
Cranston	Heflin	Mathias

Matsunaga	Pryor	Stennis
Metzenbaum	Riegle	Stevens
Mitchell	Rudman	Tower
Murkowski	Sarbanes	Tsongas
Nunn	Sasser	Wallop
Packwood	Simpson	Weicker
Pell	Specter	Williams
Percy	Stafford	

NAYS—27

Abdnor	Garn	Nickles
Andrews	Goldwater	Proxmire
Boren	Grassley	Quayle
Burdick	Hatch	Randolph
Byrd	Hawkins	Symms
Harry F. Jr.	Helms	Thurmond
Byrd, Robert C.	Humphrey	Warner
DeConcini	Mattingly	Zorinsky
Denton	McClure	
East	Melcher	

NOT VOTING—8

D'Amato	Long	Roth
Hart	Moynihan	Schmitt
Heinz	Pressler	

So the bill (S. 1195) was passed, as follows:

S. 1195

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

TITLE I—INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND ASIAN DEVELOPMENT BANK

SEC. 101. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 39. (a) The United States Governor of the Bank is authorized—

"(1) to vote to increase by three hundred and sixty-five thousand shares the authorized capital stock of the Bank; and

"(2) to subscribe on behalf of the United States to not more than seventy-three thousand and ten shares of the capital stock of the Bank: *Provided*, That not more than 7½ percent of the price of the shares subscribed may be paid into the Bank on subscription, with the remainder being subject to call: *Provided further*, That any subscription to additional shares under this section shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) In order to pay for the increase in the United States subscription to the paid-in capital stock of the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation, \$658,305,196 for payment by the Secretary of the Treasury.

"(c) In order to effect the United States subscription to the callable capital portion provided in this section, the United States Governor of the Bank is authorized to subscribe, without fiscal year limitation, to the callable portion of the United States share of increases in capital stock in an amount not to exceed \$8,149,256,155."

TITLE II—INTER-AMERICAN BANK AND ASIAN DEVELOPMENT BANK

SEC. 201. The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 30. (a) The United States Governor of the Bank is authorized on behalf of the United States to contribute to the Fund for Special Operations \$70,000,000; *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for a portion of the increase in the United States subscription to the capital stock of the Bank provided for in section 29(a) and for the United States contribution to the Fund for Special Operations provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) \$274,920,799

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for the United States subscription and (2) \$70,000,000 for the United States contribution to the Fund for Special Operations."

Sec. 202. The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 26. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States \$66,750,000 to the Asian Development Fund, a special fund of the Bank; *Provided*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, \$66,750,000 for payment by the Secretary of the Treasury."

TITLE III—HUNGER AND GLOBAL SECURITY

Sec. 301. This title may be cited as the "Hunger and Global Security Multilateral Development Bank Act".

Sec. 302. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.), as amended by section 101, is further amended by adding at the end thereof the following new sections:

"Sec. 40. (a) The Congress finds that there is a need for concerted international efforts to deal with the problems of malnutrition, low life expectancy, high birth rates, childhood disease, underemployment, and low productivity in developing countries.

"(b) The Congress notes with approval that the Inter-American Development Bank, under the terms of its Fifth Replenishment, has adopted the target that 50 percent of its lending benefit the poorest groups and has developed a usable methodology for determining the proportion of its lending which benefits such groups.

"Sec. 41. (a) The Secretary of the Treasury shall consult with representatives of other member countries of the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and, if the United States becomes a member of the African Development Bank, the Secretary of the Treasury shall consult with other member countries of the African Development Bank, for the purpose of establishing guidelines, within each of those institutions, which specify that, to the maximum feasible extent consistent with the purposes and charters of those institutions, annual lending by each of those multilateral development institutions shall be designed to benefit needy people, primarily by financing sound, productive, self-sustaining projects in developing countries which provide assistance to help poor people improve their conditions of life. It is the sense of Congress that at least 50 percent of the annual lending by each multilateral development institution should be designed to benefit needy people.

"(b) The Congress finds that both projects for the construction of basic infrastructure facilities and projects dealing with social problems or the promotion of basic human needs can be designed to meet this objectives of this section. For purposes of this section and section 42, needy people are those who are classified as 'absolutely or relatively poor' under the standards adopted by the International Bank for Reconstruction and Development and the International Development Association.

"Sec. 42. The Secretary of the Treasury shall prepare and transmit a report annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the progress being made toward achieving the goals of section 41, and shall also include, for each

of the institutions referred to in section 41, as accurate an estimate as practicable of the proportion of the lending by such institution which benefits needy people in its borrower countries. In formulating such estimates, the Secretary of the Treasury may utilize the methodology developed by the Inter-American Development Bank or such other methodology or methodologies as may be appropriate."

TITLE IV—EFFECTIVE DATE AND AVAILABILITY OF FUNDS

Sec. 401. This Act shall take effect upon its date of enactment, except that funds authorized to be appropriated by any provision contained in title I or II are not available for use or obligation prior to October 1, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983

The Senate resumed consideration of S. 1193.

Mr. HUDDLESTON. Mr. President, what is the order of business at the present time? Do we return to the foreign relations bill?

The PRESIDING OFFICER. The pending business is S. 1193.

UP AMENDMENT NO. 168

(Purpose: To require the President to transmit a report on the total cost of domestic and foreign assistance for refugees and Cuban and Haitian entrants)

Mr. HUDDLESTON. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 168.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

REPORT

SEC. . (a) Not later than 60 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 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; 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.

Mr. HUDDLESTON. Mr. President, refugee assistance from the United States totals in the billions of dollars and is provided by the Federal, State and local governments. Because of the multitude of programs and the many agencies and departments they are scattered among, it is almost impossible to get a true picture of the total cost.

In order to overcome this lack of information, I introduced an amendment, similar to the one I am offering today, in 1979 which required a report on the total cost of our refugee assistance efforts. In February of 1980 this report was released and revealed that the estimated cost for fiscal year 1980 would be \$1.7 billion and \$2.1 billion in fiscal year 1981. Unfortunately, these figures are now outdated because of the Cuban/Haitian arrivals and the generation of new information regarding the refugees we are admitting.

At a time when the needy children of this country are being forced to go without vital assistance because of cutbacks in food, housing, and jobs programs, this bill, S. 1193, would increase the authorization for refugee assistance. I believe that a report on the total cost of our refugee programs would help the Congress and the Committee on Foreign Relations set spending priorities in a more reasonable manner.

The amendment I am offering would simply require the President to report within 60 days on the total cost of our refugee assistance efforts including the Cuban/Haitian arrivals. It is exactly the same kind of report which the Carter administration was required to make last year. The administration has all the figures, it is simply a matter of putting those figures together in one report.

Mr. President, this is a very simple amendment, very similar to the one that was adopted 2 years ago that simply requires the administration to supply Congress with the total cost of refugee assistance.

It has been cleared on both sides of the aisle, and I ask for its immediate consideration.

Mr. PELL. Mr. President, the Senator has discussed this with the minority side of the aisle. It seems like an excellent amendment. I hope that the acting majority manager will accept this amendment.

Mr. MATHIAS. Mr. President, the chairman of the Foreign Relations Com-

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mittee has discussed this with the author of the amendment, and I believe he has no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 168) was agreed to.

Mr. BAKER. Mr. President, there will be no more rollcall votes tonight.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not longer than 20 minutes in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET US GIVE CREDIT WHERE CREDIT IS DUE

Mr. ROBERT C. BYRD. Mr. President, I was somewhat disappointed with the criticisms that President Reagan leveled at the Congress in his press conference yesterday.

Let us give credit where credit is due. This Congress has acted with great dispatch on the President's proposals. It has been delivering highly complicated and very major legislation at an astonishing speed. And the main thrust of the legislation which has emerged, and is emerging, is giving the President what he wants. These measures are fundamentally altering programs and policies which have been built, by Democratic and Republican administrations alike, over several decades. They cannot be revised overnight. Yet, the committees of both Houses are to be congratulated for the tremendous urgency and speed with which they have examined and marked up the various proposals submitted by this administration.

The American people expect us to do our job. There is a reason the framers of our system of government separated and balanced the powers of the three branches of Government. If Congress is stampeded into thoughtlessly embracing everything that comes to it from the executive branch, mistakes will be made and great damage can be done. We have worked in a spirit of comity with this President and we will continue to do so. But comity and respect have got to be a two-way street.

Let us briefly review the record of this Congress so far. Both Houses of Congress have already passed budget resolutions which ordered committees to cut \$36 billion in spending next year and some \$140 billion over the next 3 years. The committees have produced follow-up reconciliation cuts in programs which will be on the floor of the Senate next week and on the floor of the House shortly. We have approached this process in a highly constructive and responsive way. The cuts do not mirror image the President's proposals entirely, but they give him most of what he has asked for. We are hard at work on the President's tax cut proposals. The American people

will have a tax cut. But the President's proposal as initially submitted was far from perfect. We are changing it in some ways which President Reagan yesterday acknowledged to be constructive. Our constructive criticism has resulted in the President's adding many important provisions to his revised tax bill. I would like to see the third year cut tied to the President's success in bringing interest rates down.

The legislative process works with give and take. It is a time-proven successful process.

I am not aware of any Congress which has ever given a President everything he wants. And this is as it should be. No branch of this Government is infallible. We noted that mistakes of billions of dollars were made in the executive branch when the first budget was so hastily prepared and submitted to us. Should we have rubberstamped those mistakes? Of course not.

The Senate has already passed this administration's first defense bill, and the House will shortly consider its version. We gave the administration largely what it wanted in that bill. We did not give it everything because there were some ill-considered items. It is a responsible bill, and we went as far as to give the administration money for strategic programs on which it has itself not yet been able to make decisions. We authorized billions for a new bomber, the recommendation for which was due to be submitted to us by March 15, 1981. There is still no recommendation. We have given additional billions for an MX basing mode system, and they have not yet come up with a recommendation on that. We passed a very costly Navy shipbuilding program, but we had to shoot in the dark because the administration failed to provide us with the 5-year shipbuilding program which is mandated by law to be submitted each year with the budget. And so we have tolerated these delays and acted on the basis of very incomplete information. We understand the new administration needs time to formulate its defense and foreign policies. And we certainly expect the administration to respect the Congress as it considers and acts on its economic program. We have seen in the past the paralysis that can develop when the President and Congress are at odds with each other. On our side of the aisle we have sought to avoid that paralysis. I believe we have succeeded and we will continue to succeed.

And so, Mr. President, let us give credit where credit is due. The American people want action. They are getting action. But the American people want us to do our work carefully and thoughtfully. They are getting that kind of work.

Mr. President, I yield the floor.

THE WORLD'S MOST COMPULSIVE GAMBLER

Mr. HATFIELD. Mr. President, in the last 48 hours, the United States has announced new security agreements with Pakistan and the Peoples' Republic of China. I do not wish to suggest that the considerations applying to each agree-

ment are similar. Clearly, each relationship poses unique circumstances and conditions for U.S. foreign policy. It would be equally faulty to assume, however, that there are not significant common denominators underlying our willingness to embark on these radical departures from established policy.

I submit, Mr. President, that the United States is fast becoming marked as the "world's most compulsive gambler." I challenge the proponents of these arms agreements to provide a single shred of evidence that our convenient friends today will hold the reins of power a year from now. Recent history has demonstrated the potential for dramatic shifts in the leadership of the Peoples' Republic of China. The extremely tentative power base held by General Zia in Pakistan is also well-known. His is a brutal and unstable government unable to provide even the base necessities of life for its own people. The substance of Pakistan's allegiance to the United States is even more questionable than its own stability.

Have we already forgotten the destruction of the American Embassy in Pakistan, and the passive indifference of the Pakistani Government toward that act? With so much talk of renewed commitment to our real friends, we now move to bestow "allied status" on a government that so recently displayed supreme disregard for this Nation.

These recent actions were intended to signal strength and resolve to the Soviets. They in fact signal confused purpose and hollow commitment. They represent a desperate substitute for the genius and courage which the increasingly dangerous global situation requires of us. Instead, Mr. President, we are becoming the image of the gambler who disregards his family's welfare, blinds himself to the future and blanks out the past in a feverish effort to achieve immediate and total security.

Mr. President, I have been as critical of the Soviet Union as any Member of this Chamber. I deplore the march of totalitarianism. I condemn the brutality and spiritual bankruptcy of their system. But we must stand for something. Our hopes for a stable global community and our historic ideals should not be casually abandoned in deference to an all-consuming and myopic anti-Sovietism.

Mr. President, we must confront ourselves with brutal honesty. Have we come to view the nonproliferation on nuclear weapons and the eradication of the root causes of global stability as such hopeless goals that our only recourse is to live for the moment?

I say to my colleagues that the rules of the international game are changing. We, through such rash acts, are relinquishing our right to constructively shape that process, for as we point our finger of condemnation at the Soviet Union, we do so with our eyes closed and our ears deaf to the cries of suffering in this world.

One billion human beings on this Earth are so limited by illiteracy, malnutrition, and disease as to deny them the very potential of the genes with