

May 20, 1980

NAYS—127

Abdnor	Hammer-	Murphy, Pa.
Anthony	schmidt	Murtha
Applegate	Hinson	Myers, Ind.
Archer	Holland	Myers, Pa.
Ashbrook	Holt	Paul
Badham	Hyde	Petri
Bafalis	Ichord	Porter
Bauman	Ireland	Quayle
Bethune	Jacobs	Quillen
Bouquard	Jeffords	Railsback
Bowen	Jeffries	Roberts
Brodhead	Jenkins	Robinson
Brown, Ohio	Jenrette	Rostenkowski
Burgener	Johnson, Colo.	Rousselot
Campbell	Kazen	Royer
Carney	Kelly	Rudd
Chappell	Kindness	Runnels
Cheney	Kramer	Russo
Clausen	Lagomarsino	Santini
Collins, Tex.	Latta	Satterfield
Crane, Daniel	Leach, La.	Sawyer
Crane, Philip	Leath, Tex.	Schulze
Daniel, Dan	Lederer	Sensenbrenner
Daniel, R. W.	Lee	Shelby
Dannemeyer	Lent	Shumway
Davis, Mich.	Lewis	Shuster
Davis, S.C.	Livingston	Skelton
de la Garza	Loeffler	Solomon
Dickinson	Lott	Spence
Dornan	Lujan	Stangeland
Duncan, Tenn.	Lungren	Stenholm
Edwards, Okla.	McClary	Stump
Emery	McDonald	Tauke
English	McKay	Taylor
Evans, Ga.	Maguire	Tribe
Evans, Ind.	Marienee	Volkmer
Fary	Martin	Walker
Findley	Michel	Warkins
Ginn	Miller, Ohio	Whitehurst
Goodling	Mitchell, N.Y.	Wilson, Bob
Gramm	Montgomery	Winn
Grisham	Moorhead,	Yatron
Guyer	Calif.	Young, Alaska

NOT VOTING—33

AuCoin	Ford, Tenn.	Murphy, N.Y.
Barnard	Gephardt	Rose
Beard, R.I.	Giaino	Sebelius
Beard, Tenn.	Gingrich	Spellman
Brown, Calif.	Grassley	Stewart
Cavanaugh	Hansen	Symms
Conyers	Lehman	Ullman
Diggs	Leland	Van Deerlin
Duncan, Oreg.	McEwen	Vander Jagt
Fascell	McKinney	Wilson, C.H.
Ford, Mich.	Mathis	Wylie

□ 1750

The Clerk announced the following pairs:

On this vote:

Mrs. Spellman for, with Mr. Beard of Tennessee against.

Mr. Lehman for, with Mr. Grassley against.

Mr. Murphy of New York for, with Mr. Hansen against.

Mr. McKinney for, with Mr. Sebelius against.

Mr. Duncan of Oregon for, with Mr. Symms against.

Until further notice:

Mr. Giaino with Mr. Brown of California.

Mr. Conyers with Mr. Vander Jagt.

Mr. Charles H. Wilson of California with Mr. Wylie.

Mr. Van Deerlin with Mr. McEwen.

Mr. AuCoin with Mr. Beard of Rhode Island.

Mr. Barnard with Mr. Diggs.

Mr. Mathis with Mr. Stewart.

Mr. Ullman with Mr. Ford of Michigan.

Mr. Fascell with Mr. Cavanaugh.

Mr. Conyers with Mr. Gephardt.

Mr. Rose with Mr. Leland.

Messrs. ROBERTS, YATRON, HYDE, and ROSTENKOWSKI changed their votes from "yea" to "nay."

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 2313, FEDERAL TRADE COMMISSION AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 340) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2313.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 340

Resolved by the House of Representatives (the Senate concurring). That, in the enrollment of the bill (H.R. 2313) to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 6(f) of the Federal Trade Commission Act, as proposed to be amended by section 3(a) (2) of the bill, insert a comma after "Provided".

(2) In the last sentence of the undesignated paragraph at the end of section 6 of the Federal Trade Commission Act, as proposed to be added by section 4 of the bill, strike out "Improvement" and insert in lieu thereof "Improvements".

(3) In the first sentence of section 21(b) (3) (B) of the Federal Trade Commission Act, as proposed to be added by section 14 of the bill, strike out "official" the first place it appears therein and insert in lieu thereof "official".

(4) In the first sentence of section 21(b) (6) of the Federal Trade Commission Act, as proposed to be added by section 14 of the bill, insert "any" before "such agency".

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. BROTHILL. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from West Virginia the purpose of these corrections in the resolution that he is offering at this time.

Mr. STAGGERS. If the gentleman will yield, they are just corrections that needed to be made in writing up the report where mistakes have been made and corrections need to be made for commas and periods.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. In glancing at these changes that are being made, it looks like more than just technical correc-

tions, for instance, striking out "official." Why it is necessary to do this?

Mr. STAGGERS. If the gentleman will yield, putting in the word "official" was a mistake. It was "official," and putting in the word "officer" was a mistake.

Mr. ROUSSELOT. What difference does that make?

Mr. BROTHILL. "Official" was intended in the first place. It was not intended to be "officer."

Mr. ROUSSELOT. What is the impact of putting "any" before "such agency"? Why do we have to do that?

Mr. BROTHILL. It just makes better English to say "any such agency."

Mr. ROUSSELOT. Mr. Speaker, can the chairman assure us that this does not make any substantive change in the bill?

Mr. STAGGERS. I can assure the gentleman of that.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia (Mr. STAGGERS)?

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1800

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AUTHORIZING THE VIETNAM VETERANS MEMORIAL FUND, INC., TO ESTABLISH A MEMORIAL

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 119) to authorize the Vietnam Veterans Memorial Fund, Inc., to establish a memorial.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I make my reservation of objection solely for the purpose of inquiring of the distinguished chairman of the Libraries and Memorials Subcommittee of the Committee on House Administration the reason for the urgency of the consideration of this joint resolution.

I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Speaker, the bill Senate Joint Resolution 119 as amended would establish a Vietnam Veterans Memorial in Washington, D.C., funding

for which would be raised by the Vietnam Veterans Memorial Fund, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia. The bill authorizes the selection of a suitable site of approximately 2 acres in size located within the District of Columbia.

The design and plans for the memorial, which is envisioned as a quiet garden setting in which the names of the over 57,000 who died in Vietnam will be set forth, along with a low-level sculpture presentation, are subject to the approval of the Secretary of the Interior, Commission of Fine Arts, and the National Capital Planning Commission. As is customary, the Secretary of the Interior will be responsible for the maintenance and care of the memorial.

Concern was expressed in committee about seasonally or climatically incompatible landscape planning which might result in expensive maintenance and/or an unkept appearance. As the legislation provides that the Secretary of the Interior be party to the design approval as well as be responsible for the maintenance and care of the memorial, there is incentive to select a design which is easy to maintain. The committee wishes to go on record as emphasizing that the factor of landscaping maintenance be fully considered by the agencies participating in the design approval process.

Mr. Speaker, a House version of the legislation has 196 cosponsors. The Senate resolution, which passed on April 30, has all 100 Members as sponsors.

On Monday, May 26, the Vietnam Veterans Memorial Fund is sponsoring a memorial service in Constitution Gardens. I think it would be a fitting tribute to our veterans who fought in that war and most appropriate to pass this legislation in time to commemorate this tribute on Memorial Day.

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

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I reserve the right to object. I certainly will not object, but I want to thank the gentleman from Michigan (Mr. Nedzi) for his leadership and cooperation in expediting this joint resolution and also the same interest and effort shown by Mr. FRENZEL of Minnesota.

Mr. Speaker, I rise in support of Senate Joint Resolution 119, which would authorize the Vietnam Veterans Memorial Fund, Inc., to establish a memorial on public grounds near the mall and I would hope it would be in West Potomac Park in the District of Columbia. This measure is almost identical to House Joint Resolution 431, which I was privileged to introduce last October. House Joint Resolution 431 now has almost 200 cosponsors. Mr. Speaker, from across the political spectrum, and I am confident that these cosponsors will give Senate Joint Resolution 119 their full support.

I would also remind this body that the resolution passed the other body with

100 cosponsors, one of the few occasions in history that a measure has had the cosponsorship of every Member of that body. I would sincerely hope that it receives the same enthusiasm from our membership.

The memorial which our body will authorize today will be erected at no cost to our taxpayers. The Vietnam Veterans Memorial Fund is developing sufficient voluntary funding resources from the people of this country. The monument will be built subject to the approval of the National Commission on Fine Arts, and will blend in with the existing landscape, enhancing rather than detracting from, that portion of our National Capital where it is erected.

Mr. Speaker, it has taken us a long time, as a society, to overcome the bitterness and polemics that surrounded the word "Vietnam," and to begin to assimilate that experience into our national consciousness. Like almost every war, Vietnam touched all of us. But unlike any recent war, it touched us all in many different ways. One thing we must join together in, at the very outset of our national reconciliation, is the recognition that those who served did so with dignity, and often at great personal cost.

The memorial which this resolution proposes offers a most appropriate device for such a recognition. It will provide us all a visible and attractive remembrance of a period too many have been tempted to forget. It will remember our war dead from Vietnam, but equally as important, it will give us a way to stop for a moment, on a park bench or by a pond, and contemplate an entire era in our history.

I deeply hope that every one of my colleagues will share these sentiments, and join me in support of this resolution, and agree to its passage by unanimous consent.

Mr. Speaker, I withdraw my reservation of objection.

Mr. PEYSER. Mr. Speaker, I am proud to be a cosponsor and speak in support of the bill before the House of Representatives today, establishing a memorial in honor of the men and women of the U.S. armed services who served in the Vietnam war.

The Vietnam war was one of the most divisive conflicts in our Nation's history. The effects of that war have reached far beyond the battlefield and continue to haunt and hinder us both in our foreign policy and in our self-image as a nation. But despite this, and whatever view of each us may hold on the issue, I think that we can all agree that those who served in that war did so with courage and a sense of duty to this country. They truly signified the principle that we often forget in our self-recrimination; and that is the essential dignity in service to one's country.

The memorial we help to establish today recognizes that essential principle. It goes beyond our divisions and serves as a symbol, demonstration of our Nation's commitment to resolve the Vietnam experience and restore the unity which existed prior to the war. It serves also as a demonstration of our commit-

ment to honor and provide for those brave and dedicated men and women who served so faithfully during that war.

The site of the memorial itself—near the Lincoln Memorial—signifies these goals. The Lincoln Memorial is itself a symbol of national reconciliation. The new memorial will be located in the very area where mass rallies for and against the war were held. It is fitting that this site was chosen to honor the 57,000 who died and the nearly 3 million who served in Vietnam.

Mr. ROSTENKOWSKI. Mr. Speaker, I want to commend the members of the Committee on House Administration for their expeditious action in approving and sending to the floor House Joint Resolution 431, authorizing the Vietnam Veterans Memorial Fund, Inc., to erect a memorial honoring all veterans of the Vietnam war. As a result of this outstanding effort, we have an opportunity today to adopt this legislation and pave the way for it to be signed into law during our national observance of Memorial Day.

I believe it is important to note that this legislation will not involve the expenditure of any U.S. Government funds for the construction of the memorial. Rather, it simply dedicates land within the District of Columbia whereupon a memorial, financed solely through private means, may be built.

As one of over 200 cosponsors of this worthy legislation, I want to once again express my appreciation to the committee, especially the distinguished chairman of the committee and my good friend and colleague from Michigan, the chairman of the subcommittee, for their prompt response to my request—and the requests of others—for swift approval of House Joint Resolution 431.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vietnam Veterans Memorial Fund, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, is authorized to establish a memorial on public grounds in West Potomac Park in the District of Columbia, in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war.

SEC. 2. (a) The Secretary of the Interior, in consultation with the Vietnam Veterans Memorial Fund, Inc., is authorized and directed to select with the approval of the Commission of Fine Arts and the National Capital Planning Commission a suitable site of approximately two acres in size located in the area of West Potomac Park known as Constitution Gardens in the District of Columbia: *Provided*, That if subsurface soil conditions prevent the engineering of a feasible foundation system for the memorial in a location in that area, then the Secretary of the Interior, in consultation with the Vietnam Veterans Memorial Fund, Inc., is authorized and directed to select a suitable site of approximately two acres in size located

in an area of West Potomac Park north of Independence Avenue other than Constitution Gardens.

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission: *Provided*, That if the Secretary of the Interior, the Commission of Fine Arts, or the National Capital Planning Commission fails to report his or its approval of or specific objection to such design and plans within ninety days of their submission, his or its approval shall be deemed to be given.

(c) Neither the United States nor the District of Columbia shall be put to any expense in the establishment of the memorial.

Sec. 3. The authority conferred pursuant to this resolution shall lapse unless (1) the establishment of such memorial is commenced within five years from the date of enactment of this resolution, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior based upon the approved design and plans for the memorial, to insure completion of the memorial.

Sec. 4. The maintenance and care of the memorial established under the provisions of this resolution shall be the responsibility of the Secretary of the Interior.

Sec. 5. After establishment of such memorial, the Secretary of the Interior is authorized to provide funds for the operation and maintenance of the Vietnam Veterans Peace and Brotherhood Chapel near Eagles Nest, New Mexico: *Provided*, That such funds shall be limited to the difference between actual operation and maintenance costs and the contributions for such purposes provided by the Vietnam Veterans Memorial Fund, Inc., subject to such terms and conditions as the Secretary of the Interior may prescribe in furtherance of the purpose of this resolution. Within fifteen days of the date of transmittal to the Congress of any budget request which includes funds to carry out the purposes of this section, the Secretary of the Interior shall notify the Senate Committee on Energy and Natural Resources in writing as to the amount and proposed uses of such funds, together with his justification for such budget request.

AMENDMENTS OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Nedzi: Page 1, line 6, strike out "In West Potomac Park". On page 2, line 5, strike "located" and all of line 6. On line 7, strike "Gardens" and the colon and insert a period and strike all language in section 2(a) following the colon on line 7.

Page 3, line 15, strike out all of section 5.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Michigan (Mr. Nedzi).

The amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE JURISDICTION ON SENATE JOINT RESOLUTION 119

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

Mr. PHILIP BURTON. Mr. Speaker, I have taken this time for the purpose

of discussing the Senate joint resolution just passed.

I did not want to interfere with the request for the immediate consideration, but I did want to have this part of the record reflect an observation or two. I decided not to assert our committee's right to have jurisdiction over this matter because of the time constraints that have been earlier mentioned. If our committee would have received a sequential referral which, I believe under the rules we were entitled to, there would have been some issues that we would have addressed for this purpose that I stand up now.

Mr. Speaker, I feel it important that our veterans of the Vietnam conflict be appropriately recognized and that there be an appropriate memorial. Exactly where that memorial ought to be situated I think ought to be decided in a manner most consistent with the treatment we have given veterans of other wars and with other matters in terms of planning most particularly on the Capital Mall.

Mr. Speaker, I do not quite know what the definition of a mail is, but our committee has a number of requests for items to be put on this open mail. It is very limited in space. It is easier to say yes than no, but if we say yes every time someone seeks it, it could create a problem.

I am happy that the resolution now permits the Secretary, working with the veterans' groups, to work out the most appropriate place rather than being required to pick a place whether or not it is a most appropriate place.

There is one other observation I have: The legislation carries with it a requirement there be at least 2 acres. Well, as a city fellow I am not really sure how large that is but I would certainly anticipate the Secretary of the Interior would look at the amount of space that we have given the World War I and World War II veterans and have this be a commensurate amount of space. I do not know if 2 acres is too little or too much. I just pass those thoughts on for the record in the interests not of impeding the decision we have just made but in the interest of seeing that these veterans receive a very thoughtful and appropriate memorial and I am sure as a result of the change in the language such will prove to be the case.

Finally, we do not waive in future our jurisdiction over this matter, as I would hope the gentleman or his successor in being will accept in the Congresses to come when this matter will be before us again.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate joint resolution (S.J. Res. 119).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2253, ROCK ISLAND TRANSITION ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file the conference report on the Senate bill (S. 2253) to provide for an extension of directed service on the Rock Island Railroad, to provide transaction assistance to the purchasers of portions of such railroad, and to provide arrangements for protection of the employees.

CONFERENCE REPORT (H. REPT. No. 96-1041)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2253) entitled an act to provide for an extension of directed service on the Rock Island Railroad, to provide transaction assistance to the purchasers of portions of such railroad, and to provide arrangements for protection of the employees, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—ROCK ISLAND TRANSITION AND EMPLOYEE ASSISTANCE

SHORT TITLE

Sec. 101. This title may be cited as the "Rock Island Railroad Transition and Employee Assistance Act".

CONGRESSIONAL FINDINGS

Sec. 102. (a) Congress hereby finds that—
(1) uninterrupted continuation of services over Rock Island lines is dependent on adequate employee protection provisions covering Rock Island Railroad employees who are not hired by other railroads;

(2) for those Rock Island Railroad employees not hired by other rail carriers, there is no other practicable means of obtaining funds to meet the necessary costs of such employee protection that are assumed by the Rock Island Railroad;

(3) a cessation of necessary operations of the Rock Island Railroad would have serious repercussions on the economies of the States in which such railroad principally operates; and

(4) premature cessation of services over lines which are the subject of pending purchase application would result in harm to the shipping public and could imperil continuation of vital commuter service.

DEFINITIONS

Sec. 103. As used in this title, the term—
(1) "bankruptcy court" means the court having jurisdiction over the reorganization of the Rock Island Railroad;

(2) "Board" means the Railroad Retirement Board;

(3) "Commission" means the Interstate Commerce Commission;

(4) "employee" includes any employee of the Rock Island Railroad as of August 1, 1979, but does not include any individual after he is offered employment in his craft with a rail carrier providing temporary service over Rock Island Railroad lines and which becomes the acquiring carrier of such lines or any individual serving as president, vice-president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions;