

March 13, 1979

## CONGRESSIONAL RECORD—HOUSE

H 1255

□ 1220

## THE TWO-STEP FISCAL POLICY

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

Mrs. HOLT. Mr. Speaker, the balanced budget caucus organized this morning under the leadership of the gentleman from Missouri and the gentleman from Indiana, and so the support for the concept is mounting.

Mr. Speaker, we are nearing the stage at which we will be considering the first budget resolution for the 1980 fiscal year, but the process for exercising this extremely important responsibility is woefully deficient.

We have a system which forces us to debate and act on specific spending decisions before we adopt aggregate fiscal policy. We will be haggling over priorities before we decide how much to spend in total, and the effect will be to drive total spending upward. The system we are using reinforces the normal political instinct to accommodate everybody's special interest.

Instead, we should be establishing fiscal policy first, and only then should we proceed to debate our specific spending priorities within that policy. It was under this procedure that we were able to get the large number of votes last year on the Holt amendment which would have reduced the rate of growth of Government.

I have introduced H.R. 55, which would force us to establish how much we can afford to spend before we wrestle with how much to spend on this program or that. I hope you will join me in cosponsoring this legislation.

## THE DOLLAR MUST BE BACKED WITH INTRINSIC VALUE

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

Mr. PAUL. Mr. Speaker, "The first panacea for a mismanaged nation," wrote Ernest Hemingway, "is inflation of the currency."

This has been true in civilizations ancient and modern. And it is true in the United States today.

The dollar that bought 100 cents worth of goods in 1967 buys only 49 cents worth today. A year from now it will probably purchase less than 44 cents worth.

The Government is considering killing off the \$1 bill, now that we will have an appropriately small \$1 coin. In the future, will we carry \$5 and \$10 coins instead of nickels and dimes?

Unless the Government stops its deliberate policy of inflating the money supply, in order to stimulate the economy and pay for more spending, that is exactly the way we will end up. Only a dollar backed with something of intrinsic value, instead of political promises, can stem inflation once and for all.

## CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, due to the fact there obviously is not a quorum present, I move a call of the House.

The SPEAKER pro tempore (Mr. MURTHA). Without objection, a call of the House is ordered.

There was no objection.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 29]

Addabbo	Diggs	McDonald
Albosta	Dingell	McKinney
Alexander	Dodd	Mathis
Ambro	Dornan	Moffett
Anderson, III.	Downey	Murphy, N.Y.
Andrews, N.C.	Drinan	Patterson
Archer	Eckhardt	Pursell
Ashley	Fenwick	Ritter
Barnes	Flood	Rosenthal
Beard, Tenn.	Frenzel	Runnels
Bevill	Garcia	Simon
Broyhill	Goldwater	Smith, Iowa
Burton, John	Hall, Ohio	Steed
Cheney	Hance	Udall
Conyers	Harsha	Van Deerlin
Crane, Philip	Horton	Vento
Davis, S.C.	Hutto	Williams, Ohio
Deckard	Jeffries	Young, Alaska
Derrick	Kemp	
Dicks	McCloskey	

□ 1240

The SPEAKER pro tempore. On this rollcall 374 Members have recorded their presence by electronic device, a quorum.

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

## UNITED STATES-TAIWAN RELATIONS ACT

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2479) to help maintain peace, security, and stability in the Western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2479, with Mr. DANIELSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, March 8, 1979, title II had been considered as having been read and open to amendment at any point.

Are there further amendments to title II?

## AMENDMENT OFFERED BY MR. SYMMS

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

The Clerk read as follows:

Amendment offered by Mr. SYMMS: Page 5, line 16, add the following immediately after the period. "The President shall make every effort to reach an agreement with Taiwan to assure that the facilities used by such instrumentality to conduct its affairs in the United States be at or near the locations of the consular establishments of Taiwan in the United States existing on December 31, 1978."

□ 1245

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

Mr. SYMMS. Mr. Chairman, when the administration broke diplomatic relations with the Republic of China to establish full diplomatic relations with the People's Republic of China, the President said that even though political relationships between the United States and the Republic of China had changed, the trade and cultural ties would grow.

Now the administration is indicating that they want to close the number of consular offices by five so as to bring the total down to eight. It makes no sense to me to close the primary vehicles of trade and cultural relations, the consular offices, when we are attempting to expand those ties. I am particularly concerned about closing the offices which are close to agricultural trading zones such as Portland, Oreg.; Kansas City, Mo.; and others.

It seems to me that the President's statements are contradictory concerning our continued trade and cultural ties with Taiwan, and I would urge support of the Members for this amendment, which will coincide with the promised intent of the administration.

Mr. Chairman, I would just like to point out to the Members of the body that for fiscal year 1978, ending September 30, 1978, the Republic of China on Taiwan purchased \$729 million worth of agricultural products from the United States. Out of that number, there was \$219 million for soybeans, \$177 million for feed grains, \$146 million for cotton, and \$77 million worth of wheat.

Mr. Chairman, I think that it is worthy to mention that of the offices which are now open, the following offices will be closed: On American Samoa, the office in Pago Pago; the office in Calexico, Calif.; and the office in Agaña, Guam. I know the Delegate from Guam is interested in this matter.

Also scheduled for closing, Mr. Chairman, is the office in Kansas City, Mo., which is in the heart of the grain belt; and the Portland, Oreg., office, which handles much of the white wheat which goes to the Pacific Northwest; also I understand Boston, Mass., is closed.

Therefore, Mr. Chairman, I think this amendment should not be greeted with anything but enthusiasm by most Members of the body.

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

Mr. SYMMS. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

Last week I had the occasion to meet with the newly elected Governor of American Samoa, Mr. Peter Coleman. He expressed to me his very great interest in and his concern about the question of whether or not the Taiwan consulate in Pago Pago will be continued. He pointed out, for example, that there are some 2,000 Taiwanese fishermen who are based in American Samoa, who are in and out. He said that the consulate officer which the Taiwanese Government has had there has been invaluable to his government in solving problems which those fishermen have from time to time.

He expressed a very strong wish that we would provide, in some way or other, that that service be continued.

Mr. Chairman, I very strongly support the gentleman's amendment and hope it will be adopted.

Mr. SYMMS. Mr. Chairman, I thank the gentleman from California (Mr. LAGOMARSINO) very much.

Mr. Chairman, I would only ask again for support for this amendment which I believe will be helpful in continuing the agricultural and other types of trade and other relations with the government on Taiwan which we have had in the past.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment.

(Mrs. SMITH of Nebraska asked and was given permission to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague from the great State of Idaho. In fiscal 1978 the Taiwanese purchased \$729 million worth of agricultural products from the United States. The consular offices that the President wants to eliminate played an important role in facilitating these purchases. These consular offices are especially important to my State of Nebraska. And let me add at this point that I enthusiastically support this bill as a whole.

I find it disappointing and saddening, however, that we here in the Congress must endeavor in this fashion to patch up foreign-policy disasters caused by the administration.

I say we should return to our tried and true bipartisan system of making American foreign policy. The tattered and torn system, such as we have now, seems to be conducted either at a snail's pace or with such impetuous speed as to defy understanding. Impetuosity marked the break with Taiwan.

Of course, there is no question but that we are going to have full diplomatic relations with the People's Republic of China.

And, there is no question but that Taiwan needs more protection than the administration was willing to guarantee.

There is a real question, however, about what our relationship with Taiwan will become. That is the work we are today engaged in. Taiwan has a viable government for its 17 million people, with whom we have had full diplomatic relations for 30 years. Taiwan is one of our top 10 trading partners.

Taiwan has been our ally in war and in peace. We need all the allies we can get in today's world. This bill will help maintain and support our friends, the people and the Government of Taiwan. This is a simple forthright measure: It clearly states that Taiwan's safety is paramount and that any threat to it would call forth appropriate action by the President and the Congress, acting through and within our constitutional processes.

Mr. SYMMS' amendment opens up avenues for trade and I urge my colleagues to support both his amendment and the bill.

□ 1250

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

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

Mr. ZABLOCKI. Mr. Chairman, this may be a well-intentioned amendment, but it is unnecessary.

Mr. Chairman, as many of my colleagues know, the establishment of consulates on the part of a foreign government is within the discretion of that foreign government, in cooperation and in consultation with the host government, in this case of Taiwan with the United States. Many of us are concerned about the 14 consulates or more—that the United States is closing throughout all parts of the world. It is our decision whether we want to open or close a consulate, and we then negotiate with the host government.

In this instance I think the gentleman's amendment is unnecessary because the Coordination Council for North American Affairs has already been created by the Government in Taiwan.

On March 1 that Coordination Council for North American Affairs began operations in Washington, D.C., and eight other cities: New York, Chicago, Seattle, San Francisco, Los Angeles, Honolulu, Houston, and Atlanta.

This seems, Mr. Chairman, fully adequate to conduct necessary business, and the choice of cities was made by them.

Under the legislation, if they choose to keep an office in Guam or wherever, it is their choice, in agreement with the host government. I do not think that this body, this committee, should advise the Taiwan Government, as it is now called, the Coordination Council for North American Affairs, where they should establish consulates.

Mr. Chairman, I again repeat, the legislation does not bar them from establishing offices throughout the United States. If they decide to close them in some of the cities that the gentleman from Idaho (Mr. SYMMS) had mentioned, it is their decision. I do not think we should resist.

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

Mr. ZABLOCKI. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I would have to say, Mr. Chairman, that everything the chairman says I certainly agree with, and it is true, except there is one more part of the equation you are leaving out and that is that our Government is putting pressure on them to close the consulate offices—or the new name that they have for them—to close the number down from 14 to 8. So we are finding out that the Taiwanese are being pressured to close them out of their fear of whether or not the United States will support them in the future in other endeavors. They are sitting over there, a small country of 16 million people, facing the Reds of 1 billion people, wondering what is going to happen. So the United States is in the position and we

are putting pressure on them to close them.

The reason that I think it is not only unwise but foolish for us to put this pressure on them, as I mentioned before, is we sold nearly \$1 billion worth of agriculture products through those quotas with those consulate offices. Here we are encouraging them to close one in Kansas City, Mo., right in the heart of where the breadbasket can be to export wheat and grain; in Portland, Oreg., where all the soft wheat of the Pacific Northwest goes out, where there have been long and lasting good relationships with our friendly allies and our trusted friends, on Taiwan.

□ 1255

So why should it be a Government policy? All I am trying to do with this amendment is to say that the President does what it was he said he was going to do, so that we do not encourage them to close their American offices. If they choose to do it, that is fine; but if we put this language in the bill, it says the President shall make every effort to reach an agreement with Taiwan to be sure that the facilities used by such instrumentality to conduct its affairs in the United States, be at or near the locations of the consular establishments of Taiwan in the United States existing on December 31.

So we are saying as our policy with this resolution passing the Congress today that we want to encourage them to keep everything the way it was, instead of saying we want to cut it down, because we are going to start looking for a bigger market over on the mainland. That is what we are talking about here. That is what I really think.

Mr. ZABLOCKI. If the gentleman from Wisconsin, Mr. Chairman, can retrieve his time, I will merely state that this is the very purpose of this bill, that we can have continuing relations with the people of Taiwan and their instrumentalities.

Now, these will not be consular offices. The Government of Taiwan, the Republic of China, and the present Government on Taiwan, has agreed to this.

Mr. SYMMS. Under duress.

Mr. ZABLOCKI. I mentioned to the gentleman from Idaho, we have repeatedly heard there has been supposedly pressure made allegedly on the part of our Government on the Taiwan representatives here as to their consulates.

Let me tell the gentleman, if the gentleman from Wisconsin does, indeed, find evidence of that type, we will certainly correct that; but let me point out that in some of our consulates that our Government is closing, for instance, one in Austria, it is desired on the part of the Government of Austria that we do not close that particular consulate and some of the other consulates; but it was our decision, for whatever purposes, that we close them.

I think in this instance, as far as the Government of Taiwan is concerned, it should be within their determination whether they want to retain offices for the purpose of promoting consular-type

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duties, and it is their decision to close them.

I do not think we should in this amendment tell them where to go.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Mr. Chairman, in the final analysis, let me again reassure the gentleman that the Government on Taiwan, if it so desires to have offices under the coordination council, whether it is on Guam, Kansas, or in other places, if they want to remain and keep them open, this legislation does not preclude them, or does not insist that they be closed, no way.

Therefore, I think it would be an insult to Taiwan. The gentleman's amendment, instead of being helpful as we try to assure that there will be a continuation of the relationships between the United States and Taiwan, the gentleman risks insulting the Taiwanese in telling them where they must keep their offices for consular-type purposes.

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

Mr. ZABLOCKI. I am glad to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I would like to ask the chairman of our committee, for his comments on this matter because I have mixed emotions about this amendment. I just want to get the gentleman's reaction to this amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. BROOMFIELD, and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield further. I am deeply concerned about this matter. My original feeling was that the amendment was not necessary and then as I further listened to the debate, which touched upon the closing of Taiwanese consulates in Kansas City and Portland as well as other consulates which may be closed, I now see some need for this amendment. I have one question. What is the gentleman's feeling with regard to our State Department placing pressure on the new council. In other words, the closing or establishment of consulates should be based on Taiwan's judgment. Certainly it should not be the State Department which dictates to the new coordinating council as to what Taiwanese consulates should be open in the United States.

Mr. ZABLOCKI. Mr. Chairman, if I may be permitted to answer, let me assure the gentleman it is my position, furthermore, if we learned that the State Department would be doing that, we would object.

□ 1300

Mr. BROOMFIELD. Mr. Chairman, in view of the statements and the assur-

ances the chairman of the committee has made, and since that is my understanding, I would say that the amendment is not necessary. I would, therefore, ask for a no vote on the amendment.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also had the same feelings as the gentleman who preceded me and spoke concerning the amendment offered by the gentleman from Idaho (Mr. SYMMMS).

The chairman of the committee has to a certain extent satisfied some of my objections, but I would like to make one thing very emphatic. I would hope that the distinguished committee chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), would as emphatically state to us here that the legislative intent inherent in this legislation is that there shall be no pressure as to by what extent we can control the administration or instrumentality of the Government on Taiwan in the United States of America to reduce in any way their presence in whatever that office might be called in any part of the United States.

I say that because I would find it not only disastrous but insulting to this House if we were to understand one thing here and the administration, unbeknown to us, would be exerting pressure to reduce their presence. The love, admiration and respect which I have for all the Chinese people, regardless of on which side of the straits they might live, should be passed on to the Government of Taiwan, whatever instrumentality they have to represent them in this country, should not be abridged or in any way pressured by the administration or anyone else if they desire to have an office in Houston or Dallas or wherever.

Would the distinguished gentleman from Wisconsin agree that that basically is the intent of this legislation?

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

Mr. DE LA GARZA. I am happy to yield to the committee chairman.

Mr. ZABLOCKI. Mr. Chairman, that is indeed within the intent of this legislation.

On page 5 of the bill, section 202(a), subparagraph (2) clearly states—

Dealings of Taiwan with the United States Government shall be conducted by or through such instrumentality \* \* \*

And in this case that would be the Coordination Council for North American Affairs. And then it states that this instrumentality would be appropriate for such dealings—

And which has the necessary authority under the laws of Taiwan to provide assurances and take other actions on behalf of Taiwan with respect to the United States Government.

It is the intent, with this legislation, that if Taiwan wanted to retain any office it had—it would be a consular type office in this instance—in any part of the country, they should have that right to retain them as they had them prior to January 1, 1979, provided of course

this is done with agreement of the host government, which is the normal practice.

Mr. DE LA GARZA. And is the gentleman aware of any attempt to quote numbers to them, that is, how many they can have in the United States of America?

Mr. ZABLOCKI. No, I am not aware of that, and if I find out that is true, on behalf of the concerned Members of Congress, we will protest it. I have heard that they were limited to eight, but I have no such knowledge.

Mr. DE LA GARZA. Mr. Chairman, with that information and assurance from the chairman of the committee, I also feel that possibly the amendment might be superfluous, as long as we have the clear legislative intent as enunciated by the committee chairman.

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

Mr. DE LA GARZA. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I think a clarification is necessary. The State Department has requested that the number of offices that the Taiwan entity, The Coordinating Council for North American Affairs can have here is limited to eight. There have existed more than that number, so, therefore, there is a requirement that they close several of their offices. I do not think that is the intent of the Congress, however. The intent of the Congress is to maintain the relationship on the same basis that exists today.

□ 1305

The number of offices can be dependent upon the Coordinating Council.

Mr. DE LA GARZA. If the gentleman from New York is correct, then we are back to where we need the gentleman's amendment.

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

Mr. DE LA GARZA. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(On the request of Mr. BROOMFIELD and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

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

Mr. DE LA GARZA. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I merely would like to add that the gentleman is absolutely correct. If the gentleman from New York says that the State Department has given instructions that the new Coordination Council can only have eight councils, then I think it is absolutely clear that the amendment the gentleman is offering should be considered favorably by us, because that is certainly the intent of the minority side.

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

Mr. DE LA GARZA. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I have just been informed by the subcommittee chairman that a witness from the State Department did indeed give information concerning this matter.

Mr. WOLFF. Mr. Chairman, if the gentleman will yield: the information was received from Mr. Harvey Feldman of the State Department.

Mr. ZABLOCKI. Mr. Chairman, we accept the gentleman's amendment.

Mr. WON PAT. Mr. Chairman, several days ago I rose to give my wholehearted support for continued close ties between this country and our friends in Taiwan as proposed in H.R. 2479.

I wish to support an amendment to this measure offered by the gentleman from Idaho (Mr. SYMMES), asking that the President permit the Government of Taiwan to retain its offices in Guam and elsewhere in this country.

As many of my colleagues know, the Carter administration has proposed that Taiwan close some of its commercial offices in this country. It has also imposed an agreement that would limit the number of commercial offices to 8, as opposed to the 14 commercial and consular offices the Republic of China had in various parts of the United States.

I believe that the restrictions we seek to impose on Taiwan in this instance would create significant hardships for many American business firms and thousands of former residents of Taiwan who now reside in the United States.

This is particularly true of my own Congressional District of Guam, where the residents of that island enjoy extremely close commercial and cultural ties with Taiwan. Several weeks ago, the official Taiwan office in Guam was closed. This has created a tremendous problem for the hundreds of individuals and firms who want to continue their relations with Taiwan.

The Guam-Taiwan office was heavily utilized. It was far more than a mere outpost of the Government of Taiwan. The President's proposal that Taiwan restrict its U.S. offices to a few locations is detrimental to the best interest of both this country and Taiwan. I am confident that Taiwan would welcome the opportunity to keep its Guam offices intact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMES).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. DERWINSKI

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

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: Page 4, line 21, following "on December 31, 1978," add: "including multilateral conventions to which both the United States and Taiwan, known at the time as the Republic of China, are contracting parties."

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

Mr. DERWINSKI. Mr. Chairman, after listening to the debate on the amendment offered by the gentleman

from Idaho, I do not know whether I should quote the State Department in favor or opposed to my amendment. Actually this is a rather noncontroversial amendment, as I see it. The purpose frankly is this: There are in existence several important multilateral conventions to which both the United States and the Republic of China are contracting parties. For example, the 1963 Partial Nuclear Test Ban Treaty, the Convention on Narcotic Drugs, the Treaty on Nonproliferation of Nuclear Weapons, and so on.

It seems to me necessary and practical and appropriate, in light of this legislation, that we make it clear that these multilateral conventions would remain in force between the United States and Taiwan after January 1, 1979. I presume that is the administration's intent. I presume that this would be consistent with the President's statement that only the Mutual Defense Treaty was abrogated and, therefore, my amendment is intended to specifically spell out what I believe is understood and would just fill out a possible gap in the legislation before us.

I would hope that in that spirit the amendment would be analyzed, and I would hope it would be accepted.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield for a question?

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

Mr. ZABLOCKI. Mr. Chairman, the gentleman's amendment deals with multilateral agreements.

Mr. DERWINSKI. That is right.

Mr. ZABLOCKI. The gentleman's amendment, in the interpretation of the gentleman from Wisconsin, is that the amendment would, in a way, authorize the United States to determine unilaterally whether multilateral agreements will continue in force, and that will their membership be. Is that a correct interpretation?

Mr. DERWINSKI. No. It is the intent of the amendment to state that the multilateral conventions to which both United States and Taiwan, formerly known as the Republic of China, which were in force at the time of the change of status between the two countries, January 1, 1979, remain in effect as previously contracted, which was my understanding of the statement made by the President and further amplified by other officers in the executive branch since that time.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

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

Mr. ZABLOCKI. Mr. Chairman, I know that the gentleman is an excellent legislative draftsman, but in reading the gentleman's amendment, and folding it into the language of the bill, it would read as follows:

□ 1310

On page 4, beginning on line 19, the bill before us reads:

(c) All treaties and other international agreements which were in force between the United States and the Republic of China on December 31, 1978—

And the gentleman adds his language—including multilateral conventions to which both the United States and Taiwan, known at the time as the Republic of China, are contracting parties, shall continue in force between the United States and Taiwan unless terminated in accordance with their terms or otherwise in accordance with the laws of the United States.

I see no real harm in the gentleman's amendment, but will the gentleman further accept a suggestion. I am rather sensitive about repeating "Republic of China" twice in one sentence. That is not serious, but I am sure the gentleman from Illinois will agree that his language as I read it is kind of clumsy.

Mr. DERWINSKI. I admit that sometimes when one is motivated by purity of heart, it does not necessarily follow that his language structure is perfect, so in that sense I accept the gentleman's constructive comments.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

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

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

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

Mr. SOLARZ. Mr. Chairman, I do not want to panic the gentleman or undermine the obviously broad-based support for his amendment by letting him know that I think he has a remarkably good idea here, which I can comfortably support, but anytime DERWINSKI and SOLARZ can agree on an amendment, it is either prima facie evidence that it is unassailable in its virtue or there is something fishy going on. I would, however, like to suggest to the gentleman one very small grammatical correction in his amendment which I think is necessary in order to clarify its intent.

The gentleman proposes to insert his amendment on page 4, line 21, following the phrase, "On December 31, 1978."

But, at the end of his amendment, after the word "parties" he has a period rather than a comma. I think, in order for the amendment to make grammatical sense as part of the paragraph in which it is proposed to be included, that period should be a comma.

So, I would ask unanimous consent, without objection certainly from the gentleman in the well, to amend the Derwinski amendment by changing the period after the word "parties" at the end of his amendment to a comma. It would then read:

All treaties and other international agreements which were in force between the United States and the Republic of China on December 31, 1978—

And here we pick up the Derwinski amendment—

including multilateral conventions to which both the United States and Taiwan, known at the time as the Republic of China, are contracting parties—

And here the period becomes a comma, and it goes on— shall continue in force—

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And so forth.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. SOLARZ)?

There was no objection.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

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

Mr. ZABLOCKI. Mr. Chairman, with the perfections that have been accepted by the gentleman from Illinois, the sense of the amendment is nothing more than the bill before us intends. We accept the amendment on this side.

Mr. RUDD. Mr. Chairman, I would like to speak in support of the amendment proposed by my good friend from Illinois (Mr. DERWINSKI).

I believe that it is important to protect the status of the Republic of China in all international organizations and institutions. It is wise that the Congress exert its prerogatives and provide a degree of international security for our friends on Taiwan.

#### FREE CHINA AND INTERNATIONAL ORGANIZATIONS

This amendment would require the U.S. representative in such organizations to use for Nation's voice and vote on behalf of protecting the status of Taiwan as a member of all international organizations and institutions of which it was a member as of December 31, 1978.

It would also require the United States to support the status of Taiwan in all international agreements to which Taiwan was a party at the end of 1978, and to urge other nations to do likewise.

Similarly, it would require U.S. opposition to any sanctions, especially in the form of a trade boycott, which might be attempted against the Republic of China by the People's Republic of China.

The primary need for these protections, Mr. Speaker, is to insure that the international rights and status of the people and Government on Taiwan are not endangered by the absence of full diplomatic relations with the United States.

We in the Congress should exert our influence through this legislation to make the best of what I consider a deplorable situation.

We should indicate forcefully our sincere desire to protect our friends on Taiwan by strengthening this legislation.

In this way, Congress can demonstrate its intention to avoid complicity in the President's unilateral decision to recognize the People's Republic of China at the expense of our friend and long-time ally, the Republic of China.

#### PROTECT FREE CHINA'S ECONOMIC SECURITY

The continuation of Taiwan's international economic relationships is crucial to their continued prosperity, and, indeed, to stability in that part of the world.

Additionally, it should be remembered that Taiwan's prosperity is not unrelated to our own economic prosperity. Taiwan is our eighth largest trading partner. Difficulties for them would undoubtedly have ripple effects which would disturb the U.S. economy as well.

It is important that Taiwan's economic security not be threatened, even indi-

rectly, by President Carter's unilateral and unexpected move. Stability is crucial, and this can be encouraged by U.S. insistence that Taiwan remain a member of the international organizations of which she was a member prior to January 1, 1979, at which time the President's recognition of the People's Republic of China took effect.

The rumors have already begun that the People's Republic will move to oust Taiwan from the "China seat" in a number of international organizations. A successful challenge in that direction might also endanger the long-term loans which Taiwan has previously secured, particularly from some of the international financial institutions of which she is presently a member in good standing.

The potential economic disruption which would follow such loan cancellations would be disastrous for the free Chinese economy and for our economic relations and trade with Taiwan.

This amendment will serve to protect the economic interests of Taiwan and the United States.

#### CONGRESSIONAL ROLE IGNORED

Mr. Chairman, the amendments which we are working to incorporate into the bill today are designed to overcome the obvious shortcomings of the President's shortsighted policymaking decisions. Proper discussion would have allowed the development of better United States-Taiwan relations.

While it is true that, under our constitutional processes, the President has primary responsibility for the conduct of our foreign policy, the Constitution also provides for full consultation with the Congress.

No such consultation with the Congress was attempted by the administration prior to the decision to derecognize the Republic of China and to establish full diplomatic ties with the People's Republic of China.

It should be understood that any clarification of U.S. relations with Taiwan enacted by the Congress is aimed at correcting this glaring omission, and in establishing the kind of relationship with the Republic of China which the Congress would have urged upon the President had he conferred with Congress prior to his decision.

I have previously indicated my complete disagreement with the President's decision to end our relationship with the Republic of China and the defense commitments our Nation had with Taiwan.

I am pleased to have joined with my distinguished colleague from Arizona, Senator BARRY GOLDWATER, and other past and present Members of Congress who have entered suit to challenge the President's single-handed abrogation of this important commitment.

Needless to say, I would prefer a return to the situation with regard to the Republic of China as it existed prior to the President's December 15th announcement, regardless of whatever U.S. relations we adopted with the Peking Government.

I think that it is important for the world to know the value which the American people, if not their President, place

on our friendship and continued relationship with the people of Taiwan.

For this reason, it is absolutely imperative that the Representatives of the American people here assembled express with a clear and unmistakable voice that the people of the United States earnestly desire to protect the international economic security of the people of Taiwan.

I urge the adoption of the Derwinski amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI), as modified.

The amendment, as modified, was agreed to.

□ 1315

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

Mr. Chairman, I visited Taiwan last November and was impressed with their realistic evaluation of the energy problem they face which, incidentally, is similar to ours. Taiwan though, is doing more to solve their energy problem than we are to solve ours. They have faced the reality that nuclear energy is the only alternative they have toward a goal of reasonable independence of petroleum.

They have, accordingly, proceeded with a nuclear powerplant construction program which is dependent on our continued supply of enriched uranium fuel. They are paying full costs for this fuel. They have now reached the point where an increase in the ceiling for our supply of such fuel under their Agreement for Cooperation with us is necessary. Present legislation requires submission of a request by the administration to the Congress to increase this ceiling. As I understand it, Taiwan is in need of an increase in the ceiling for the supply of enriched uranium from 7,500 megawatts of electrical generating capacity to approximately 15,000 megawatts. I would hope that the Foreign Affairs Committee would encourage and support the administration in increasing this ceiling since it is so vital to the future welfare and security of Taiwan. It would certainly be a positive indication of our interest in the future of Taiwan. Support of Taiwan in their efforts would also certainly be a positive indication of our insist other nations in contending with their energy supply problems. An indication of the views of the chairman on the support of such a change in the ceiling for enriched uranium under our Agreement for Cooperation with Taiwan would provide an important incentive for such a change. Would the chairman like to provide his views and intentions on this matter?

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

Mr. PRICE: I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the committee understands that conversations have already begun dealing with the renegotiation of the Taiwanese Nuclear Agreement for Cooperation, to which my friend and colleague, Chairman PRICE has just referred. These negotiations, which are

unrelated to the change in United States-Taiwanese relations, aim at updating and streamlining the agreement under terms consistent with those set forth in the Nuclear Non-Proliferation Act. These negotiations further demonstrate the willingness of both the United States and the Taiwanese to continue to expand and improve their cooperation in the nuclear area; they also provide the basis for renewing and perfecting the various assurances and guarantees necessary for the effective safeguarding of U.S. nuclear materials and technologies.

I understand that U.S. officials involved in these talks have already indicated their willingness to look favorably upon an increase in the nuclear fuel ceiling for Taiwan. I can assure the gentleman that I, too, would favor such an increase and would recommend support for it once the agreement comes before the Committee on Foreign Affairs. I am confident these discussions will be concluded in the relatively near future.

I hope these reassurances are helpful.

#### BACKGROUND NOTE

The current ceiling will not affect or prevent the export of the two reactors now pending before the U.S. Nuclear Regulatory Commission; that is, units 5 and 6. Nor would it constrain the import or fueling of a subsequent seventh unit. Taiwan would not actually begin to bump against the existing ceiling until the late 1980's in connection with securing the last portion of fuel required for their proposed reactor unit No. 8.

Taiwan is amenable to renegotiating the agreement, is not nervous about the current ceiling, and is satisfied to have it raised within the context of the ongoing negotiations.

Mr. PRICE. Mr. Chairman, I thank the Chairman of the Committee on Foreign Affairs for his comments, and I am certainly in accord with the views he has expressed.

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

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

Mr. STRATTON. Mr. Chairman, I certainly support both Chairman PRICE and Chairman ZABLOCKI in their expressed intent to stand by our commitments to Taiwan under our agreement for cooperation in the peaceful uses of nuclear energy. In addition to contributing to the welfare and security of Taiwan, the increased ceiling of uranium fuel will further our trade efforts with Taiwan by opening up the option of additional power-generating equipment from the United States. Taiwan has, in the past, relied heavily on the technology and equipment of the United States for the generation of electricity. At the present time, when our purchases of nuclear power plants are depressed because of a vacillating national policy on the production of energy, additional international business will provide a vital contribution to keeping our industrial capability viable as I have reason to know will apply in my own district, where an important electrical industry is located. We then will be able to move ahead with our own meaningful energy program when our

national policy catches up with the facts of the dilemma we face.

□ 1320

#### AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 9, strike out lines 1 through 9 and insert in lieu thereof the following:

"(c) Employees of the designated entity shall be employees of the United States. Employees who are separated or transferred under this section shall be subject to the same laws of the United States relating to employees of the United States as they were immediately prior to their separation or transfer. Any other employees of the designated entity shall be employees of an Executive agency within the meaning of part III of title 5, United States Code."

Mr. ASHBROOK. Mr. Chairman, if we look at the bill, the current section (c) has a very strong odor to it. We are told that this is going to be a straightforward dealing with our friends on Taiwan. We are told that we want to continue in normal ways and yet, for some reason or other, mysteriously all these people dealing with our friends in Taiwan are supposed to be out there somewhere in never-never land. They are not going to be employees of the United States. Listen to what the bill says:

(c) Employees of the designated entity shall not be employees of the United States and, in representing the designated entity, shall be exempt from section 207 of title 18, United States Code.

I would ask my friend, the chairman of this committee, the gentleman from Wisconsin (Mr. ZABLOCKI) to explain to the House just what it means to be exempt from section 207 of title 18, United States Code, and why the employees of this agency, entity, designated entity or whatever one wants to call it, are going to be out there somewhere in an unofficial never-never land, not being employees of the U.S. Government?

Are we so afraid of having any vestige of government-to-government relations that we are even going out of our way to say these people will not be employees of the United States?

I will ask my friend, the chairman, the gentleman from Wisconsin, to respond to that question and tell the committee just what it means to be exempt from section 207 of title 18.

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

Mr. ASHBROOK. I certainly yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman for yielding.

As I understand, the gentleman is trying to clarify and confirm what my understanding of section 207, title 18, of the United States Code is. It is my understanding that section 207 of title 18 of the United States Code prohibits for 2 years any Government employees from appearing before a Government agency, for which he worked. This exemption is necessary because it does not make sense not to prohibit the people who were formally in the U.S. Government who would be now employed by the designated entity from appearing before a Govern-

ment agency in order to bring about the relationship that would be continued under the authorities of the entity. That is all it does.

Mr. ASHBROOK. It seems as though it is a rather strange pattern.

Mr. ZABLOCKI. It is necessary for the entity to be workable.

Mr. ASHBROOK. Why is it necessary? It is necessary because the gentleman is trying to create a group of employees who are really in never-never land. They will be former Government employees who will be acting in the capacity of representing the Government, but they will not be representing the Government, so, therefore, the gentleman has to exempt them from the provisions that we apply to those who used to work for the Government but who now represent private agencies before the Government. It is a rather complicated process. Would it not be simpler to just say honestly, outright, and forthwith that this entity shall be comprised of employees who work for the U.S. Government? Are they not in effect, if everything we have said is true and heard up to now, working for the U.S. Government? Why do we need to create this section? Could my colleague tell me that?

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

Mr. ASHBROOK. I certainly will yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman for yielding.

I will attempt again to try to explain it. We are faced with a fait accompli as to a decision on the part of the President to establish a nongovernmental agency called the U.S. Institute in Taiwan. The name we did not choose. We deleted it in our legislation. We leave it up to the President as to what he calls it and what he wants it to be in consultation with the authorities on Taiwan.

□ 1325

Furthermore, it is necessary to protect these former governmental employees, whether they are in the State Department, foreign service, former Ambassadors or formerly with the Department of Defense or the Department of Energy. It is also essential that there be authority to assign former governmental personnel to work for this entity without jeopardizing their long range employment, retirement and other rights.

What this legislation does, and I hope the gentleman from Ohio will agree with me, is to protect these U.S. employees.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. ZABLOCKI, and by unanimous consent, Mr. ASHBROOK was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, protect some of the benefits that would be theirs had they remained in government during the period of their tenure with the designated entity.

Mr. ASHBROOK. My mind goes back and my memory goes back to the very first year I was in Congress. I remember the very first relationship I had with the war in Vietnam. A former service-

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man from Ashland, Ohio, died. He was killed in Vietnam. He had \$60,000 worth of insurance coming, because he really was a serviceman in Vietnam who was not a serviceman in Vietnam. We created the fiction that he was no longer working for the Government, but he was over there as an adviser, as a civilian, retaining all his military rights, all his pensions and insurance.

All of a sudden, the minute he died, he was again a serviceman, but while he was over there he was not a serviceman. You know, the more we get into this type of illusions, this type of fiction the more cloudy our actions and intentions become. The chairman has referred to them as U.S. Government employees three times, as I have heard in the gentleman's response. Yet the gentleman is saying in the bill they will no longer be U.S. Government employees. Here we go and we are on the same fiction, creating the same shell game. Why not flat out say they are Government employees?

The gentleman also said something to which I would take umbrage, too, that we are dealing with a fait accompli. If it is a fait accompli, we do not need this bill. The fact we need this bill is the best indication that it is not a fait accompli, that the Congress does have some say, we do have some input.

I am saying to my chairman, to my friend, in all fairness, here we go again, creating a fiction, and it is this type of fiction that gets us into trouble across the world, whether it is the CIA, the double agent, the fiction we had in Vietnam, or the fiction we are now creating that we are now going to have nongovernment employees. I have in my hand the articles of cooperation of the American Institute in Taiwan which were filed here in the District of Columbia. As I read that, I wish all Members had it, a certificate of the Office of the Recorder of Deeds, a fate accompli, it is kind of like the guy who is so busy selling stock that he forgot to go ahead and form the company. They have incorporated. They have gone ahead with all this. They have the Institute of Taiwan already in place. That is a part of the fact accompli; but do we in the Congress have to underwrite everything that has been done down there if we do not agree with it?

I say let us make them official Government employees. Let us not create the fiction. That is all my amendment would do. I hope the gentleman from Wisconsin will agree and I would hope we not pull all the pieces apart that have been put together; but again let's be honest and adopt my amendment. Do we want to live by a fiction in this House, or will we once in a while deal with reality?

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

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

Mr. WOLFF. The gentleman keeps referring to fiction. Actually, what we are talking about are facts. These are basically what the facts are. These are not going to be Government employees at this time. They are so specifically set up.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 1 additional minute.)

Mr. ASHBROOK. May I say, we are not dealing with a fact. They are not employees. They are nothing until this bill is passed. We are not dealing with a fact. There is no legal entity in place which we have to recognize here in Congress.

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

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

Mr. WOLFF. The entity is in place today. The Taiwan Government has already designated their entity. We have designated our entity. What we are doing here in this particular section is trying to protect the people of the United States so that these people who are serving their connection on a temporary basis will be subject to the same rules and regulations as if they had stayed in the employ of the United States.

Mr. ASHBROOK. They are severed on a temporary basis. That is not a fiction. They are severing their relationship on a temporary basis so they can join an entity that is out there in never-never land, and that is not a fiction. That is a fact.

□ 1330

Mr. WOLFF. They are not in a never-never land. They are in another office set up to deal with the problems between our Government and the people on Taiwan. That is all. We are trying to facilitate something that could not exist under any other circumstances.

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

Mr. Chairman, I certainly must admire the gentleman from Ohio (Mr. ASHBROOK). He is not in a never-never land, as far as his intentions are concerned. The gentleman's amendment would require that employees of the entity be employees of the United States.

In one respect, because they will be working for a governmentally-designated entity, they might be regarded in a way as employees of the United States. But where the gentleman really spells out his true intent is when he says that they shall be employees of an executive agency within the meaning of part 3 of title V of the United States Code, which means Government employees.

Now, it may be a never-never land or whatever, but the President has normalized relations with the PRC under certain conditions, and one of the conditions was that our governmental relations with Taiwan would have to be severed. We indeed had derecognized, so to speak, Taiwan on a formal basis. We have closed the Embassy in Taipei.

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

Mr. ZABLOCKI. Yes, I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me ask the gentleman this question: If this amendment were adopted, it would be exactly the same as if we were to establish a liaison office on Taiwan, because would we not then be putting Government employees or Government repre-

sentatives there, in complete contradiction or contradiction to what the President has so stated?

Mr. Chairman, let me ask, has not the President the full right to recognize or derecognize governments?

Mr. ZABLOCKI. Mr. Chairman, the gentleman is absolutely correct. Under our Constitution it is the President who makes the decision.

Mr. SKELTON. So is this amendment not in essence offered to try to get the so-called Quayle amendment through the backdoor or by subterfuge?

Mr. ZABLOCKI. Mr. Chairman, the gentleman is correct. He has stated exactly what I had intended to state later in my remarks, that indeed what this amendment would do would not help Taiwan.

This amendment is similar to the amendment that was defeated last Thursday; that is the amendment to establish a liaison office in Taipei.

If this amendment were adopted, it would fly in the face of the agreement made and negotiated with the PRC, and, therefore, there would be no recourse or there would be no relationship available by the United States and no activities with Taiwan.

There is not at the present time an embassy there. We do not have any established governmental relations. They have been severed. But we do have this nongovernmental entity, and we are in this legislation providing for staffing the personnel for this entity and giving it all the protection the gentleman was concerned about in our colloquy earlier.

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

Mr. ZABLOCKI. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I would like to clarify for the record the status of this particular presence in Taiwan in the event the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) is not agreed to.

Let us suppose someone is at the entity and should develop a tort claim. In other words, under the present law, if there were a government present, they would have a tort claim against the U.S. Government. Now, how is that addressed in this bill, under the present language of the bill?

Mr. ZABLOCKI. Mr. Chairman, under section 201, subparagraph (b)(1), the bill has specific provision to continue unchanged the application of the United States with respect to Taiwan. Both Taiwan and this country could sue and be sued likewise.

Mr. WHITE. Mr. Chairman, if the gentleman will yield further, I am not talking about that. I am talking about American citizens. Could an American citizen sue in the U.S. courts for an action taken by a member of this entity insofar as they are not government employees?

Mr. ZABLOCKI. Yes, just as he was in a position to sue prior to this time, it is intended that it would be possible for an injured party to sue the U.S. Government under the Tort Claims Act for injuries resulting from actions of employees of the designated entity.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. WHITE. Mr. Chairman, will the gentleman yield further?

Mr. ZABLOCKI. I yield to the gentleman from Texas.

□ 1335

Mr. WHITE. Where does it say this in the bill or in the report?

Mr. ZABLOCKI. In the report on page 11, and in the bill on page 5, is language pertaining to section 202, subparagraph (b) (1), on line 17. If I may read it:

(b) (1) The laws of the United States which apply with respect to agencies of the United States Government shall, to the extent the President may specify, apply with respect to the designated entity as if the designated entity were an agency of the United States Government.

Mr. WHITE. But suppose the President does not specify the tort claim. It says:

... to the extent the President may specify ...

Mr. ZABLOCKI. The legislation before the committee provides:

(b) (1) The absence of such relations and such recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States (including laws relating to rights, obligations, standing to sue and be sued, legal capacity, or eligibility to participate in programs and other activities under the laws of the United States) shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

We provide that whatever the situation was concerning the rights of American citizens in any country, particularly, in this case, in Taiwan, prior to January 1, 1979, shall continue.

Mr. WHITE. I want to say to the chairman that I merely want to point out that in every instance the gentleman talked about that I want to make sure we have an understanding that this language deals with Taiwan, and I want to make sure that we are dealing with American citizens and we are dealing with the intent. I want to make sure the tort claim would apply to those specified.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(On request of Mr. ASHBROOK and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. In response to the gentleman from Texas, the protection of the American citizen is intended to be as it is now under existing laws of the United States.

Mr. WHITE. I know. But even though the President does not specify?

Mr. ZABLOCKI. The President would have to specify in some way so that the rights of a citizen in tort cases would continue as before.

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

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

Mr. ASHBROOK. Mr. Chairman, are

not the operating words, in response to the gentleman from Texas, the words "to the extent the President may specify"? It very clearly reads:

The laws of the United States which apply with respect to agencies of the United States Government shall, to the extent the President may specify ...

In any other area, this Congress would be up on its heels about giving the President that much authority. We have talked about the rights he has under the Constitution. Here we are talking about the laws that are passed by the Congress, and we are letting the President waive them as he might see fit.

Mr. ZABLOCKI. The gentleman from Wisconsin would like to clarify or correct a prior response. In referring to page 5, line 17, that was with respect to the entity that was authorized.

Mr. ASHBROOK. Mr. Chairman, if my colleague will yield, we have the Government's ability to decide whether the Government should be sued or not sued. That is something that is disputed. That is not an automatic right of the citizen. The President can specify that the Tort Liability Act would not be applicable to the new entity.

Mr. ZABLOCKI. Again, I want to make it very clear, and I hope this legislative history will make it even more clear, as to what the intent of Congress is. Using section 201(b) (1) as that section applies, the President has no waiver authority. Under section 202(b) (1), he has the authority to make laws applicable to U.S. agencies apply to the designated entity to the extent necessary for efficient functioning of the entity in carrying out its duties and for the protection of U.S. citizens.

□ 1340

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Further as to the authority that the President has on page 5, section 202(b) (1), that is in reference to the agencies of the U.S. Government. In this case, it would also be the designated entity.

Mr. ASHBROOK. I thank my colleague for his answer.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the gentleman's amendment needs more discussion in areas really not addressed by him, because I feel under the legislation before us that the employee would be taken care of nonetheless either under the bill, or as the gentleman suggests.

My concern is to what I deem to be inconsistencies in the legislation. This is so important, Mr. Chairman, that we must have legislative history because I have not been privy, unfortunately, to the hearings held by this prestigious committee and by the gentleman from Wisconsin. Last year, when I temporarily was serving on this committee, I was privy to no information at all, and I heard on the television the great announcement of what we were about to do.

So, having not been consulted then, I doubt that I will be consulted now or in the future.

My question is, page 5, section 202(b) (1) says that the President can make anything he wants, specifying as if it were an agency of the U.S. Government. But, over here where we were talking previously, it says, "All treaties and international agreements \* \* \*" and so forth, on page 4, " \* \* \* or otherwise in accordance with the laws of the United States." That is at the bottom of page 4.

Now, on (b) (1), lines 17 to 21, page 5, it seems that here we give the President authority to go back and undo some of what I read heretofore. Also, why have we given the President the authority here with regards to laws of the United States related to agencies, why then do we prohibit him on page 9 by saying that the employee shall not be deemed the employee of the United States? Some people are saying that this is a deal struck with the PRC. Well, I was not privy to that, and it may well be, but to what extent are we going to allow the PRC to conduct the affairs of this House and of this country?

Some of us need some satisfaction that we know or will have reasonable knowledge of what is going to happen, because as I see it here, we let the President do or undo whatever he wants as far as specifying or not specifying.

Then, how do we handle this? This is very important. How do we handle any activity of the Secretary of State related to the designated agency? How do we handle any activity on any given day by the Assistant Secretary for Far Eastern Affairs relating to the designated agency? How do we handle any individual spending one minute of time related to the designated agency? Does he for that 1 minute lose his employment with the U.S. Government?

□ 1345

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

Mr. DE LA GARZA. Let me yield to the chairman of the Committee on Foreign Affairs first, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. However, I would prefer that the gentleman yield to the gentleman from New York because I understand that this question has been clarified in hearings. The gentleman from New York (Mr. WOLFF) is in a better position to deal with this matter since he chaired the Subcommittee on Asian and Pacific Affairs.

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished gentleman of the Committee on Foreign Affairs, and I yield to my colleague, the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, first of all, in response to the latter part of the question, does the gentleman really believe that we have any control over the Secretary of State now, regardless of whatever place in the world he deals with?

Mr. DE LA GARZA. We should have.

Mr. WOLFF. We should have, but, in reality, we do not, so that actually there is very little or nothing which we can do



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to control the activities of the Secretary of State.

We do have within the aegis of this committee oversight responsibilities. These oversight responsibilities are taken up by the chairman of the Subcommittee on International Operations.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. DE LA GARZA. I yield to the gentleman from New York

Mr. WOLFF. Mr. Chairman, only this morning in a hearing before the Committee on International Operations, the ranking member of the committee and the chairman of that committee told the full committee that they would exercise the oversight responsibility over the American Institute on Taiwan. Really what is happening here, with all due respect to the gentleman from Texas (Mr. DE LA GARZA), is a determination as to whether or not we should have government-to-government relations. That is basically what is involved in this amendment which the gentleman has just offered, and it is basically what is involved in most amendments and subsequent ones which will be coming up.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman's comments.

However, that is not my immediate concern. I have great confidence in the gentleman from Florida as far as oversight is concerned.

My immediate concern is, nonetheless, that we go back and forth here; and I as one Member of this House do not want to yield 1 ounce of legislative jurisdiction which we might have. I say again that I am not clear as to what area or what agreements were made with the PRC. I do not know. I am dealing from a very inadequate position.

What I would like to do is to affirm here what our legislative intent is, if we could.

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

Mr. DE LA GARZA. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I understand fully the gentleman's concern. However, let me make it indelibly clear that page 4, section 201, is a very important section which states that all U.S. laws will continue to apply with respect to Taiwan notwithstanding the withdrawal of U.S. diplomatic relations.

The Presidential flexibility of waiver which is included in section 202 does not apply.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. If the gentleman will yield further, Mr. Chairman, the purpose for the waiver of authority in section 202 (b) (1) is that the waiver of authority is only given to the President to the extent that it deals with the entity. The present

flexibility in section 202, as far as the gentleman from Wisconsin is concerned and as far as the sponsors of the legislation, the Committee on Foreign Affairs, are concerned, is to express the intent that we allow the President to move closer on a government-to-government relations basis with the authorities on Taiwan if he chooses, but it does not mean that he must be limited. In other words, he does not have to limit U.S. dealings with Taiwan to those conducted to the nongovernmental entity, although he is given that authority to do so.

Mr. Chairman, I submit that this is necessary to deal with this matter at this time in a nongovernmental basis in order to continue our activities and our relationships with Taiwan.

I would prefer to call this bill the Taiwan Protective Act because it is going to protect the interests which we have and the interests which Taiwan has in continuing relations with the United States.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has again expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, will my colleague, the gentleman from Texas, yield?

Mr. DE LA GARZA. Let me just make this statement, and then I will be happy to yield.

Nonetheless, if I read English correctly, we say in one section—and this language is on page 4 of the bill—"otherwise in accordance with laws of the United States."

Then on page 5, section 202(b) (1) this language appears:

The laws of the United States which apply with respect to agencies of the United States Government shall, to the extent the President may specify, apply with respect to the designated entity as if the designated entity were an agency of the United States Government.

□ 1350

These are the sections of this bill which shall apply to the entity, and as I read them we revert to any action the President takes.

My concern is let us say Taiwan is a member of a fisheries agreement among five countries. We say we do not abrogate that agreement. We cannot. That is up to that entity to abrogate it. But, nevertheless, who is going to participate with the United States with the daily activities of that agreement, or the annual activities—the designated entity, or the Secretary of State, or the Department of Commerce? Who participates in those matters?

Mr. Chairman, this deals with far too important a matter to be here having it dealt with a minute at a time. Some of us need some assurances. Again repeating, not being a member of this distinguished committee, I am asking the chairman, the gentleman from Wisconsin, for assurance.

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

Mr. DE LA GARZA. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

I can give the gentleman that assurance. Section 202(b) (1) says:

The laws of the United States which apply with respect to agencies of the United States Government shall, to the extent the President may specify, apply with respect to the designated entity . . ."

The gentleman's concern is unwarranted.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ASHBROOK, and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. DE LA GARZA. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

With all honesty, my good friend, the gentleman from Wisconsin (Mr. ZABLOCKI) cannot make an assurance of that type. Read section 202. We are talking about the President of the United States. In one section the gentleman says "to the extent the President may specify, \* \* \*." That is the law. Later on the section says, "upon such terms and conditions as the President may direct." Down at the bottom another operative phrase says: "The President is authorized to extend \* \* \* such privileges and immunities \* \* \* as may be necessary for the effective performance of their functions."

Add those three up. "To the extent the President may specify," "such terms and conditions as the President may direct," and he can add "such privileges and immunities" as he finds necessary.

No one can make assurances as to what this President or a subsequent President will do with that broad authority, which now comes not under the Constitution, not under the powers of dealing with foreign nations, but under what we are extending to him as a Congress, as a governing part of law. So there is no way my friend, the gentleman from Wisconsin (Mr. ZABLOCKI) can make the assurance he just made to my friend, the gentleman from Texas (Mr. DE LA GARZA).

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

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

Mr. DERWINSKI. Mr. Chairman, this has been a subject that could well have provoked an emotional atmosphere. It has not. I commend all the Members for maintaining an objective, calm, practical—I would call it diplomatic—attitude toward this measure. But I want the Members on my side of the aisle to understand that it bothers me a bit when they use any statement in debate to criticize our President. I happen to have the highest regard for our President notwithstanding his tendency toward imperfection. I think that we should de-

bate this bill without using it as a vehicle to criticize the President.

May I say to the Members on the majority side that, keeping in mind this great respect I have for our President, it pains me when I hear some of them discuss the virtues of the senior Senator from Massachusetts, or the Governor of California. I do not think either of those gentlemen could fill the shoes of our beloved President. Now having said that, I am about to get to the point of supporting the gentleman's amendment.

□ 1355

Mr. ASHBROOK. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Before we get too far, I very carefully said: This President or a subsequent President. I would add that my response would be the same if this whole charade had been in existence during the administration of a previous President. We are not talking about any President who would have wide latitude and authority.

Mr. DERWINSKI. Mr. Chairman, I accept that as the gentleman's joining me in the acceptance of our President's good character.

The gentleman from Ohio in proposing his amendment should have labeled it "An amendment to end double talk."

I refer the gentleman to section 203, page 7 of the bill. I call his attention to the fact that subparagraph 3 reads:

(3) An officer or employee entitled to reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the designated entity with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment.

This means as you read further a Federal employee will continue to receive his health insurance, his retirement coverage, his life insurance, all the benefits of Federal employment. When he returns from this entity, returns to employment within the Federal structure, he keeps all of his seniority, he transfers to whatever position he is entitled to or promoted to and, here is the key point, that while in the service of this entity, if by death or retirement his service is interrupted, he shall be considered a Federal employee. So all the gentleman from Ohio is doing is saying the obvious, that for everything but terminology, these people will be Federal employees.

I predict to the gentleman that 6 months from now whoever heads this entity will be affectionately known in Taiwan as the Ambassador of the United States. That is a fact of life. It is just as natural as night following day.

The gentleman from Ohio is just asking that our employees who will be Federal employees, who will not accept this assignment unless they are told their Federal employee rights will be guaranteed, that they shall in fact be designated as Federal employees.

I think it is a good amendment, I think it is a practical amendment, I think it is in the interests of the employees. I also suggest that you are setting a dangerous

precedent through this legislation if you do not in fact acknowledge that a Federal employee is nothing but that. You should want him to be known as a Federal employee and I would urge support of the amendment.

Mr. BAUMAN. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Is it not true this designated agency or entity or whatever they finally call it in fact be using appropriated funds which will come from this Congress and if we do not adopt an amendment of this nature it will not be at all clear that we have control over the taxpayers' money or the people that are spending it?

It is virtually unprecedented that Congress would hand out millions of dollars of tax moneys to an entity to be spent when it is not under our control.

Mr. DERWINSKI. We will be appropriating money from the taxpayers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 28, noes 37.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 239, not voting 22, as follows:

[Roll No. 30]

AYES—171

Abdnor, N. Dak.
Andrews, N. Dak.
Applegate
Ashbrook
Badham
Bafalis
Bailey
Barnard
Bauman
Bereuter
Bethune
Breaux
Brinkley
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dougherty
Duncan, Tenn.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Findley
Fish
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gillman
Gringrich
Goldwater
Gooding
Gradison
Gramm
Grassley
Grisham
Guyer
Hagedorn
Hammer-schmidt
Hance
Hansen
Harsha
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Hyde
Ireland
Jeffries
Jenkins
Kelly
Kemp
Kildee
Kindness
Kramer
Lagonarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
McEwen
Marlenee
Marriott
Mathis
Mattox
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Nelson
Nichols
O'Brien
Pashayan
Paul
Quayle
Quillen
Rallsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Roth
Rousselot
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder

Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Trible
Vander Jagt
Walker
Wampler
Watkins
White
Whittaker
Williams, Ohio
Wilson, Bob
Winn
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

NOES—239

Addabbo
Akaka
Albosta
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Aspin
Atkinson
AuCoin
Baldus
Barnes
Beard, R.I.
Bedell
Bellenson
Benjamin
Bennett
Blaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Broadhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chappell
Chisholm
Clay
Coelho
Conyers
Corman
Cotter
D'Amours
Danielson
Daschle
Davis, S.C.
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Gephardt
Giulmo
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heffel
Hightower
Holland
Howard
Hubbard
Huckaby
Hughes
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
Kostmayer
LaFalce
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Martin
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Rahall
Rangel
Ratchford
Reuss
Richmond
Roberts
Rodino
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Scheuer
Schroeder
Selberling
Shannon
Sharp
Simon
Skelton
Slack
Solarez
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—22

Alexander
Ambro
Anderson, Ill.
Ashley
Beard, Tenn.
Bevill
Brown, Ohio
Collins, Ill.
Crane, Philip
Dicks
Diggs
Dodd
Dornan
Downey
Flood
Garcia
Hutto
McCloskey
McKinney
Pursell
Smith, Iowa
Wilson, C. H.

March 13, 1979

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□ 1415

Mr. DANIEL B. CRANE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma: On page 10, line 12, strike out "and the Pescadores" and insert in lieu thereof "the Pescadores, Quemoy, and Matsu".

(Mr. EDWARDS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Chairman, the amendment which I have offered is very simple and uncomplicated. It merely broadens the definition of the term "Taiwan" to include not only the island of Taiwan and the islands of the Pescadores chain, but also those two islands which mean so much to the defense of Taiwan, the islands of Quemoy and Matsu.

On these two islands live 76,000 free Chinese. Moreover, these two islands contain a substantial of Taiwan's armed forces.

□ 1420

Mr. Chairman, to exclude the two islands of Quemoy and Matsu from this act is an open invitation to Peking to attack these islands without so much as a suggestion from us that it might be of some concern to the United States.

Some people, knowing that this amendment was going to be offered, have argued that the Mutual Defense Treaty of 1954 did not extend to these islands, and that to include them in this act goes beyond what we were willing to do previously. But what was our previous commitment? To furnish military equipment. To furnish our Air Force, our Navy, our fighting men and women, if necessary, to defend the freedom of the Republic of China. But what are our responsibilities to Taiwan under this act now before us? Only to express our grave concern.

I must say that I do not know, Mr. Chairman, whether having grave concern is more or less than to deplore or to condemn, since rhetoric is relative. But all this is a statement of concern. Is the United States so afraid to be an international power that it fears extending even its concern for the freedom and safety of the 76,000 Chinese on Quemoy and Matsu? Who here seriously believes that this administration would be willing to do anything more than to deplore a Communist attack on these islands? But if Peking sees that the Congress of the United States is willing to extend its concern at least to Quemoy and Matsu, perhaps that would be some deterrent to any attack on those islands.

In the last Congress we expressed our outrage over the treatment of Jews in the Soviet Union and blacks in South Africa. Today will we extend that same

concern for the very freedom and safety of the 76,000 Chinese on Quemoy and Matsu? This act incorporates a new relationship between the people on Taiwan and the people of the United States. The President has requested an end to the government-to-government relationship. We in the House now have the responsibility to speak for the people of the United States in this new relationship. There is no precedent for this corporate-to-corporate format, but the President, constitutionally entrusted with the conduct of our foreign policy, has chosen to have a corporation represent our interests in Taiwan. I do not believe the President can have it both ways, as some of my colleagues have suggested. We in the House must exercise our constitutional responsibility to protect American interests and to shape our future policy toward the people of Taiwan.

Hermann Hesse, in his book, "Demian," wrote that Europe had conquered the whole world only to lose her own soul. Mr. Chairman, a nation is like a man. It must keep its soul. It must do what is right. I submit that this amendment—this amendment which does no more than express our national concern for the safety of the Chinese on Quemoy and Matsu, and which recognizes the danger to all of Taiwan if those islands fall—will help this Nation, this great Nation of ours, to do the right thing and keep its soul.

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

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

Is the gentleman aware that there are a number of other islands which are under the control now of the present Government on Taiwan? Those islands would not be covered. In other words, what we would do, then, is exclude those islands. Or does the gentleman mean that this resolution would apply to all of the islands that are now under the control of Taiwan.

Mr. EDWARDS of Oklahoma. This amendment applies only to covering under the definition of Taiwan the island of Taiwan itself, the Pescadores chain, Quemoy, and Matsu.

The CHAIRMAN. The time of the gentleman has expired.

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

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

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

On page 16 of the report we specifically refer to Quemoy and Matsu. The indications are that the above definitions are illustrative but not limiting the term "laws of the United States" and "Taiwan" are to be construed expansively to carry out the purposes of this act. "Thus, for example, the term 'Taiwan' may in some contexts appropriately encompass the islands of Quemoy and Matsu, as well as other islands governed

by authorities exercising government control on Taiwan."

Basically, this issue was fought back in 1954 when the Mutual Defense Treaty, was passed and entered into by this Government. At that time it was felt that we should exclude both Quemoy and Matsu from the agreement. In fact, the Formosa Act was repealed in 1974 again on that basis of Quemoy and Matsu.

Mr. EDWARDS of Oklahoma. If I may reclaim my time to respond to the gentleman, first of all I acknowledge what is in the report. Unfortunately, we will not be voting on the report. The report is not what is before us. We are voting on the bill, and the bill does not include Quemoy and Matsu in the definition.

□ 1425

Secondly, I will repeat the point I made earlier that the decision that was made in 1954 referred to a defense treaty which called for the commitment of American military force. What we have before us here is merely an expression of our "grave concern" and I would suggest to the gentleman that it is not asking too much that this great body, representing this great and powerful country of ours, be willing to say that we consider that an attack on Taiwan, Quemoy, or Matsu would be a threat to the peace and stability of the Western area and of grave concern to the United States. This is all we are talking about.

Mr. WOLFF. Will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. WOLFF. It is the Spratly Islands today.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

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

Mr. LAGOMARSINO. Will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from California.

Mr. LAGOMARSINO. I offered the same amendment in committee and many of the same arguments we are hearing this afternoon were used against it at that time.

I think the gentleman made a good point as to whether or not language in a report would be helpful here. I submit that we are partly in the problem that we are in today because the President and his administration not only does not particularly pay attention to language in reports but sometimes language in legislation itself does not get proper attention, as with the language in the Security Assistance Act of last year, which mandated the President to consult with Congress before taking any action in this field.

It seems to me the other point the gentleman made; namely, that the reactions that would occur should there be an attack on or threat to Quemoy and Matsu would be determined by the administration in consultation with Congress and there are certainly no requirements that that action would be the same as if the Island of Taiwan itself were attacked. It

is ambiguous now; to clear up that ambiguity the amendment should not be adopted.

Mr. WOLFF. Would the gentleman yield further?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. WOLFF. The point I was trying to make before is the fact that while the Spratly Islands are very highly contested islands, and very valuable resources to Taiwan, you do not cover them. The reason we did not cover specifically the territories that Taiwan exercises control over is to be all-encompassing so that the areas that are now governed by the present Government on Taiwan would be all-inclusive in this bill.

Mr. EDWARDS of Oklahoma. May I say to the gentleman that the difference is the location of Quemoy and Matsu and the fact that a very sizable portion of the armed forces of Taiwan is located on Quemoy and Matsu and that therefore a threat or an attack against Quemoy and Matsu would pose a grave peril to the safety of Taiwan itself.

Mr. WOLFF. Will the gentleman yield further?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from New York.

Mr. WOLFF. However the territories of Quemoy and Matsu are considered part of this.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. SKELTON, and by unanimous consent, Mr. EDWARDS of Oklahoma was allowed to proceed for 1 additional minute.)

Mr. SKELTON. Will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Missouri.

Mr. SKELTON, Mr. Chairman, actually talking about the Islands of Quemoy and Matsu, as it was referred to by the subcommittee chairman, the gentleman from New York (Mr. WOLFF) that the battle was fought back in 1954. There was a subsequent battle over these islands and I think it was debated all over the Nation and decided at that time in the elections of 1960 between the contenders for the Presidency, President Kennedy and then Vice President Nixon, it was settled then. Does the gentleman not agree?

Mr. EDWARDS of Oklahoma. If I may respond to the gentleman, no, I do not agree. That was the point I was making to the gentleman from New York. In 1954 and then in 1960 were referring to a defense treaty, we were talking about a commitment by this country to provide servicemen to defend these islands. Now we are only talking about whether or not we as a people would express our "grave concern" in the case of an attack against those islands. That is not hardly the same point.

□ 1430

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

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

Mr. ZABLOCKI. Mr. Chairman, I have

taken the well rather than speaking from the mike at the table because I can hear myself better here, and I do not get such an overtone as I do at the mike at the table.

Adoption of this amendment, Mr. Chairman, would be unwise. The proposed amendment offered by the gentleman from Oklahoma (Mr. EDWARDS) has, indeed been, considered in the Foreign Affairs Committee and rejected. As the chairman of the Subcommittee on Asian and Pacific Affairs has stated, in referring to the language on page 16 of the report, the term, "Taiwan," may in some context appropriately encompass the islands of Quemoy and Matsu, as well as other islands governed by authorities exercising government control on Taiwan.

Quemoy and Matsu, Mr. Chairman, were deliberately left out of the mutual defense treaty, and I am sure my colleagues will agree with the members of the committee that we should not be expanding the U.S. security commitment beyond what was in the treaty. Quemoy and Matsu are considered by both Taipei and by Peking to be part of mainland China. They are in the province of Fukien. Quemoy is only 7 miles offshore, and Matsu is 12 off the mainland coast. They have been the repeated targets of shellfire, including propaganda shelling. Any shelling of the islands in the future would be of grave concern to the United States. We should consider this.

Does the United States want to regard the shelling of the islands as of "grave concern" to our country? In 1974 the Congress repealed the Formosa resolution in part because it implied a possible U.S. security commitment to these islands.

As I stated earlier, the reference in the committee report deals with a different context. It applies to a situation in which there could be commercial, cultural, and other exchange programs, which already extends to the people on these islands because they are under the Taiwan Government's control and which we want to continue to apply.

Yes, Mr. Chairman, it would be unwise for this bill to specify that the offshore islands of Quemoy and Matsu are within the definition of "Taiwan." We should recall, as I said earlier, that these islands are on the outskirts of the mainland. They are not a part of Taiwan per se. They were not included in the mutual security treaty, and both the administration and Congress have recognized the danger of any implication of a U.S. security commitment to these islands, and we, therefore, as I said, repealed the Formosa resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield to me?

Mr. ZABLOCKI. I will yield in just a few seconds.

Mr. Chairman, as far as the participation of people from Quemoy and Matsu are concerned in commercial or exchange programs, again I must point out the report of the Committee on Foreign Affairs makes it clear that no bar is intended, and thus, as an example, the term "Taiwan," as I said earlier, in our definition

and in the report may in some contexts appropriately encompass the islands of Quemoy and Matsu. And we might even include certain other small islands which the gentleman's amendment does not include.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(On request of Mr. EDWARDS of Oklahoma, and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have asked the chairman of the committee to yield only that I might make two points.

The first point is this: The chairman of the committee refers to the fact that the report states that in some contexts Quemoy and Matsu might be included in the definition of "Taiwan." But the chairman of the committee cannot tell us, and the report does not tell us, who will determine in what context Quemoy and Matsu will be included.

My second point is this, if I may repeat a point that I made earlier: This is not a security commitment. The committee chairman referred to a security commitment but this is merely a statement that a threat to Quemoy and Matsu would be of grave concern to us. I submit that to specifically exclude Quemoy and Matsu from this bill is to say in effect to Peking that a threat to Quemoy and Matsu would not be of concern to us.

Mr. Chairman, I thank the gentleman for yielding.

□ 1435

Mr. ZABLOCKI. As far as the reference in the committee report is concerned, it does not extend our security commitment in its referral to Quemoy and Matsu.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS).

The question was taken; and on a division (demanded by Mr. EDWARDS of Oklahoma) there were—ayes 30, noes 45.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 256, not voting 30, as follows:

[Roll No. 31]

AYES—146

Abdnor	Chappell	Duncan, Tenn.
Andrews,	Clausen	Edwards, Okla.
N. Dak.	Cleveland	Evans, Del.
Applegate	Collins, Tex.	Evans, Ga.
Archer	Courter	Gaydos
Ashbrook	Crane, Daniel	Gilman
Badham	D'Amours	Gingrich
Bafalis	Daniel, Dan	Goldwater
Bailey	Daniel, R. W.	Goodling
Barnard	Dannemeyer	Grassley
Bauman	Davis, Mich.	Grisham
Beard, R.I.	de la Garza	Guyer
Bouquard	Deckard	Hagedorn
Breaux	Derwinski	Hall, Tex.
Brinkley	Devine	Hammer-
Burgener	Dickinson	schmidt
Campbell	Donnelly	Hance
Carney	Dougherty	Hansen

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Harsha  
Heckler  
Hightower  
Hinson  
Holt  
Hopkins  
Howard  
Hubbard  
Huckaby  
Hyde  
Jeffries  
Kelly  
Kemp  
Kindness  
Kramer  
Lagomarsino  
Latta  
Leach, La.  
Leath, Tex.  
Lent  
Livingston  
Loeffler  
Lott  
Lujan  
Lungren  
McClory  
McDade  
McDonald  
McEwen  
Marlenee  
Marriott  
Martin

Mathis  
Mattox  
Michel  
Miller, Ohio  
Mitchell, N.Y.  
Montgomery  
Moore  
Moorhead,  
Calif.  
Mottl  
Murphy, Pa.  
Murtha  
Myers, Ind.  
Myers, Pa.  
Nelson  
Perkins  
Quayle  
Quillen  
Regula  
Rhodes  
Ritter  
Robinson  
Roe  
Roth  
Rousselot  
Rudd  
Russell  
Santini  
Satterfield  
Sawyer  
Schulze  
Sebelius

Shelby  
Shumway  
Shuster  
Snowe  
Snyder  
Solomon  
Spence  
Stangeland  
Stenholm  
Stockman  
Stratton  
Stump  
Symms  
Taylor  
Thomas  
Treen  
Trible  
Walker  
Wampler  
Watkins  
White  
Whittaker  
Whitten  
Williams, Ohio  
Wilson, Bob  
Wilson, C. H.  
Winn  
Wyatt  
Yadler  
Yatron  
Young, Alaska

## NOES—256

Addabbo  
Akaka  
Albosta  
Anderson,  
Calif.  
Andrews, N.C.  
Annunzio  
Anthony  
Ashley  
Aspin  
Atkinson  
AuCoin  
Baldus  
Barnes  
Bedell  
Bellenson  
Benjamin  
Bennett  
Bereuter  
Bethune  
Biaggi  
Bingham  
Blanchard  
Boggs  
Boland  
Bolling  
Boner  
Bonior  
Bowen  
Brademas  
Brodhead  
Brooks  
Broomfield  
Broyhill  
Buchanan  
Burlison  
Burton, John  
Burton, Phillip  
Butler  
Byron  
Carr  
Carter  
Cavanaugh  
Cheney  
Chisholm  
Clay  
Clinger  
Coelho  
Coleman  
Conable  
Conte  
Conyers  
Corcoran  
Corman  
Cotter  
Coughlin  
Danielson  
Daschle  
Davis, S.C.  
Dellums  
Derrick  
Diggs  
Dingell  
Dixon  
Drinan  
Duncan, Oreg.  
Early  
Eckhardt  
Edgar  
Edwards, Ala.  
Edwards, Calif.

Emery  
English  
Erdahl  
Erlenborn  
Ertel  
Evans, Ind.  
Fary  
Fascell  
Fazio  
Fenwick  
Ferraro  
Findley  
Fish  
Fisher  
Fithian  
Flippo  
Florio  
Foley  
Ford, Mich.  
Ford, Tenn.  
Forsythe  
Fountain  
Fowler  
Frenzel  
Frost  
Fuqua  
Gephardt  
Gialmo  
Gibbons  
Ginn  
Glickman  
Gonzalez  
Gore  
Gradison  
Gramm  
Gray  
Green  
Guarini  
Gudger  
Hall, Ohio  
Hamilton  
Hanley  
Harkin  
Harris  
Hawkins  
Hefner  
Heftel  
Hillis  
Holland  
Hollenbeck  
Holtzman  
Horton  
Hughes  
Ichord  
Ireland  
Jacobs  
Jenkins  
Johnson, Calif.  
Johnson, Colo.  
Jones, N.C.  
Jones, Okla.  
Jones, Tenn.  
Kastenmeier  
Kazen  
Kildee  
Kogovsek  
Kostmayer  
Leach, Iowa  
Lederer  
Lehman  
Leland

Levitas  
Lloyd  
Long, La.  
Long, Md.  
Lowry  
Luken  
Lundine  
McCormack  
McHugh  
McKay  
Maguire  
Markey  
Marks  
Matsui  
Mavroules  
Mazzoli  
Mica  
Mikulski  
Mikva  
Miller, Calif.  
Mineta  
Minish  
Mitchell, Md.  
Moakley  
Moffett  
Mollohan  
Moorhead, Pa.  
Murphy, Ill.  
Murphy, N.Y.  
Natcher  
Neal  
Nedzi  
Nichols  
Nolan  
Nowak  
O'Brien  
Oakar  
Oberstar  
Obey  
Ottinger  
Panetta  
Pashayan  
Patten  
Patterson  
Paul  
Pease  
Peyser  
Pickle  
Preyer  
Price  
Pritchard  
Rahall  
Rallsback  
Rangel  
Ratchford  
Reuss  
Richmond  
Rinaldo  
Roberts  
Roberts  
Rose  
Rosenthal  
Rostenkowski  
Roybal  
Russo  
Sabo  
Scheuer  
Schroeder  
Selberling  
Sensenbrenner  
Shannon

Sharp  
Simon  
Skelton  
Slack  
Smith, Nebr.  
Solarz  
Spellman  
St Germain  
Stack  
Staggers  
Stanton  
Stark  
Steed  
Stewart  
Stokes

Studds  
Swift  
Synar  
Tauke  
Thompson  
Traxler  
Udall  
Ullman  
Van Deerlin  
Vanik  
Vento  
Volkmer  
Walgren  
Weaver  
Weiss

Whitehurst  
Whitley  
Williams,  
Mont.  
Wilson, Tex.  
Wirth  
Wolf, N.Y.  
Wolpe, Mich.  
Wright  
Wylie  
Yates  
Young, Fla.  
Young, Mo.  
Zablocki  
Zeferetti

## NOT VOTING—30

Alexander  
Ambro  
Anderson, Ill.  
Beard, Tenn.  
Bevill  
Bonker  
Brown, Calif.  
Brown, Ohio  
Collins, Ill.  
Crane, Philip

Dicks  
Dodd  
Dornan  
Downey  
Flood  
Garcia  
Hutto  
Jeffords  
Jenrette  
LaFalce

Lee  
Lewis  
McCloskey  
McKinney  
Madigan  
Pepper  
Pursell  
Smith, Iowa  
Vander Jagt  
Waxman

## □ 1450

Mr. DERRICK changed his vote from "aye" to "no."

Mr. STRATTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## □ 1455

The CHAIRMAN. Are there further amendments to title II?

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

Mr. Chairman, it is very important, I think, that we have the fullest possible clarification of the language in this resolution. In the light of some of the comments made last week in consideration of this bill by the gentleman from New York (Mr. STRATTON) I reexamined section 101 and I would appreciate it if the distinguished chairman of the House Foreign Affairs Committee would help me clarify the effect of section 101.

It is my understanding, Mr. Chairman, that nothing in this legislation should be construed or can properly be construed as giving the President any authority or direction in respect to the use of U.S. military forces which he would not already have in the absence of this legislation. Is that the gentleman's interpretation of the resolution?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. FINDLEY. I do yield.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has interpreted the intent of this legislation very accurately. In no way does this legislation give the President any more authority in the use of military forces employed in the areas of combat than he already has, and the provisions of the War Powers Act will continue to apply.

Mr. FINDLEY. Mr. Chairman, may I further ask the gentleman if he would agree with this statement that it cannot properly be construed, the resolution cannot properly be construed as authorizing or suggesting the use of U.S. military forces in any particular circumstance or in response to any threat or danger. Am I correct?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. FINDLEY. Yes.

Mr. ZABLOCKI. Yes, the gentleman is correct.

Mr. STRATTON. Will the gentleman yield to me since he mentioned my name?

Mr. FINDLEY. I will be glad to yield to the gentleman from New York.

Mr. STRATTON. The gentleman said his query of the chairman came from the colloquy that I had on this floor last week. Now, that colloquy simply went to the point that the language in the resolution which you have before you specifically spelled out precisely the same capability to do the things that the gentleman is referring to that were also contained in the Mutual Defense Treaty; namely, to take such action as was deemed proper by the President and Congress under our constitutional procedures.

The gentleman's colloquy just now with the gentleman from Wisconsin, however, suggests that in some way this particular section degrades the capability of the United States to respond from what it would have prevailed under the still existing defense treaty.

Mr. FINDLEY. Mr. Chairman, if the gentleman would permit me to respond, there were similarities in the language of the Mutual Defense Treaty and section 101 of this resolution. It was not identical language. In fact, my examination after the gentleman very thoughtfully called my attention to dissimilarities led me to conclude that the differences were substantial but in order to eliminate any possible question as to the effect of this legislation, in authorizing or not authorizing the use of military forces, I welcomed the clarification by the gentleman from Wisconsin, the chairman of the Committee on Foreign Affairs.

Mr. STRATTON. If the gentleman will yield further, it is hard for me to see how the gentleman can get that out of the relatively minor differences in the language unless we are beginning to interpret English in some different way. Nobody suggested that under the treaty that the President could go to war except through appropriate procedures established by the Congress. That is also precisely what the resolution at hand does. I think that a simple statement by the gentleman from Wisconsin is adequate to support the conclusion that there are profound differences in meaning between the language of the resolution and the language of the defense treaty. The gentleman from Illinois ought to set forth the reason for his belief rather than simply suggest that a statement by the gentleman from Wisconsin establishes a legislative history when that interpretation is not backed up by the words that are in print.

Mr. FINDLEY. If the gentleman will permit me to respond, the gentleman from Wisconsin is the author of the legislation, he presided over all the hearings, directed a very intensive staff scrutiny and, in fact, the staff he directed entered very heavily into the construction of the legislation itself.

## □ 1550

So his word does, of course, add enormous weight to legislative history. The differences between the language in the

mutual defense treaty and the language in section 101 are, of course, very important, and the differences are substantial.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. FINDLEY, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. But to me, Mr. Chairman, the important thing is not the effect of mutual defense treaty language but the effect of the language now before us, and I think the gentleman from Wisconsin (Mr. ZABLOCKI) has rendered a great service in helping to clarify the effect and the parameters of this language.

Mr. STRATTON. Mr. Chairman, let me ask the gentleman what are the differences that the gentleman bases this conclusion on, if he would be so good as to spell them out?

Mr. FINDLEY. The differences between what and what?

Mr. STRATTON. Between the language that is before us and the language of the defense treaty.

Mr. FINDLEY. If the gentleman could supply me with the language of the treaty, I could respond better. I do not, frankly, happen to have it right before me.

Mr. STRATTON. In other words, the gentleman admits that he does not know what he is talking about.

Mr. FINDLEY. The gentleman from New York (Mr. STRATTON) is, of course, entitled to his own interpretation of my position, but if he would examine the language of the treaty and the language of the legislation before us, he would see very distinct differences.

In fact, any reasonable interpretation of the treaty language would show that it calls upon the President, of course, through constitutional procedures, to act to meet any danger. That is the critical difference. I do not have the precise language, but I think I may very well have used the exact words in what I have just stated.

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

Mr. Chairman, I take this time in response to the gentleman from Illinois (Mr. FINDLEY) and the gentleman from Wisconsin (Mr. ZABLOCKI). During the hearings before the Committee on Rules on this legislation, I raised this same question with the gentleman from Wisconsin, because I read the provisions of the legislation. I call the attention of the committee to page 5, section 202(b) (1), that reads:

The laws of the United States . . . shall . . . apply to the extent the President may specify . . .

And then section 202(b) (2) says:

Any agency of the United States Government may sell, loan, or lease property . . .

Taken together that language allows the President to use this designated agency as a conduit which could allow defense materials and all sorts of weapons to be transferred to the counterpart entity on Taiwan.

It seems to me that a future President who is not so sanguine in defending the

interests of Taiwan might decide the War Powers Act should be waived. It seems to me the language is plain here that it gives him that authority. These provisions point up the broad nature of the authority contained in this legislation. I do not think any of my liberal colleagues who were so concerned about the actions of a Lyndon Johnson or others in regard to the Vietnam war should be so placid in their acceptance of particular language.

There it is. It is right there before us. All the legislative history the courts have held is not worth a tinkers dam, as opposed to what the law says as it is written on the books.

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

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

Mr. FINDLEY. Mr. Chairman, I am curious to know the gentleman's interpretation as to the effect of section 101. I think it is the (b) section, the paragraph that contains the word, "action."

Mr. BAUMAN. Yes, but the gentleman from Illinois (Mr. FINDLEY) fully knows the history of the Vietnam conflict. It was not a declaration of war that got us into the situation there, it was a piecemeal approach.

Mr. FINDLEY. That is true.

Mr. BAUMAN. The problem came after years and years of attrition by Presidents of both parties, sending troops and sending weapons, and so on. That was the genesis of the problem.

Here in this bill there is the possibility of the same kind of arrangement, but sanctioned by law.

On the President's own authority, he can waive the War Powers Act, and he may specifically waive it with respect to the designated entity and turn that entity into a conduit for arms to be sent to Taiwan. If the gentleman is concerned about this as it regards one part of Asia, it seems to me he should be consistent and be concerned as it pertains to Taiwan.

Mr. FINDLEY. Mr. Chairman, I wonder if the gentleman would comment on the effect of this sentence:

The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

□ 1505

Mr. BAUMAN. Mr. Chairman, the constitutional process requires an act of war to have the approval of Congress. But the history of the imperial Presidency indicates an assumption of power short of war can be the same as war.

Mr. FINDLEY. That is right.

Mr. BAUMAN. What I am pointing to is that here lies the possibility of a President in the future, even this President, if he should so desire, to escalate appreciably the military situation as pertains to Taiwan.

Mr. FINDLEY. Would the gentleman read that sentence in a way that should be construed as authorizing military action by an adventuresome President in the future.

Mr. BAUMAN. It is not up to the gentleman from Maryland to judge what might be an adventuresome President in

the future. Some think we have had too many of them in the past.

Mr. FINDLEY. Of course, it is a possibility. But would the gentleman construe it as giving the President that power?

Mr. BAUMAN. I think the potential proves exists, in the very broad draftsmanship in this legislation. But the world will little note, nor long remember what we say here.

Mr. FINDLEY. The Gulf of Tonkin resolution, which many of us—in fact, all of us then in the House—very unwisely supported in 1964 was often cited by President Johnson as legitimative authority to carry on a very wide-scale military operation in Vietnam. I think the gentleman from Maryland was here in another capacity at that time, and he certainly has been an observer of the American scene. I wonder if he would interpret this language as having within it the same mischief as was contained in the Gulf of Tonkin resolution?

Mr. BAUMAN. It is in the nature of a blank check for any President, including the incumbent or any future President, to do as he pleases so far as using this entity, so far as transferring arms or any military equipment, and that could be an act short of war, but certainly one that could have a great deal of consequences.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. SOLOMON

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

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: On page 5, strike out line 1 and all that follows through line 16, and insert in lieu thereof the following:

"ESTABLISHMENT OF CONSULAR RELATIONS

Section 202(a) Except as the President may otherwise provide with respect to those types of dealings which are not normally conducted through diplomatic or other official missions,

(1) dealings of the United States Government with Taiwan shall be conducted through a United States Consulate on Taiwan; and

(2) dealings of Taiwan with the United States Government shall be conducted through a Taiwan Consulate in the United States.

(b) Upon the granting to Taiwan of comparable privileges and immunities to the United States Consulate on Taiwan and its personnel, the President is authorized to extend to the Taiwan Consulate in the United States, and its personnel, privileges and immunities (subject to corresponding conditions and obligations) comparable to those extended by the United States to other accredited consular offices of foreign countries, with which the United States does not maintain diplomatic relations, and members of such consulates."

On page 6, strike out line 18 and all that follows through line 4 on page 10 and redesignate sections 205, 206, and 207 as sections 203, 204 and 205 respectively.

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

Mr. SOLOMON. Mr. Chairman, out of consideration of my colleagues, I would just like to announce that the failure of this by voice vote will draw out a request from me to ask for the yeas and nays.

March 13, 1979

I would also like to call the attention of some of my colleagues from New York, particularly those from New York City, who have been voting consistently against many of the amendments that so many of us are concerned about, that these Members, particularly those whose names might appear on this bill before us, that I detect a certain amount of resentment among my colleagues from around the country because of some of these votes.

□ 1510

I would like to point out to them and to myself that may have constituencies that may be interested in Israel, that in the not too distant future we may be faced with legislation that is going to be very similar to what we have here.

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

Mr. SOLOMON. I yield to my colleague from New York.

Mr. WOLFF. Does the gentleman equate Israel and Taiwan? Is that what he is saying?

Mr. SOLOMON. As far as our future policy is concerned; yes, sir.

Mr. WOLFF. In other words, the gentleman now equates all the votes that we are taking with votes that subsequently we will take on Israel? Is that right?

Mr. SOLOMON. No, I say to my colleague from New York, I simply call this to your attention because I am very much concerned about it.

Mr. WOLFF. We thank the gentleman very much, if the gentleman will yield further, for calling our attention to it.

Mr. SOLOMON. I thank the gentleman.

Mr. Chairman, the reason I rise is to offer this amendment which does establish consular relations with Taiwan similar to those consular relations that we now have with other countries which we do not recognize diplomatically. The basic question throughout the debate over the legislation dealing with Taiwan has focused on what kind of relations we should continue to have that deal with both historical and political realities. The contention is made that we cannot have diplomatic relations with Taiwan because this would interfere with normalization of relations with the PRC.

Another argument raised against this proposal was that liaison relations meant, nonetheless, a two-China policy. Thus, a proposal to have liaison relations—which is a form of diplomatic relations—was narrowly voted down in the House last Thursday. Those were some of the votes I referred to.

Having said all that, it is also true that if there are no established relations with the people on Taiwan, there is a failure to recognize the reality of Taiwan's existence as a political entity with "international personality", as that term is used by Victor Li in his testimony before the Senate committee. I have a copy of that testimony which I would like to insert at this point in the Record.

PREPARED STATEMENT OF PROFESSOR VICTOR LI

I am delighted that normalization of relations with the People's Republic of China has finally taken place. But normalization still leaves many political and legal problems to

be resolved, including the status of Taiwan.

After January 1, 1979, we know what Taiwan is not: it is not the *de jure* government of the state of China. Much less clear, however, is the question of what Taiwan is.

We also know that U.S.-Republic of China (ROC) treaties do not automatically lapse upon withdrawal of recognition. The Mutual Defense Treaty continues in effect for one more year. In a December 30, 1978 memorandum for all departments and agencies, President Carter declared:

Existing international agreements and arrangements in force between the United States and Taiwan shall continue in force and shall be performed and enforced by departments and their agencies beginning January 1, 1979, in accordance with their terms.<sup>1</sup> But the United States has not explained the legal rationale for preserving treaties and maintaining commercial, cultural, and other relations with an unrecognized entity.

#### I. TWO POSSIBLE CHOICES

##### 1. Successor Government

One possible rationale is that the United States has treaty and other relations with the state of China. Prior to January 1, that state was represented by the ROC government. After the switch of recognition, the United States regards the People's Republic of China (PRC) as the successor government to the ROC. As such, the PRC assumes the rights and obligations of its predecessor.

The successor government theory is well known. For example, in 1971, the PRC was recognized by the United Nations as the only legitimate representative of China, and took over the seat belonging to that state.

Applying the above theory to the present situation, the PRC has succeeded to the Mutual Defense Treaty and other agreements with the United States. These treaties remain in force because the PRC has agreed, in an implied manner, that they should continue to serve as the bases of American relations with the Chinese territory of Taiwan.

In addition, since the PRC is the government of all of China including Taiwan, the United States can have no direct relations with the authorities on Taiwan, unless the PRC consents. Taiwan would have no capacity to conduct foreign affairs, except insofar as the PRC consents, even if only in an implied manner.

##### 2. *De facto* entity with international personality

A second possible description of the legal status of Taiwan after withdrawal of recognition is that it is a "*de facto* entity with international personality." That is, while no longer regarded by the United States as a *de jure* government or state, nevertheless Taiwan continues to control a population and territory and to carry out the usual functions of government. Sec. 4 of the *Restatement, Second, Foreign Relations Law of the United States* (hereafter *Restatement*) provides:

Except as otherwise indicated, "state" as used in the *Restatement* of this Subject means an entity that has a defined territory and population under the control of a government and that engages in foreign relations.

Similarly, the Convention on Rights and Duties of States, 49 Stat. 3097, T.S. 881 (1933) says:

Art. 1. The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.

In other words, whether Taiwan is regarded as a "state" or juridical person in international law depends on whether it carries out the usual functions of a state, and

Footnotes at end of article.

not whether it is recognized *de jure* by other states.

If Taiwan is a *de facto* entity with international personality, it may carry out the full range of foreign relations, including entering into international agreements and sending and receiving of official missions. With respect to pre-existing treaties and agreements, international law does not require that treaties entered into with a once recognized government, the terms of which are limited to the territory actually controlled by that government, must lapse after that government loses *de jure* recognition while still exerting *de facto* control.<sup>2</sup> In such an unprecedented situation, the United States could make a political decision to maintain these treaties on the ground that it may continue to deal with the authorities in actual control of Taiwan.

#### II. THE UNITED STATES POSITION

The PRC obviously views the switch of recognition as a successor government situation. The position of the United States is not clear. In the Joint Communiqué of December 15, 1978, the United States "acknowledges the Chinese position that there is but one China and Taiwan is part of China," and "recognizes the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan."

One possible interpretation of these statements is that the PRC is the successor government to the ROC: there is one state of China which includes Taiwan, and the PRC is the sole legal government of this state. Moreover, since the United States can deal with Taiwan only "within this context," the United States acknowledges the PRC's ultimate legal authority over Taiwan, including the right to approve future U.S.-Taiwan relations.

A second interpretation is that acknowledgement of the Chinese position is not tantamount to agreeing with it.<sup>3</sup> Thus the status of Taiwan remains "undetermined." Moreover, the United States also has said that:

Whenever any law, regulation, or order of the United States refers to a foreign country, nation, state, government, or similar entity, departments and agencies shall construe those terms and apply those laws, regulations, or orders to include Taiwan.<sup>4</sup>

This statement might be read as an indication that Taiwan is a *de facto* entity having the attributes of a state or government.

In selecting between the successor government theory and the *de facto* entity theory, I believe that the former is not workable and does not serve American interests. First, the need to obtain the PRC's consent, even if only implied, for continued dealings with Taiwan constantly places the United States on the defensive. Serious difficulties would arise if, at a later time, the PRC objects to some aspect of U.S.-Taiwan relations.

Secondly, the successor government theory lends to problems in areas other than treaties or official relations. For example, the ROC has deposited in American banks over \$4 billion of its foreign exchange reserves. If the PRC is the successor government, it could assert that this money belongs to the "state of China" and should be handed over to the proper representative of that state, the PRC. The transfer of such a vast sum would undercut any policy to ensure that the people of Taiwan "face a peaceful and prosperous future."

Finally, one of the reasons for moving ahead with normalization is to bring American policy into accord with reality, a laudable goal. Structuring our dealings with Taiwan as though it were a subordinate unit of the PRC would be a departure from reality.

I believe that the United States should

make clear that it regards Taiwan as a *de facto* entity with international personality. Such a stand accurately reflects reality: de-recognition has not affected the manner in which the authorities and 17 million inhabitants of Taiwan conduct their affairs. The United States simply is acknowledging the fact that Taiwan continues to manage its affairs in an autonomous manner.

I should note that the above suggestion does not violate the principle of one China. The *de facto* entity concept deals with present political realities, and Vice-Premier Teng's recent indication that Taiwan may retain its own political and economic systems as well as maintain separate armed forces acknowledges the same realities.

The United States may derive some short term benefits from refusing to clarify the legal rationale for continued dealings with Taiwan. After all, explicitly calling it a *de facto* entity would aggravate the PRC, while adopting the successor government theory would damage Taiwan. This policy of intentional ambiguity may be difficult to maintain for an indeterminate time. In the years to come I suspect that we will see many situations where the PRC would attempt to assert its position as the successor. Each instance would set a precedent for future dealings.

One of the first possible cases is likely to involve the ownership of the former ROC embassy at Twin Oaks.<sup>5</sup> The PRC may consider the obtaining of the state of China's diplomatic property an important political and symbolic act. If the Executive or the courts transfer the property to the PRC as the successor government, then other ROC assets, such as the several billion dollars in bank deposits may also be jeopardized. Allowing the PRC to succeed only to property acquired before 1949 removes many of the difficulties, but still leaves unresolved problems such as the \$550 million contribution made to the International Monetary Fund by the ROC in 1947.

### III. ATTRIBUTION OF A DE FACTO ENTITY WITH INTERNATIONAL PERSONALITY

This section discusses the capabilities and disabilities of a *de facto* entity, comparing them with the attributes of a *de jure* recognized state. It should be pointed out at the outset that the *de facto* entity concept is not new or unfamiliar. Prior to January 1, 1979, the United States dealt with the PRC on exactly such a basis. Although we did not extend *de jure* recognition, official missions were exchanged, agreements were reached, American presidents visited the PRC, and a considerable amount of trade and travel was carried out. No one seriously questioned the capacity of the PRC to engage in such relations.

#### 1. International law perspective

A *de facto* entity has the capacity to have treaty and other foreign relations, even with countries not extending it *de jure* recognition. Sec. 107 of the *Restatement* provides:

An entity not recognized as a state but meeting the requirements for recognition [of controlling a territory and population and engaging in foreign affairs], or an entity recognized as a state whose regime is not recognized as its government, has the rights of a state under international law in relations to a non-recognizing state, although it can be precluded from exercising such a right if:

(a) The right is of such a nature that it can only be exercised by the government of a state, and

(b) The non-recognizing state refuses to treat the purported exercise of the right as action taken by the government of the other state.<sup>6</sup>

In recent years, the United States has entered into agreements regarding a wide vari-

ety of subjects with *de facto* entities such as the Democratic People's Republic of Vietnam, the German Democratic Republic, and the PRC.

The American decision to conduct future relations with Taiwan through a quasi-governmental corporation rather than through formal official channels does not affect the status of Taiwan in international law. This decision reflects political factors in U.S.-PRC-Taiwan relations, and is not the result of some inherent disability of *de facto* entities.

#### 2. Existing legislation

There are very few provisions in American legislation which provide that *de jure* and *de facto* entities should be treated differently.<sup>7</sup> In general, the legislative approach has been to treat them similarly, unless there is a specific provision to the contrary. Some semantic confusion exists, since terms such as "foreign country" or "foreign government" are often used in an undefined and even inconsistent manner. President Carter's memorandum of December 30, cited earlier, and the proposed legislation resolve this confusion by making all such terms applicable to Taiwan.

The proposed legislation resolves most of the legal problems which may arise after withdrawal of recognition. However, two potential difficulties remain. A number of statutes place various restrictions on dealings with "Communist countries."

For example, the Export-Import Bank may not take part in transactions involving sales to or products from "a Communist country," unless the President determines that the transaction is in the national interest.<sup>8</sup> The Foreign Assistance Act bars assistance to countries that are "dominated or controlled by the international Communist movement," as well as to "any Communist country" unless the President finds that such assistance is "vital to the security of the United States."<sup>9</sup> Similarly, Communist countries are not eligible for purchase of surplus agricultural products on credit or for foreign currencies,<sup>10</sup> cannot be designated a beneficiary developing country for purposes of the generalized system of preference,<sup>11</sup> and are charged a higher tariff rate.<sup>12</sup>

As discussed earlier, the December 15 Communiqué states that the United States "acknowledges the Chinese position that there is but one China and Taiwan is part of China." This sentence might be read to mean that Taiwan is part of a Communist country, the PRC. Such an interpretation appears to be contrary to the President's position, but neither earlier official statements nor the proposed legislation directly addresses this problem.

In addition, other statutory programs are applicable only to "friendly countries." These include military sales and assistance,<sup>13</sup> the Overseas Private Investment Corporation,<sup>14</sup> sale of American agricultural surplus on credit terms or for foreign currency by the Commodity Credit Corporation,<sup>15</sup> loans to small farmers of predominantly rural countries,<sup>16</sup> and expenditures of funds received pursuant to the Agricultural Trade Development and Assistance Act of 1954.<sup>17</sup> Interestingly, nowhere in these statutes is the term "friendly" defined.

The proposed legislation does not explicitly affirm Taiwan's "friendly" status, although testimony by Administration officials makes clear that the intention of the legislation is to leave unchanged Taiwan's eligibility for the above mentioned programs.

#### 3. Judicially developed rules

Even without the proposed legislation, judicially developed rules impose few serious disabilities on *de facto* entities. They are entitled to claim sovereign immunity to the same extent as *de jure* recognized states. In *Wulfsen v. Russian Socialist Federated So-*

*viet Republic*, 23 N.Y. 372, 138 N.E. 24 (1923) the R.S.F.S.R. was "an existing government sovereign within its own territory," but unrecognized by the United States. Immunity was granted on the ground that a foreign sovereign, even if unrecognized, cannot be sued in an American court without his consent. The Foreign Sovereign Immunities Act of 1976, 90 Stat 2891, makes no explicit mention of unrecognized entities, but, instead refers generally to "foreign states". The absence of a specific provision implies that pre-existing rules established by case law remain valid. Moreover, President Carter's directive of December 30 and the proposed legislation directing that laws regarding "foreign states" should apply to Taiwan also would support the granting of immunity.

The act of state doctrine provides: Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another, done within its own territory. *Underhill v. Hernandez*, 168 U.S. 250, 18 S. Ct. 83 (1897).

In *Salminoff & Co. v. Standard Oil Co. of New York*, 262 N.Y. 220 186 N.E. 679 (1933) (refusal to examine the validity of a law confiscating property located in the Soviet Union), the court applied this doctrine to acts of the Soviet government, which was unrecognized but in actual control.

The "constitutional underpinning" for the act of state doctrine is the separation of powers. The Judiciary is reluctant to interfere with the conduct of foreign affairs by the Executive. *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398, 84 S. Ct. 923 (1964). Applying this rationale to the politically delicate situation in United States-PRC-Taiwan relations, courts should be especially wary of making pronouncements about the validity or invalidity of Taiwanese governmental actions. The act of state doctrine should be applied, leaving such determinations to the Executive.

The only disability imposed by the courts on *de facto* entities is that they may not have standing to bring suit in an American court. In *Russian Socialist Federated Soviet Republic v. Cibrario*, 25 N.Y. 255, 139 N.E. 259 (1923), the court held that allowing an unrecognized government to sue would undermine the Executive decision not to extend *de jure* recognition.

Yet even this position has eroded substantially over time. A Soviet-owned corporation organized under the laws of New York was allowed to bring suit. *Amtorg Trading Corp. v. United States*, 71 F. 2d 324 (1934). In *Upright v. Mercury Business Machines*, 13 A.D. 2d 36, 213 N.Y.S. 2d 417 (1961) an American assignee of a corporation controlled by the unrecognized German Democratic Republic also was permitted to sue.

More recently, in *Federal Republic of Germany v. Elitophon*, 358 F. Supp. 747 (E.D.N.Y.) (1972), *aff'd*, 478 F. 2d 231, 415 U.S. 1931 (1974), *reh denied*, 418 U.S. 952 (1974), the court did not allow the Weimer Art Collection, an East German museum which was an arm of the East German government, to bring suit. However, the court added in a footnote:

It is unclear whether this reasoning supports a rule invariably denying standing to unrecognized governments. There may be special circumstances in which action by the President can be interpreted as creating an exception to the rule. For example, it may be argued that the act of the Executive in permitting American nationals to engage in commercial relations with unrecognized governments or their instrumentalities carries with it a grant to those governments or instrumentalities of standing to litigate claims arising out of those transactions in United States courts.

The same reasoning could be applied to

Footnotes at end of article.



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the Taiwan situation where the United States is allowing, and indeed encouraging, continued economic, cultural, and other relations.

The *Upright* case actually deals with both the act of state doctrine and the question of standing to sue. The starting point for the court is that a "foreign government, although not recognized by the political arm of the United States government, may nevertheless have *de facto* existence which is judicially cognizable." The court looked to "the realities of life" and noted that an unrecognized government carries on many routine activities and that trade between the two countries is not forbidden. The legal consequences of non-recognition should be narrowly construed, unless they "can be properly related as infinal to the aims and purposes of our public and national policy." Assuring the continued prosperity of Taiwan appears to be part of the American national policy. This policy would be hindered by denying Taiwan the standing to bring suit in American courts.

Thus, judicial doctrine may be evolving to a position where unrecognized entities have standing to sue, at least in cases involving economic and cultural relations. Be that as it may, the proposed legislation removes whatever legal disabilities may exist because of a lack of recognition.

In summary, pre-existing legislation does not make major distinctions between *de jure* and *de facto* entities. Judicial practice also imposes few, if any, additional disabilities. The proposed legislation would remove the remaining obstacles to continuing all economic and cultural relations with Taiwan. However, the inclusion of an affirmation of Taiwan's "friendly" status, and a reference to the fact that Taiwan is not part of a Communist country would add to clarity.

It should be noted that the act of extending *de jure* recognition to the PRC, in and of itself, grants the PRC few rights and privileges. At this point, we should at least ask why we continue to use the concept of recognition, if the extending or withdrawing of recognition indeed produces few or no legal consequences of importance. Could it be that this concept, which has so shaped the United States-China relations debate, has only symbolic content? If so, perhaps we should consider whether it would be simpler and better for countries to merely "deal" with each other, without being tied to the ritual of recognition.

## IV. A PERSPECTIVE ON TAIWAN

The formulation "*de facto* entity with international personality" is awkward, both semantically and substantively. But since both the PRC and Taiwan agree on the principle of one China, it is hardly appropriate for the United States, as an outsider, to propose any other question. Having to operate within this principle, the United States must use the *de facto* entity concept if it is to maintain economic, cultural, and other ties with Taiwan into the indefinite future.

While we may hope that Taiwan will adopt a more flexible stance in due course, the central authorities there must resolve some fundamental difficulties before any major policy shifts can occur. Despite the slogans and political speeches, I believe that few responsible people on Taiwan think that they will recover the Mainland from the Communists, or that they rule anything more than the territory of Taiwan. At the same time, over 1,500 persons in the National Assembly and Legislative Yuan hold office by virtue of elections held on the Mainland in 1947. If Taiwan forsakes its claim to the government of all of China, then the legal basis for these 1,500 persons as well as others retaining their positions also would vanish. Moreover, considerable political debate must take place, some of which may be acrimonious,

to decide the form and personnel of the new government.

In making a national decision about the future of Taiwan, the views of all of the people of Taiwan should be considered. In recent years, the electoral process was beginning to bring new people representing a broad range of views into the political system. Although Taiwan is essentially a single party state, "non-party" (i.e., opposition) candidates won 38% of the popular vote in the 1977 election for local offices. In the 1978 national elections, since only 38 seats (out of 400) in the Legislative Yuan and 56 seats (out of about 1,200) in the National Assembly were up for election, the makeup of these bodies would hardly change even if opposition candidates won a sizeable number of contests. Nevertheless, the elections provided the public an opportunity to express its views. More importantly, the winners, who would likely have included a number of opposition leaders, would have obtained legitimate standing to participate in the national debate about the future of Taiwan.

The normalization announcement was made in the middle of the Taiwan elections, and led to their indefinite suspension. Opposition candidates cannot use their campaign speeches and literature as means of voicing their opinions. Censorship and restrictions on political activity limit the means by which other persons may express dissenting views. Decision making falls back into the exclusive hands of the Nationalist party. I am concerned that the lack of a legitimate and adequate forum for national debate may lead to internal problems on Taiwan.

Finally, I want to make some comments about American normal obligations to Taiwan. Over twenty-five years ago, in a world that was very different, the United States provided massive military and other assistance to Taiwan when such assistance was sorely needed. In subsequent years, the United States contributed greatly to the remarkable growth of that island.

At some point, the original American commitments to Taiwan for military protection and economic assistance would have been fulfilled. Taiwan is not the 51st state which must be defended and assisted under any circumstances and for all time. In the course of helping to build a new society on Taiwan, however, I believe the United States has incurred new obligations to give that society an opportunity to survive and grow.

Taiwan is going through a transition from being the Republic of China representing all of China to some new and still undefined status. What that new status should be must be decided by the people on Taiwan. They must consider the offers being tendered by the PRC. If they feel the offers to be unsatisfactory, they must seek better terms or search for new solutions.

I believe the responsibility of the United States is to give the people on Taiwan a fair opportunity to make decisions about its own future. The use of the *de facto* entity approach which I have urged provides the smoothest means of making a transition. It is time for Taiwan to take its own problems in hand. If it wishes to continue the fiction of being all of China, then it has had ample notice that it must stand alone and face the consequences. If it wishes to reunify with the PRC or adopt some other status, then it must begin the process.

Thank you very much.

## FOOTNOTES

<sup>1</sup> "Memorandum on Relations with the People of Taiwan," *Federal Register*, vol. 44, no. 3, p. 1075 (January 4, 1979).

<sup>2</sup> For a more detailed explanation of this position, see Victor H. Li and John W. Lewis, "Resolving the China Dilemma: Advancing

Normalization, Preserving Security," *International Security*, vol. 2 no. 1, p. 11 (Summer 1977); statement of Victor H. Li in Subcommittee on Asian and Pacific Affairs of the Subcommittee on International Relations, House of Representatives, *Normalization of Relations with the People's Republic of China: Practical Implications* (1977), p. 87.

<sup>3</sup> There is a potentially serious linguistic discrepancy between the English and Chinese texts. The Chinese text uses *ch'eng-jen* for "acknowledges." In this context, the Chinese term carries a strong connotation of acceptance or agreement. Moreover, the Shanghai Communiqué states: "The United States acknowledges that Chinese on both sides of the Strait agree that there is but one China and Taiwan is part of China. We do not challenge this position." The Chinese text uses a correct equivalent, *jen-shih*, for acknowledges. Reading the Chinese texts of the two communiqués together, the United States has increased the degree of its acquiescence in the Chinese position from *jen-shih* (acknowledges or takes note) to *ch'eng-jen* (recognizes or accepts).

<sup>4</sup> "Memorandum on Relations with the People of Taiwan."

<sup>5</sup> The ROC attempted to "sell" the property to a group of persons prior to January 1, reportedly for a token amount. This transaction would not appear to be legally effective.

<sup>6</sup> See also sec. 108 of the *Restatement* which discusses the obligations of an unrecognized entity. Similarly, art. 6 of the Vienna Convention on the Law of Treaties says: "Every state possesses capacity to conclude treaties." However, the Convention does not define "state."

<sup>7</sup> For a detailed discussion of the legal effects on U.S.-Taiwan relations if the United States withdraws *de jure* recognition, although the Taiwan authorities continue to maintain *de facto* control, see Victor H. Li, *De recognizing Taiwan: The Legal Problems* (Carnegie Endowment for International Peace, 1977).

<sup>8</sup> 12 U.S.C. 635(b) (2).

<sup>9</sup> 22 U.S.C. 2370(b), (f). For purposes of sec. (f), the PRC is specifically listed as a "Communist country."

<sup>10</sup> 7 U.S.C. 1703(d) excludes Communist countries from being "friendly," but does not define which non-Communist countries are friendly.

<sup>11</sup> 19 U.S.C. 2462(b).

<sup>12</sup> 19 U.S.C. 1202(e).

<sup>13</sup> 22 U.S.C. 2311, 2751.

<sup>14</sup> 22 U.S.C. 2191.

<sup>15</sup> 7 U.S.C. 1701. Up until the mid-1960s, Taiwan had received considerable economic aid under this and related programs. Such aid has since ceased.

<sup>16</sup> 22 U.S.C. 2175.

<sup>17</sup> 22 U.S.C. 1922. Other examples are: 22 U.S.C. 2102 (health research and training); 22 U.S.C. 2219 (family planning); 50 U.S.C. App. 1878(e) (loan of military vessels); 10 U.S.C. 7227, 31 U.S.C. 529(j) (routine disbursement of funds and services to military forces of a friendly country); 39 U.S.C. 407 (postal agreements).

In order to accommodate both the problems of the so-called two-China dilemma and the reality of Taiwan, we should set up consulate offices with Taiwan, and we should do it in this legislation. This would mean contact with Taiwan without at the same time taking any position on the basic question of the international legal status of Taiwan. Nor would it constitute diplomatic recognition of Taiwan by the United States, which is what the President seems to want.

We currently have consulate relations—and I wish the Members would listen to this, because I think this is the

most important part of the entire argument on this amendment—we currently have consulate relations, not diplomatic relations, with other international political entities, as is Taiwan, such as Estonia, Monaco, Lithuania, Latvia, many of which are beyond the Iron Curtain, and in many of which we do have consulate offices even though we recognize Russia and not these countries diplomatically. We also have the same kind of arrangement with Jerusalem, of all places.

With other countries we have diplomatic relations with embassies in the capital city and consulate offices in other cities. We have the gentleman from Minnesota (Mr. ERDAHL), who is former Secretary of State of Minnesota, which has consulate offices from foreign countries in his State; yet, that foreign country does not recognize the State of Minnesota as a national sovereignty.

In the situation of China, we can easily have an embassy in Peking that represents formal diplomatic relations in China, and our consulate in Taiwan as well.

□ 1515

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. To continue, Mr. Chairman, such an arrangement is perfectly logical because both Taipei and Peking insist that there is a province of China, both countries do. The reality is that the Government of Taipei controls and governs that particular part of China. Thus, without prejudicing any further the position of the PRC or of Taiwan, we will continue to have a presence with the people of Taiwan, under this amendment, through the establishment of a consulate office in Taipei as the mode of continued contact. By this action we make it clear that we are simply dealing in the reality of who runs Taiwan.

Mr. Chairman, I ask, Who does run Taiwan? A consular relationship with Taiwan will not jeopardize a peaceful settlement of the Taiwan-PRC dispute, and it will not interfere with the normalization of relations between the United States and the PRC.

A consulate does not mean formal diplomatic relations with a country, according to the Geneva Convention revisions which this country and this body have recognized.

I would like to quote from "Law Among Nations"—and perhaps some of the older Members have read it—but I would ask all Members to read it. I have a copy of it here. It is very interesting. It says the following:

... a severance of diplomatic relations does not, *ipso facto*, mean a breaking off of consular relations. It is also possible to establish consular relations between states that do not have diplomatic relations with one another. In this situation, the consular relations represent the only official relations of permanent character between the states in question.

Thus, just because we have begun diplomatic relations with Taiwan does not

mean that we cannot have consular relations. By all standards, consular relations are lower relations than a formal status. Actually, there is just mean contact between the two international political entities.

In this case, Mr. Chairman, we can make it clear that the unusual situation with China makes creation of these kinds of relations absolutely necessary.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

To continue, Mr. Chairman, we must deal with Taiwan because it does exist. It is a reality at present around the world.

Many of our State governments have what can be termed consulate offices in foreign countries, and that does not mean a compromise of the relations between Washington and that foreign capital or that the foreign government recognizes the State's government as a separate foreign nation, as I referred to when I mentioned the gentleman from Minnesota (Mr. ERDAHL).

If anything, it reinforces the notion—and I think the Members should listen to this—that both Peking and Taipei have what they want, that Taiwan is a part of China and that this is the only way in which we can have contact with the people of the province of China. Any other method of dealing with the problem short of diplomatic recognition evades the basic reality and cannot work, in the long run.

Mr. Chairman, the bill says over and over again that Taiwan exists and that we must recognize that reality by having contact with the authorities in Taipei.

In substance, Mr. Chairman, this amendment simply establishes a consulate office in Taiwan identical to those which exist in other foreign countries with which we do not have diplomatic relations today, again, such as Latvia, Lithuania, Estonia, Monaco, San Marino, and even Jerusalem.

In allowing the President of the United States to establish to whatever degree, greater or lesser, as he may choose, a consulate office, he does have a responsibility to establish just what authority that consulate would have.

Therefore, Mr. Chairman, we should adopt this amendment today.

□ 1520

It would uncloud all of the problems that the gentleman and I and everyone else have as far as international law and the Vienna Convention—all the problems that we have.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. SKELTON. I thank the gentleman for yielding.

As I understand it, the gentleman

wants to establish a consulate office, is that not correct, in Taiwan?

Mr. SOLOMON. That is absolutely correct. That is what the amendment says.

Mr. SKELTON. And the consulate office is, of course, under the Department of State; is that not correct?

Mr. SOLOMON. Either fortunately or unfortunately, yes.

Mr. SKELTON. The answer is, yes, is that right?

Mr. SOLOMON. I believe it is, yes.

Mr. SKELTON. And the Department of State is part of the executive branch; is that correct?

Mr. SOLOMON. Yes, it is.

Mr. SKELTON. And the executive branch is controlled by the President of the United States; is that right?

Mr. SOLOMON. Yes.

Mr. SKELTON. As the gentleman knows, according to the Constitution the President has two exclusive powers that no one, especially Congress, may invade. One is the right of pardon, and the other is the power to receive ambassadors, which includes the right of recognition and derecognition. Does the gentleman understand that? If we were to pass this amendment and subsequently pass this bill, does the gentleman not agree it would be invading the prerogative of the President and the sole and exclusive rights afforded to him by the Constitution?

Mr. SOLOMON. I do not agree with that because this is not a body that comes under diplomatic relations. We do not have diplomatic relations with Estonia right now.

Mr. SKELTON. If the gentleman will excuse me, I thought the gentleman said this was done by the Department of State.

Mr. SOLOMON. It is.

Mr. SKELTON. Is the gentleman saying that the Department of State does not deal in foreign relations? It does not act under the President? Does not extending ourselves into another country by establishing a consulate there constitute an extension of the executive branch into a foreign country, whether we do it by liaison office or by consulate or any other way? That is the truth of the matter. The gentleman is invading the prerogative of the President.

I would have done it differently, but I am not the President. We are not the President, but we have to go by what is in the Constitution; do we not?

Mr. SOLOMON. Let me answer the gentleman's question. It seems to me the gentleman voted for Public Law 95-393 on September 3, 1978, which gave the authority to extend most favorable or less favorable treatment to foreign countries. That is exactly what we are doing here. We put the power in the hands of the President.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. SOLOMON. As I read that favored nation treatment that the gentleman from Missouri voted for, it seems to me that we had invaded at that time both

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the Department of State and the Presidency. That is exactly what I am saying here. I will read to the gentleman from the Vienna Convention revising the authority of a consulate, and it talks about nine items here which I will be glad to give to the gentleman. It talks about protecting in the receiving state the interests of exports and imports. It talks about promoting trade, which is what we are interested in in this country. It talks about issuing passports, which we are interested in in this country; about acting as notary and civil registrar, and representing nationals of the sending state in cases of succession in the territory of the receiving state. It talks about representing nationals of the sending state before the courts; serving judicial documents or executing commissions; and exercising rights of supervision and inspection, et cetera, et cetera.

It lets the President to a greater or lesser degree decide what he wants to do. I think the President would accept this.

I recall the honorable majority leader on this floor saying that the free Chinese government on Taiwan had agreed to this legislation because, and I quote the majority leader, "We are blackmailing them into accepting this bill." I call assure you that the President would accept this because it gives him the power, but it does away with the laundering of money which the gentleman from Maryland, (Mr. BAUMAN) or whoever it was a few minutes ago who was talking about it said, whether government employees are legal or illegal. It does solve all those problems. It does exactly what we want. We ought to adopt this amendment and end this debate and pass the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

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

Mr. BINGHAM. Mr. Chairman, this is just another effort to upset the arrangement that has been so carefully worked out by making the relationships between the United States and Taiwan official relationships.

We have now had two votes in which the Members resoundingly defeated other such efforts. This is a similar effort.

I asked for the floor because I wanted to discuss the examples that the gentleman from New York mentioned where there have been consulates without diplomatic relations. I was interested in his statement that there were such cases, and then I listened carefully to his examples. The examples were first, Latvia, Lithuania, and Estonia. Obviously, the consulates that we retain in those areas are there with the consent of the Soviet Government. Does the gentleman think for one moment that we could maintain consulates in those areas if we did not have the consent of the government in Moscow?

□ 1525

Mr. SOLOMON. Will the gentleman from New York yield?

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

Mr. SOLOMON. The gentleman asked if I thought for a moment if we had a strong President; sir, yes, they would yield.

Mr. BINGHAM. Mr. Chairman, if the gentleman wanted to add to his amendment that the consulate would be established when and if the government in Peking agreed to it, that would be one thing, but that is certainly not the case now.

Two other examples he mentioned were Monaco and San Marino. Obviously the reason is those are such small territories they do not want to have the expense of maintaining embassies or exchanging full relations with the United States. The situation is clearly not comparable.

The final example the gentleman mentioned is truly an extraordinary one. He mentioned the consulate in Jerusalem. Jerusalem is clearly a part of the State of Israel. We maintain a consulate there not only with the consent of the Government of Israel, but because the Government of Israel is located in Jerusalem. Many of us feel that we should have moved our Embassy from Tel Aviv to Jerusalem long ago, but the fact of the matter is that the administration is content now merely to have a consulate in Jerusalem. So there is not even a remote parallel in that case.

So the examples mentioned, I would submit to the members of the committee, are not parallels at all. There is no case where a consulate has been established without diplomatic relations except for these unusual circumstances.

I would ask the gentleman, would he favor establishing a consulate in South Vietnam or in North Korea or in Cuba, countries with whom we have no diplomatic relations? I am sure he would not.

I yield back the balance of my time.

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

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. Chairman, I take this time to make an announcement in the nature of an invitation, and also to say a few words with respect to the amendment now pending.

First the announcement and invitation:

All Members are invited to join in greeting President Carter upon his arrival at Andrews Air Force Base this evening as a gesture of respect for his courage and his persistent personal endeavors in seeking peace in the Middle East.

The President will be arriving at approximately 12:45 a.m. Members should arrive at Andrews at midnight and those desiring bus transportation from the Capitol should call the Sergeant at Arms office at extension 52456. Wives are invited to accompany their husbands.

Mr. Chairman, let me say something now with regard to the amendment pres-

ently before us. I think it suffers two deficiencies.

First, it is unnecessary. It would accomplish nothing beyond what is accomplished in the bill. Secondly, it probably would subject the bill to a veto on the grounds of an unwarranted invasion of Executive power.

Let me point out to those who have not focused carefully upon the strong language already contained in this legislation. First, looking to section 204 as it appears at page 9 of the bill, we see that the designated entity is fully empowered to perform those services normally performed by a consulate of the United States.

Let me attract our attention next to the language appearing on page 5 beginning on line 17. This is language which would be stricken from the bill by adoption of the amendment.

The laws of the United States which apply with respect to agencies of the United States Government shall, to the extent the President may specify, apply with respect to the designated entity as if the designated entity were an agency of the United States Government.

Finally on page 10 in definitions of what is meant in our reference to the laws of the United States, we find the definition:

(1) the term "laws of the United States" includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof:

The definition could hardly be broader.

□ 1530

So what we have for all practical intents and purposes is a consulate. It serves every conceivable purpose a consulate could serve. We have arranged a unique entity in the exercise of the congressional prerogative. The bill creates a continuing relationship with our friends in Taiwan. We are empowered to deal with them, for every practical purpose precisely as we have dealt with them in the past.

Now, the language which is contained in this bill is strong language. It asserts the emphatic desire of the United States to protect our friendship with Taiwan. It asserts that the future of Taiwan must be determined through peaceful means without prejudice to the well-being of the people on Taiwan.

It declares that any armed attack against Taiwan or any use of force, boycott, or embargo to prevent Taiwan from engaging in trade with other nations would be a threat to the peace and stability of the Western Pacific area and of grave concern to the United States.

It declares that the United States will make available to Taiwan defense articles and defense services for its defense against armed attack.

I do not know what more the gentleman wishes. Those representatives of the Government of Taiwan who have discussed the matter with me have declared that they desire for this bill to be passed, for this entity to be created, and for it to be done as soon as possible. That purpose, I think, will not

be served by creating a direct conflict which would provoke a confrontation with the executive branch of Government, invite a veto, and delay and leave further in limbo the important relations which we as a people desire to maintain with the people of Taiwan.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(On request of Mr. McDONALD, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

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

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

Mr. McDONALD. Mr. Chairman, the distinguished majority leader in his presentation just now stated that he was referring to the Republic of Taiwan and the island of Taiwan. Is it the distinguished majority leader's view that indeed the Government of the Republic of China is an independent republic or just simply an island area?

Mr. WRIGHT. Mr. Chairman, as the gentleman from Georgia fully knows, the idea of a two-China policy has been rejected by both the people of Taiwan and the people of mainland China. Many of us instinctively think of them as two separate entities, but this is satisfactory to neither of them. For 30 years both of them have rejected that concept, and it goes to the roots of their heritage. Both those on Taiwan and those on the mainland prefer to contend that it is one nation, and their argument has been over who is entitled to run the government.

We could bring up a similar quarrel with respect to what is Hong Kong. Much of the world maintains that it is a British Crown Colony. Those in Hong Kong itself hold to that position. The government in Peking maintains that it is a part of China. Now, that semantic disagreement as to just what it is has gone on for a long time. Yet it has not provoked any armed conflict nor disrupted the affairs, commercially or otherwise, that are conducted in Hong Kong and by Hong Kong with other nations of the world.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Mr. McDONALD, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 3 additional minutes.)

Mr. McDONALD. Mr. Chairman, if the gentleman will yield further and continuing on that point, is the majority leader saying that the people on Taiwan believe they are part of the mainland Chinese Government, or that they themselves are an independent republic?

Mr. WRIGHT. Mr. Chairman, I will let the gentleman define for himself what he believes the people may conceive to be their case. The people on Taiwan for 30 years have maintained that theirs was and should be the proper government for all of China, including mainland China. Those on mainland China have maintained that theirs was and of right ought to be the government for all of China, including Taiwan.

Now, the only way we can break apart from these two separate interpretations would be to establish a two-China policy. Both Taiwan and mainland China have rejected that conclusion.

□ 1535

It is not an option available to us. So whatever the gentleman desires to use by way of reference may be his. We in the Congress, and members on the committee on Foreign Affairs, have very carefully drafted language which permits us to do those things which we desire to do as a nation: To maintain our rather special relationship with Taiwan and its people. The gentleman may call them what he wishes.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned, in his discussions with those representatives from the Republic of China about this legislation, that they were in agreement with the legislation. Would it be appropriate for the gentleman to mention the names of those people from the Republic of China with whom he has discussed this?

Mr. WRIGHT. I would be happy to do so were I certain of my memory. I am sorry to say that I am not just sure that I can recall. The names are available in my office. I would prefer not to make an effort and give an inaccurate or only partially accurate response. I hope the gentleman will not insist on an answer at this time. I will supply it for the Record.

Mr. CHARLES H. WILSON of California. No, I understand this completely.

Mr. WRIGHT. I have not the ability to recall with sufficient confidence in my memory at the moment.

Mr. CHARLES H. WILSON of California. Did the gentleman, by chance, discuss this with Minister S. K. Hu, who is now replacing Ambassador Chen who is representing the Republic of China here? Does the gentleman recall any discussions with Minister Hu on this subject?

Mr. WRIGHT. I do not believe that he was one of those with whom I talked. I would appreciate it very much if the gentleman would not further contribute to my temporary embarrassment over my inability to recall with clarity the names of those with whom I discussed this matter. Two of them came to my office a month or 6 weeks ago, and we had a rather lengthy discussion. I shall supply their names later today.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(On request of Mr. HANSEN and by unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. HANSEN. Mr. Chairman, will the distinguished majority leader yield for a question?

Mr. WRIGHT. I yield to my friend, the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, it seems that there has been some information that passes through here, and I notice it was used in the dialog a moment ago, about the fact that there is not a two-China policy, there has not been a two-China policy, and I guess I am wondering what we had for 7 years when we had a consulate office in the People's Republic of China and an Embassy in Taipei. It seems to me that there was, in actuality, a two-China policy for 7 years, until our current President decided to abdicate that one entity, the People's Republic of China, and sever relations with the Republic of China.

How can the gentleman say there has not been a two-China policy when it was there, in reality?

Mr. WRIGHT. The gentleman is entitled to his own interpretation. I think perhaps it amounted to something less than a two-China policy. The people, both in Peking and in Taipei, reject officially the concept of a two-China policy.

Mr. HANSEN. Would the gentleman concede that perhaps there was a one and one-half China policy? There is more than a one-China policy, with the recognition of the two nations.

Mr. WRIGHT. If that were the case in the past, it may be so described by some in the future, in the bill which the committee has drafted. The gentleman is entitled to his interpretation. I merely suggest to the committee that this is a strong bill. This is not a bill dictated by the President. It is a bill created by the Congress to express our intense desire to maintain our friendly relations with Taiwan and to assert our continued interest in the safety and security of Taiwan. I believe the committee wisely has gone as far as it can go and should go. I believe this is the most that we can successfully enact into law. I would appeal on that ground with my friend to support this legislation rather than find fault with it.

□ 1540

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

Mr. Chairman, I join the distinguished majority leader in applauding the efforts of the President in the Middle East, but I want to make plain, as one proponent of this legislation produced with some reluctance and with considerable thought by the Committee on Foreign Affairs, that I do not endorse the President's China policy, nor do I feel that we should not have a two-China policy. It is the only rational policy to have. Had I personally been the President of the United States—God forbid—but had I been, we neither would have negotiated the Panama Canal treaties as they are, nor would we have come to this agreement with China.

Now, what we are setting up may appear to be a very phony operation, but it is the only means under the agreement the President has made by which we can restore and sustain vital relationships between the United States and Taiwan. I believe the President had the constitutional authority and the prerogatives

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to do what he did, although I disagree with him. I am quite certain the majority leader is right, that if we in this bill in any way include provisions that provide for government-to-government relations, the President will proclaim that to be an invasion of his constitutional prerogatives. He will veto the bill, and we will not be helping the people on Taiwan or the Republic of China which, yes, does exist and is an entity and, yes, is in control of Taiwan—and in my judgment ought to be.

Now, I believe the only thing we can do here is either decide by voting for one of these series of amendments that we will, yes, have a confrontation with the President, go through the exercise of a veto, and then come back on another day to try to pass legislation to restore and sustain those vital relationships, or decide to pass it now. The fact is that, however much I may disagree with what the President has done, however different what I would have done would have been, he has done it. I believe it is within his constitutional prerogative to do so. Under these circumstances, I see no alternative but to pass the strongest legislation we can pass other than one which includes elements pertaining to government-to-government relations between the United States and Taiwan.

I personally hope and pray and shall work for the day when what ought to happen does happen, and that is that Taiwan declares itself to be an independent entity from the mainland, declares its independence, exercises its self-determination, and the day in which the United States recognizes as the Government of Taiwan with full diplomatic relations that government which the Taiwanese themselves shall choose.

Let me say one further thing on that subject. Long ago, Taiwan should have declared its independence and we should have had a two-China policy. I hope and pray we—

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I am disturbed when the gentleman says he would not have done what the President did, but we have no choice but to follow what the President has decided that we should do. Now, we have several important issues coming up here that I hope that this philosophy is not going to prevail. We are going to have some very important votes on implementation of the Panama Canal treaties, and I hope we are not going to be told, "Well, the treaty is law and we have to pass it; we have no choice."

Mr. BUCHANAN. Our only choice, I believe, I say to the gentleman, is action by the Congress. Otherwise it is Taiwan that suffers—it is Taiwan that suffers—not the People's Republic of China, not the government I would not have recognized.

We must restore the relationship to Taiwan, because the diplomatic recognition has been transferred, but I am saying that this committee, the House Foreign Affairs Committee, and this Com-

mittee of the Whole House sooner or later must act to restore our relations to Taiwan on whatever basis we can.

I am not saying we have no choice. If we want to have a confrontation with the President, we can. If we want to have a veto, we can. If we want to string this out for a period in which we do not restore the relationship, we do not change the law so that we can continue to have those vital relations with Taiwan, we can string it out forever.

□ 1545

○ Certainly, that is our prerogative, but we cannot change the basic situation which the President has created by the exercise, I believe unwisely, of constitutional prerogatives which he does, in fact, have.

The fact of the matter is that through the provisions of this legislation, we are maintaining relations—trade relations, cultural relations, and defense commitments to the people on Taiwan. However, were we to adopt some of these provisions which would establish more formal relations, we would be likely to end these relations, because the President would, first, veto the legislation, or second, refuse to acknowledge the formal representatives of the Republic of China. In either instance we would have no vehicle through which to maintain our relationships with the Republic of China, the Government of Taiwan. While I do have serious reservations with regard to our relations with the People's Republic of China, I feel it is more important to maintain our relationship with the people of Taiwan than to try to do what we do not have the power to do, and that is to unrecognize the People's Republic.

The President has made his decision. It is up to us to frame the strongest ties with people on Taiwan possible without risking the total halt to those ties.

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

Mr. Chairman, this is an amendment not identical but similar to three others which the committee has defeated. We defeated similar amendments last week, and three of them today.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 30 seconds each.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

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

I just want to associate myself with the remarks of the chairman of our committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

We have had numerous amendments which affect the government-to-government relationship.

In my judgment, if this amendment passes, all we are going to do is to jeopardize the legislation. We are going to

have to have new legislation again. The President has indicated that he is opposed to this kind of arrangement because of the agreement he has made with the PRC.

I therefore oppose the amendment, Mr. Chairman.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield to me briefly?

Mr. BROOMFIELD. Yes, I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman for yielding. I should like to respond now to the question asked earlier by the gentleman from California (Mr. CHARLES H. WILSON).

He asked for the names of the two Taiwanese who came to visit me. On February 2 I was visited by C. T. Chang and H. K. Yang. The latter is represented to me to be the official designee handling the transition for the Government on Taiwan.

(By unanimous consent, Mr. HOPKINS and Mr. EDWARDS of Oklahoma yielded their time to Mr. SOLOMON.)

The Chair recognizes the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Chairman, I rise in opposition to this amendment.

(By unanimous consent, Mr. MARKS yielded his time to Mr. SKELTON.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LAGOMARSINO).

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

Mr. LAGOMARSINO. Mr. Chairman, the gentleman from New York (Mr. BINGHAM) mentioned Cuba in his remarks.

I would point out that Cuba is not recognized by the United States. However, we do have an official interest section in Havana, staffed by official State Department personnel. There are only 4 million people there; we take the position that that government is an enemy. Yet there are 17 million people on Taiwan who are and have been our friends for over the last 30 years.

It seems to me that inasmuch as establishing a consular office does not constitute diplomatic recognition; it would not hurt the basic purposes of this act to adopt this amendment. If the President feels it would, then, of course, he will have to do what he feels it is his duty to do, just as we have to do what we feel it is our duty to do.

□ 1550

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, the majority leader just said he was visited by two Taiwanese officials on February 2 and that they endorsed this legislation. This legislation did not exist on February 2. It was not written or reported until February 28. The implication in his remarks is that officials of the Republic of China want no change in the bill, that they will swallow anything under duress. I think this statement deserves some clarification. I doubt that the free Chinese would endorse this legislation. I

think they would support this consular amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, we have before us a legal issue that I think we should face up to and discuss very briefly. I would like to refer, Mr. Chairman, to the Supreme Court case of *ex parte Garland* which deals with one of the two exclusive powers of the President regarding the power of pardon, stating that the power of the Presidential pardon is unlimited and that this power is not subject to legislative control, in a very comparable situation; and also the Supreme Court case of the United States against *Curtis-Wright Corp.*, which says the President is the sole organ of the Nation in its external relations, and it is the sole representative with foreign nations.

Thus, this decision not to have a diplomatic office of any kind in Taiwan is one that can, under our Constitution, be made by the Chief Executive alone. It is constitutionally his sole decision. Thus, I think we have no choice but to defeat this amendment under the terms of the U.S. Constitution.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I would just like to point out to the honorable majority leader that my predecessor once removed, the Honorable Carleton J. King, who I know was a good friend of his, always spoke very flatteringly of the majority leader. During my tenure here, I have come to accept that flattery as truth.

I would just like to say this, that when the majority leader started off by saying that my amendment was not necessary because it was really already contained in the bill, and then went on to tear this amendment apart bit by bit, he totally confused me and many Members of this House. Many Members of this House today are completely confused about this whole issue, as is the Department of State of this country.

In my conversations with them, I got the distinct impression that they were afraid that this amendment will work. They really, I believe, in their own hearts, as I believe truly the majority leader believes, believe that this is what we really need—a consulate office in Taiwan. I believe if we are going to pass this amendment and send it on to the conference with the Senate, because of all the other amendments that we have to have considered by this joint body, I believe that we ought to do it in order to clarify all of these serious issues that many of us have brought up over the last 2 days in the debate on this most important issue.

I would really urge the passage of this amendment so that we can go to the conference to see if it passes there.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, the author of this amendment says he is confused, and I guess that is a very true statement. There are some people in this body who would like to be more Taiwanese than the Taiwanese themselves. I have a letter here from former President Nixon which clearly delineates the position we find ourselves today. I quote:

Any one of us might have handled this situation differently, but now that the decision has been made, we should look to the future and to the past.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the committee, to close the debate.

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

Mr. ZABLOCKI. Mr. Chairman, this amendment, as I pointed out earlier, is similar to amendments that would provide for government-to-government relations that the committee has defeated resoundingly several times today. I might say to my colleague and a member of the committee, my good friend, the gentleman from California (Mr. LAGOMARSINO), that the creation or establishment of consular relations is certainly, as the gentleman knows, a government-to-government act. The consulate is the business arm of the Embassy; the Embassy is the arm of the President. Mr. Chairman, I hope the amendment will be defeated.

□ 1555

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and on a division (demanded by Mr. SOLOMON) there was—ayes 25, noes 49.

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and thirteen Members are present, a quorum.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. SOLOMON) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 225, not voting 28, as follows:

[Roll No. 32]

AYES—179

Abdnor	Butler	Dannemeyer
Andrews, N. Dak.	Byron	Daschle
Applegate	Campbell	Davis, Mich.
Archer	Carney	Deckard
Ashbrook	Carter	Derwinski
Badham	Chappell	Devine
Bafalis	Cheney	Dickinson
Bailey	Clausen	Dougherty
Bauman	Cleveland	Duncan, Tenn.
Beard, R.I.	Clinger	Edwards, Okla.
Bereuter	Coleman	Emery
Bethune	Collins, Tex.	Erdahl
Breaux	Corcoran	Evans, Del.
Brinkley	Coughlin	Evans, Ga.
Brown, Ohio	Courter	Fish
Broyhill	Crane, Daniel	Filippo
Burgener	Daniel, Dan	Fountain
	Daniel, R. W.	Frenzel

Frost	Lent	Robinson
Fuqua	Lewis	Roe
Gaydos	Livingston	Roth
Gilman	Loeffler	Rousselot
Gingrich	Long, Md.	Rudd
Glickman	Lott	Runnels
Goldwater	Lujan	Santini
Gooding	Lungren	Satterfield
Gradison	McClory	Sawyer
Gramm	McDade	Schulze
Grassley	McDonald	Sebelius
Grisham	McEwen	Sensenbrenner
Guyer	McKay	Shelby
Hagedorn	Marlenee	Shumway
Hall, Tex.	Marrlott	Shuster
Hammer-schmidt	Martin	Smith, Nebr.
Hance	Mathis	Snowe
Hansen	Mattox	Snyder
Harsha	Michel	Solomon
Hightower	Miller, Ohio	Spence
Hillis	Mitchell, N.Y.	Stangeland
Hinson	Montgomery	Stenholm
Hollenbeck	Moore	Stump
Holt	Moorhead, Calif.	Tauke
Hopkins	Mottl	Taylor
Howard	Murphy, N.Y.	Thomas
Hubbard	Murphy, Pa.	Treen
Hyde	Myers, Ind.	Trible
Jacobs	Myers, Pa.	Vander Jagt
Jeffries	Nelson	Walker
Kazen	Nichols	Watkins
Kelly	O'Brien	White
Kemp	Oakar	Whittaker
Kildee	Panetta	Whitten
Kindness	Pashayan	Wilson, Bob
Kramer	Paul	Wilson, C. H.
Lagomarsino	Quayle	Winn
Latta	Quillen	Wyatt
Leach, Iowa	Rallsback	Wylder
Leach, La.	Rinaldo	Wylie
Leath, Tex.	Ritter	Yatron
Lee	Roberts	Young, Fla.

NOES—225

Addabbo	Duncan, Oreg.	Lederer
Akaka	Early	Lehman
Albosta	Eckhardt	Leland
Anderson, Calif.	Edgar	Levitas
Andrews, N.C.	Edwards, Ala.	Lloyd
Annunzio	Edwards, Calif.	Long, La.
Anthony	English	Lowry
Ashley	Erlenborn	Luken
Aspin	Ertel	Lundine
Atkinson	Evans, Ind.	McCormack
AuCoin	Fary	McHugh
Baldus	Fascell	Madigan
Barnard	Fazio	Maguire
Barnes	Fenwick	Markey
Bedell	Ferraro	Marks
Bellenson	Findley	Matsui
Benjamin	Fisher	Mavroules
Bennett	Fithian	Mazzoli
Biaggi	Florio	Mica
Bingham	Foley	Mikulski
Blanchard	Ford, Mich.	Mikva
Boggs	Ford, Tenn.	Miller, Calif.
Boland	Forsythe	Mineta
Bolling	Fowler	Minish
Boner	Gephardt	Mitchell, Md.
Bonior	Giallino	Moakley
Bonker	Gibbons	Moffett
Bouquard	Ginn	Moorhead, Pa.
Bowen	Gonzalez	Murphy, Ill.
Brademas	Gore	Murtha
Brodhead	Gray	Natcher
Brooks	Green	Neal
Broomfield	Guarini	Nedzi
Brown, Calif.	Gudger	Nowak
Buchanan	Hall, Ohio	Oberstar
Burlison	Hamilton	Obey
Burton, John	Hanley	Ottinger
Burton, Phillip	Harkin	Patten
Carr	Harris	Patterson
Cavanaugh	Hawkins	Pease
Chisholm	Heckler	Pepper
Clay	Hefner	Perkins
Coelho	Heffel	Peyser
Conable	Holland	Pickle
Conte	Holtzman	Preyer
Conyers	Horton	Price
Corman	Huckaby	Fritchard
Cotter	Hughes	Rahall
D'Amours	Ichord	Rangel
Danielson	Jenkins	Hatchford
Davis, S.C.	Jenrette	Regula
de la Garza	Johnson, Calif.	Rhodes
Dellums	Johnson, Colo.	Rhodesmond
Derrick	Jones, N.C.	Ridino
Diggs	Jones, Okla.	Rose
Dingell	Jones, Tenn.	Rosenthal
Dixon	Kastenmeier	Rostenkowski
Drinan	Kogovsek	Roybal
	Kostmayer	

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Russo	Steed	Weaver
Sabo	Stewart	Weiss
Scheuer	Stokes	Whitehurst
Schroeder	Stratton	Whitley
Seiberling	Studds	Williams, Mont.
Shannon	Swift	Wilson, Tex.
Sharp	Synar	Wirth
Simon	Thompson	Wolf, N.Y.
Skelton	Traxler	Wolpe, Mich.
Slack	Udall	Wright
Solarz	Ullman	Yates
Spellman	Van Deerlin	Young, Alaska
St Germain	Vanik	Young, Mo.
Stack	Vento	Zablocki
Stagers	Volkmer	Zerfetti
Stanton	Walgren	
Stark	Waxman	

## NOT VOTING—28

Alexander	Dornan	Mollohan
Ambro	Downey	Nolan
Anderson, Ill.	Flood	Pursell
Beard, Tenn.	Garcia	Smith, Iowa
Bevill	Hutto	Stockman
Collins, Ill.	Ireland	Symms
Crane, Philip	Jeffords	Wampler
Dicks	LaFalce	Williams, Ohio
Dodd	McCloskey	
Donnelly	McKinney	

□ 1610

So the amendment was rejected.

The results of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. DANNEMEYER

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

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: On page 5, strike out lines 1 through 5 and insert in lieu thereof the following: "dealings of the United States Government with Taiwan shall be conducted through a quasi-governmental entity, to be designated 'The United States Commission in Taiwan' (hereinafter referred to as the 'designated entity')."

□ 1615

Mr. DANNEMEYER. Mr. Chairman, I supported early amendments calling for more direct relations between the United States and Taiwan. However, the House has not approved those. Therefore, I am offering an amendment which, because of its ambiguity, allows the United States to continue more direct relations with the government and people of Taiwan, while still allowing the administration and the State Department latitude in our relations with the People's Republic of China.

Mr. Chairman, my amendment offers at least a minimum of recognition of reality to 17 million people and their government, while not directly granting full government-to-government relations.

I urge the Members to support this amendment in the interest of fair play and in the interest of recognizing reality.

Mr. Chairman, there is an old saying which goes: "When you get to the end of a rope, you tie a knot and hold on."

I think that is where we are to keep from falling off. We should understand that this bill, if it is adopted in the form in which it is before us, will, in effect, create a monster for any American businessman wanting to do business in Taiwan. Those of us who have been involved in business know that it is tough enough when one has to deal through two governments to get where he wants to go. However, now, in our wisdom, we are preparing to add an entity in the United

States and an entity in Taiwan, saying, in effect, that if a businessman in the United States wants to do business with a company in Taiwan, he has to go through four offices to get something done.

Mr. Chairman, that judgment of the House, I think, is where we are; and I do not seek to change that, although the last amendment did. This amendment, however, accepts the concept of the private entity.

Mr. Chairman, if the Members will read the language on page 5 of the proposed bill, they will see that we seek by legislation to create a new entity. In the bill before us it is called a "nongovernmental entity."

All this amendment does is to change the word "nongovernmental" to "quasi-governmental."

Immediately someone may ask, "Why in the world are you trying to do that?"

The gentleman from Wisconsin (Mr. ZABLOCKI), the learned chairman of the committee, several times in the debate today made reference himself to the fact that this entity is a quasi-governmental entity.

Since I am one who tries to deal in reality and since I always pursue that purpose in legislation, it strikes me that it is only appropriate that the legislation which we adopt reflect what we are doing; and if we are, in fact, establishing quasi-governmental relations, why do we not say it in this bill?

That is what this amendment is all about. Let us make no mistake about it, some day an appellate court someplace is going to decide what we are doing with this new entity. I submit that if we have the courage to say that this entity has the status of a quasi-governmental entity, we are giving it a leg up in terms of its respectability and an enhanced chance of some businessman having his rights protected.

□ 1620

That is what this is all about. I think it will give some encouragement to our friends on Taiwan that we are concerned about their continued viability as an economic unit. I ask for the Members' support.

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

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

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I want to compliment the gentleman on his amendment. As he knows, I supported the other amendments that spoke to this same section of the law that attempted to create something more official, but I think that with the amendment the gentleman is proposing what we are really doing is calling it what it is. Throughout the discussion today and last week, numerous speakers have referred to the entity that is created in the bill as it came out of the committee in terms such as quasi-governmental. It really is quasi-governmental. It is paid by the Government. It is under the direction of the Department of State. I do not think there is anybody on this floor who thinks for a moment that if the President or the Department of State

directs those gentlemen in that particular entity to do something that they would not do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment. This is another amendment attempting by the side door or back door to try to establish a government-to-government relationship. The gentleman has stated that the gentleman from Wisconsin referred to the entity as a quasigovernmental institution, and that is very true.

Mr. Chairman, in view of the fact that we have had this repetitious array of amendments that have been introduced by Members—and I am basically very patient—time is really of the essence. I think we have had an opportunity to discuss this legislation and the amendments.

Mr. Chairman, I ask unanimous consent that debate on all amendments pending and all amendments thereto end at 4:45 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Reserving the right to object, could the Chair tell us how many amendments are at the desk?

The CHAIRMAN. There are eight amendments at the desk.

Mr. BAUMAN. Further reserving the right to object, the gentleman from Ohio (Mr. ASHBROOK) has two amendments that he has been waiting to offer since last Thursday. I am sure they are superior, knowing the quality of his amendments. It seems to me that that is a somewhat arbitrary restriction on the time. The President is not arriving at Andrews until 12:45 tomorrow morning. The gentleman can still make it to the airport in plenty of time.

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

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

Mr. ZABLOCKI. I thank the gentleman for yielding.

As far as the gentleman from Wisconsin is concerned, I am willing to stay here until midnight, and I asked the gentleman from Maryland if he would stay with me on the floor, and he failed to respond.

Mr. BAUMAN. I will not only stay with the gentleman, but I will hold his hand if he begins to feel faint.

Mr. ZABLOCKI. And right from here we could go to Andrews Air Base.

Mr. BAUMAN. No. I will not go that far.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. Mr. ZABLOCKI. Mr. Chairman, I move that debate on all amendments pending and all amendments thereto end at 5 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

□ 1625

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 53, noes 40.

Mr. ASHBROOK. Mr. Chairman, I

demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and thirteen Members are present, a quorum.

## RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I renew my demand for a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 193, not voting 35, as follows:

[Roll No. 33]

AYES—204

Addabbo	Fowler	Nowak
Akaka	Frost	Oakar
Albosta	Fuqua	Oberstar
Annunzio	Gaydos	Obey
Anthony	Gephardt	Ottinger
Ashley	Gibbons	Patten
Aspin	Ginn	Patterson
Atkinson	Gore	Pease
AuCoin	Gray	Pepper
Baldus	Guarini	Perkins
Barnard	Gudger	Peyser
Barnes	Hall, Ohio	Preyer
Beard, R.I.	Hamilton	Price
Bellenson	Hance	Quillen
Benjamin	Harkin	Rahall
Bennett	Harris	Rangel
Bingham	Harsha	Ratchford
Blanchard	Hawkins	Reuss
Boggs	Hefner	Roberts
Boland	Heffel	Rodino
Boner	Holland	Roe
Bonior	Hollenbeck	Rose
Bonker	Holtzman	Rosenthal
Bouquard	Horton	Rostenkowski
Bowen	Ichord	Runnels
Brademas	Jenkins	Santini
Brinkley	Jenrette	Sabo
Brodhead	Johnson, Calif.	Santini
Brooks	Jones, N.C.	Sawyer
Broomfield	Jones, Okla.	Scheuer
Burlison	Jones, Tenn.	Schroeder
Burton, Phillip	Kastenmeier	Seiberling
Byron	Kogovsek	Shannon
Carr	Lehman	Sharp
Carter	Leland	Shelby
Cavanaugh	Long, La.	Simon
Chappell	Long, Md.	Skelton
Chisholm	Lowry	Slack
Clay	Luken	Solarz
Coelho	Lundine	Spellman
Conyers	McCormack	St Germain
Corman	McDade	Stack
Cotter	McHugh	Staggers
Courter	McKay	Stark
Danielson	Maguire	Steed
Daschle	Markey	Stewart
Davis, S.C.	Matsui	Stokes
Derrick	Mavroules	Stratton
Dixon	Mica	Swift
Drinan	Mikulski	Synar
Duncan, Tenn.	Mikva	Thompson
Eckhardt	Mineta	Udall
Edwards, Ala.	Minish	Ullman
English	Mitchell, Md.	Vanik
Erlenborn	Moakley	Vento
Ertel	Moffett	Weaver
Fary	Montgomery	Whitley
Fascell	Moorhead, Pa.	Wilson, Tex.
Fazio	Mottl	Wirth
Fenwick	Murphy, Ill.	Wolf, N.Y.
Ferraro	Murphy, N.Y.	Wolpe, Mich.
Findley	Murphy, Pa.	Wright
Fithian	Murtha	Wyatt
Flippo	Myers, Pa.	Yates
Florio	Natcher	Yatron
Foley	Nedzi	Young, Mo.
Ford, Mich.	Nichols	Zablocki
Fountain	Nolan	Zeferetti

NOES—193

Abdnor	Bedell	Cheney
Anderson, Calif.	Bereuter	Clausen
Andrews, N. Dak.	Bethune	Cleveland
Applegate	Blaggi	Clinger
Archer	Bolling	Coleman
Ashbrook	Breaux	Collins, Tex.
Badham	Brown, Ohio	Conable
Bafalis	Broyhill	Conte
Bailey	Buchanan	Cocoran
Bauman	Burgener	Coughlin
Beard, Tenn.	Butler	Crane, Daniel
	Campbell	D'Amours
	Carney	Daniel, Dan

Daniel, R. W.	Jacobs	Rhodes
Dannemeyer	Jeffries	Richmond
Davis, Mich.	Johnson, Colo.	Rinaldo
de la Garza	Kazen	Ritter
Deckard	Kelly	Robinson
Dellums	Kemp	Roth
Derwinski	Kildee	Rousselot
Devine	Kindness	Roybal
Dickinson	Kostmayer	Rudd
Donnelly	Kramer	Satterfield
Dougherty	Lagomarsino	Schulze
Early	Latta	Schulze
Edgar	Leach, Iowa	Sebelius
Edwards, Calif.	Leach, La.	Sensenbrenner
Edwards, Okla.	Leath, Tex.	Shumway
Emery	Lederer	Shuster
Erdahl	Lent	Smith, Nebr.
Evans, Del.	Levitas	Snowe
Evans, Ga.	Lewis	Snyder
Evans, Ind.	Livingston	Solomon
Fish	Lloyd	Spence
Fisher	Loeffler	Stangeland
Forsythe	Lott	Stanton
Glaime	Lujan	Stenholm
Gilman	Lungren	Stockman
Gingrich	McClary	Studds
Glickman	McDonald	Stump
Goldwater	McEwen	Symms
Gonzalez	Madigan	Tauke
Goodling	Marlenee	Taylor
Gradison	Marriott	Thomas
Gramm	Martin	Treen
Grassley	Mattox	Trible
Green	Mazzoli	Van Deerlin
Grisham	Michel	Vander Jagt
Guyer	Miller, Calif.	Volkmer
Hagedorn	Miller, Ohio	Walgren
Hall, Tex.	Mitchell, N.Y.	Walker
Hammer-	Moore	Wampler
schmidt	Moorhead,	Watkins
Hanley	Calif.	Weiss
Hansen	Myers, Ind.	White
Heckler	Neal	Whitehurst
Hightower	Nelson	Whittaker
Hillis	O'Brien	Whitten
Hinson	Panetta	Williams, Mont.
Holt	Pashayan	Wilson, Bob
Hopkins	Paul	Wilson, C. H.
Howard	Pickle	Winn
Hubbard	Pritchard	Wyder
Huckaby	Quayle	Wylie
Hughes	Rallsback	Young, Alaska
Hyde	Regula	Young, Fla.

## NOT VOTING—35

Alexander	Dodd	Lee
Ambro	Dornan	McCloskey
Anderson, Ill.	Downey	McKinney
Andrews, N.C.	Duncan, Ore.	Marks
Bevill	Flood	Matis
Brown, Calif.	Ford, Tenn.	Mollohan
Burton, John	Frenzel	Pursell
Collins, Ill.	Garcia	Smith, Iowa
Crane, Phillip	Hutto	Traxler
Dicks	Ireland	Waxman
Diggs	Jeffords	Williams, Ohio
Dingell	LaFalce	

□ 1640

Messrs. JACOBS, DICKINSON, FISH, WHITE, GONZALEZ, and WHITEHURST changed their vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Accordingly, all debate on this bill and all amendments to the bill will cease at 5 p.m.

□ 1645

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN  
Mr. BAUMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAUMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. BAUMAN. Mr. Chairman, I regret that I have to take the time of the committee by this parliamentary device. But this is the only way to obtain the time to discuss this bill in what I assume are its final moments before the House. How-

ever it seems to me that we, as a representative body sent here by the American people, at least have the right on a foreign policy matter of this magnitude to discuss at length, if necessary, the provisions of this legislation, which is unparalleled in our history.

Mr. Chairman, I frankly do not understand the need for the motion of the gentleman from Wisconsin (Mr. ZABLOCKI) to cut off debate. It is uncharacteristic of the gentleman, who has served with great distinction as chairman of this committee, to try to limit the rights of Members. There are eight amendments pending at the desk and other amendments still to be offered from the floor. It is not even 5 p.m. I do not know of any major cocktail party or any lobbying groups holding dinners tonight. The President will not be back from Israel until tomorrow morning. Yet we are told that we have to condense the future of 18 million free Taiwanese and Chinese into 10 minutes' debate. That is a shameful situation.

Mr. Chairman, this situation is not to the credit of this great body or the committee which presented this legislation to the House.

I can only say, Mr. Chairman, that as one Member of the House who has read this legislation, unparalleled as it is in our history, I would urge the Members to vote against it. There is no validity to the argument that this legislation helps the Taiwanese. It is, as I suggested the other day, rendering the same service as the corpse receives from the gravedigger.

This bill eventually is going to nail shut the coffin of a free Taiwan, I hope that everyone will oppose it.

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

Mr. BAUMAN. I yield to the gentleman from Ohio (Mr. ASHBROOK), who was precluded by the motion of the gentleman from Wisconsin from offering his amendments.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for yielding.

I hope the American people develop some understanding of just what is happening here. We are getting into the middle of March. This body has done next to nothing. We have had little legislative output. We have had token sessions, and now when the first major bill of any importance comes up, the majority has gagged the minority.

□ 1650

Let me repeat that. The majority on a rollcall vote has gagged the minority. Not necessarily a party majority, I might add. It is going to be a long session, and it will ill behoove anyone who wants cooperation later in the session to preclude those of us who have serious amendments from offering them at this time in this forum. This House has not done itself a service, and those of us in the philosophical minority who wanted open debate ought to realize precisely what is being done to us. There will come a time and place when they want some cooperation. We will serve notice right now that we will return it in kind.

Mr. BAUMAN. The gentleman is cor-



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rect. I will add it saddens me to know that some of the votes that produced the gag rule in this House were provided by our side of the aisle, the minority side. That does not speak very well, I think, for the manner in which the House is to conduct its business. I would suggest if the motion now pending before the House is adopted and the enacting clause is stricken, we might very well come back with legislation that is better in its final form than this is. It would not take much to be better than this legislation.

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

Mr. BAUMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

The gentleman said awhile ago that the majority throttles the minority. I want to point out that some of us on the majority are with the minority in this case, and we voted against throttling anybody.

Mr. BAUMAN. The gentleman from Texas deserves the thanks of the committee for making that statement. I just wish there were more like him.

Mr. DICKINSON. Mr. Chairman, the people of the United States and the 17 million free people of the Republic of China (ROC) who live on Taiwan have been friends for a long time. We are similar peoples in many ways. We both believe in human freedom and democratic, representative government; we both believe in and practice the free enterprise economic system; we both believe in and practice freedom of religion (millions on Taiwan practice some of the same faiths that millions of Americans practice); and for years we have been partners in resisting the spread of Communism in Asia. I go to Taiwan to take a message from the American people that the great majority of Americans are very much concerned with the continued security of Taiwan as a nation.

Now the people of Taiwan and the millions of Americans who disagree with it are faced with an ill-founded policy by the Carter administration that violates our longstanding commitment to the freedom of the ROC. This new policy, which betrays the ROC, is unacceptable to me, and I believe to the great majority of Americans. We have always served the role of "Freedom's" guardian in the world. Certainly we would never have dealt away, directly or indirectly, the liberty of another free people. And yet that will be the result of administration plans to abrogate the ROC—U.S. Mutual Defense Treaty. I have no objections to developing our relations with Red China, but not at the expense of Taiwan's freedom.

United States security relationships with Taiwan have not been a one-way street. The ROC has served as a valuable outpost of freedom and an ally to the United States through both the Korean and Vietnam wars, while the Red Chinese provided manpower, weapons, and money to kill Americans and to thwart U.S. efforts to help free nations in that part of the world. And I believe there can

be future requirements for a United States-Taiwan military relationship. How can we be assured the Red Chinese will always want to be our friends? We should not make that assumption.

The administration "hints" that it has private understandings that Red China will not destroy free China. Who can believe such "dreams" when the mainland leadership asserts publicly that they "will not wait long for reunification," and that it will be brought about by "force if necessary."

Actually, the mainland Red Chinese may be able to legally destroy Taiwan without firing a shot. The President's statement that there is only "one China" and that Taiwan is a part of the mainland establishes the PRC's legal claim under international law to all land, sea, and air territorial rights presently exercised by Taiwan.

In the future, after Jimmy Carter is gone from the scene, what will the United States and other nations do when the PRC blockades Taiwan and announces to the world that all sea and air traffic to the island is forbidden? In such an event the free people of Taiwan will be cut off from the world and at the mercy of Red China. Would the United States use force of arms to keep the air and sea lanes to Taiwan open? When the Red Chinese announce in the U.N. that this is an "internal matter and of no concern to the United States, the U.N., or the outside world," what can the free world say then?

The thing that bothers me most about the President's new China policy—and our so-called diplomats at the White House and the State Department who concocted it—is that they act like they are playing some impersonal game like chess. But we are talking about the freedom and lives of real "flesh and blood" people—millions of innocent children, women, and men who live on Taiwan. We are not playing with plastic toys.

I hope that our Nation, acting through this great deliberative body, will act responsibly and morally and give the free people on Taiwan the security guarantees that the administrations' "sham" proposal will not do. We should, at least, give Taiwan the same diplomatic status that we have given the People's Republic of China for the last several years. We have recognized two Chinas with an embassy on Taiwan and a liaison mission in Peking. We should do at least the same thing for Taiwan—that is, establish official diplomatic contacts between Taiwan and Washington with a liaison mission.

I hope this body will not formalize the administration's action of "abandoning" the people of Taiwan.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the preferential motion.

It is not the intent of the gentleman from Wisconsin to cut off debate without due consideration of the amendments that were pending and the amendments that were offered. We have debated this 10-page bill for 2 days. Many of the amendments that were offered were similar. At one point we had four similar amendments, and it appeared to the gentleman from Wisconsin that some Members in this body were resorting to

dilatory tactics. I think everybody understands what this bill is intended to do. I see no reason to debate it any further. There are some who just do not intend to listen to the explanations of the purposes of this legislation.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield for a question?

Mr. ZABLOCKI. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

During this debate I have been intrigued by reference to the various entities here discussed, and I have here a copy of a Department of State memorandum to all assistant secretaries and office heads. It says:

With the recognition of the People's Republic of China as the sole legitimate government of China and with the severance of diplomatic relations with the authorities on Taiwan, guidelines are necessary to insure that all U.S. Government official statements and publications concerning Taiwan conform to our policy.

It goes on and says, among other things—

The adjectival form is "Taiwan," not "Taiwanese." People should be referred to as "from Taiwan," "on Taiwan," "of Taiwan," etc., rather than as Taiwanese.

I just think we ought to be informed on this.

Mr. ZABLOCKI. I am happy that the gentleman from Texas has informed the others. I do not necessarily agree with the Department of State's definitions or interpretations or orders.

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

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Did I hear the gentleman say that in connection with this legislation he did not agree with the Department of State on some aspect of this bill?

Mr. ZABLOCKI. Not in all aspects. That is very clear.

Mr. BAUMAN. I thought I heard that. Amazing.

Mr. ZABLOCKI. As I advised the gentleman from Maryland time and time again, if he had only seen the legislation the executive branch had sent to the Congress, he would fully realize to what extent we perfected it and brought forth legislation that I think is worthy of support.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Maryland (Mr. BAUMAN).

□ 1655

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 53, noes 134.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 295, not voting 27, as follows:

[Roll No. 34]  
AYES—110

Abdnor  
Applegate  
Archer  
Ashbrook  
Badham  
Bafalis  
Bailey  
Bauman  
Bereuter  
Bethune  
Brown, Ohio  
Burgener  
Campbell  
Carney  
Carter  
Clinger  
Coleman  
Collins, Tex.  
Courter  
Crane, Daniel  
Daniel, Dan  
Daniel, R. W.  
Dannemeyer  
Davis, Mich.  
Derwinski  
Devine  
Dickinson  
Dougherty  
Edwards, Okla.  
Erdahl  
Evans, Del.  
Evans, Ga.  
Gilman  
Gingrich  
Goldwater  
Goodling  
Grassley  
Grisham

Guyer  
Hammer-  
schmidt  
Hansen  
Hinson  
Holt  
Hopkins  
Hubbard  
Hyde  
Jeffries  
Kelly  
Kemp  
Kindness  
Kramer  
Lagomarsino  
Leach, La.  
Lee  
Lent  
Lewis  
Livingston  
Loeffler  
Long, La.  
Lott  
Lungren  
McClory  
McDonald  
McEwen  
Marlenee  
Marriott  
Martin  
Michel  
Miller, Ohio  
Mitchell, N.Y.  
Moore  
Moorhead,  
Calif.  
Murphy, Pa.  
Myers, Ind.

O'Brien  
Pashayan  
Paul  
Quayle  
Regula  
Ritter  
Robinson  
Roth  
Rousselot  
Russ  
Schulze  
Sensenbrenner  
Shumway  
Shuster  
Smith, Nebr.  
Snyder  
Solomon  
Spence  
Stangeland  
Stockman  
Stump  
Symms  
Taufe  
Taylor  
Thomas  
Treen  
Trible  
Walker  
Watkins  
Whittaker  
Wilson, Bob  
Wilson, C. H.  
Wylie  
Young, Alaska  
Young, Fla.

Minish  
Mitchell, Md.  
Moakley  
Moffett  
Montgomery  
Moorhead, Pa.  
Mottl  
Murphy, Ill.  
Murphy, N.Y.  
Murtha  
Myers, Pa.  
Natcher  
Neal  
Nedzi  
Nelson  
Nichols  
Nolan  
Nowak  
Oakar  
Oberstar  
Obey  
Ottinger  
Panetta  
Patten  
Patterson  
Pease  
Pepper  
Perkins  
Peysor  
Pickle  
Preyer  
Price  
Pritchard  
Quillen  
Rahall  
Rallsback  
Rangel

Ratchford  
Reuss  
Rhodes  
Richmond  
Rinaldo  
Roberts  
Rodino  
Roe  
Rose  
Rosenthal  
Rostenkowski  
Roybal  
Runnels  
Russo  
Sabo  
Santini  
Satterfield  
Sawyer  
Scheuer  
Schroeder  
Sebelius  
Seiberling  
Shannon  
Sharp  
Shelby  
Simon  
Skelton  
Slack  
Solarz  
Spellman  
St Germain  
Stack  
Staggers  
Stanton  
Stark  
Steed  
Stenholm

Stewart  
Stokes  
Stratton  
Studds  
Swift  
Synar  
Thompson  
Traxler  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Vento  
Volkmer  
Walgren  
Wampler  
Weaver  
Weiss  
White  
Whitehurst  
Whitley  
Whitten  
Williams, Mont.  
Williams, Ohio  
Wilson, Tex.  
Winn  
Wirth  
Wolf, N.Y.  
Wolpe, Mich.  
Wright  
Wyatt  
Wyder  
Yates  
Yatron  
Young, Mo.  
Zablocki

Hubbard  
Hyde  
Ichord  
Jacobs  
Jeffries  
Kazen  
Kelly  
Kemp  
Kildee  
Kindness  
Kramer  
Lagomarsino  
Latta  
Leach, Iowa  
Leach, La.  
Leath, Tex.  
Lee  
Lent  
Lewis  
Livingston  
Loeffler  
Long, La.  
Lott  
Lujan  
Lungren  
McClory  
McDonald  
McEwen  
McKay  
Marlenee  
Marriott  
Martin  
Mattox  
Michel  
Miller, Ohio

Mitchell, N.Y.  
Montgomery  
Moore  
Moorhead,  
Calif.  
Mottl  
Murphy, Pa.  
Myers, Ind.  
Nelson  
Nichols  
Nowak  
O'Brien  
Oakar  
Pashayan  
Paul  
Perkins  
Pickle  
Quayle  
Quillen  
Rallsback  
Regula  
Rhodes  
Rinaldo  
Ritter  
Robinson  
Roth  
Rousselot  
Rudd  
Runnels  
Santini  
Satterfield  
Sawyer  
Schulze  
Sebelius  
Sensenbrenner

Shelby  
Shumway  
Shuster  
Smith, Nebr.  
Snowe  
Snyder  
Solomon  
Spence  
Stangeland  
Stanton  
Stenholm  
Stockman  
Stump  
Symms  
Taufe  
Taylor  
Thomas  
Treen  
Trible  
Vander Jagt  
Walker  
Wampler  
Watkins  
White  
Whittaker  
Williams, Ohio  
Wilson, Bob  
Wilson, C. H.  
Winn  
Wyder  
Wylie  
Yatron  
Young, Alaska  
Young, Fla.

NOES—295

Addabbo  
Akaka  
Albosta  
Anderson,  
Calif.  
Andrews,  
N. Dak.  
Annunzio  
Anthony  
Ashley  
Aspin  
Atkinson  
AuCoin  
Baldus  
Barnard  
Barnes  
Beard, R.I.  
Beard, Tenn.  
Bedell  
Bellenson  
Benjamin  
Bennett  
Blaggi  
Bingham  
Blanchard  
Boggs  
Boland  
Bolling  
Bonar  
Bonior  
Bowen  
Brademas  
Brooks  
Broomfield  
Brown, Calif.  
Broyhill  
Buchanan  
Burlison  
Burton, Phillip  
Butler  
Byron  
Cavanaugh  
Chappell  
Cheney  
Chisholm  
Clay  
Cleveland  
Coelho  
Conable  
Conte  
Conyers  
Corcoran  
Corman  
Cotter  
Coughlin  
D'Amours  
Danielson

Daschle  
Davis, S.C.  
de la Garza  
Deckard  
Dehams  
Derrick  
Diggs  
Dingell  
Dixon  
Donnelly  
Drinan  
Duncan, Ore.  
Duncan, Tenn.  
Early  
Eckhardt  
Edgar  
Edwards, Ala.  
Edwards, Calif.  
Emery  
English  
Erlenborn  
Ertel  
Evans, Ind.  
Fary  
Fascell  
Fazio  
Fenwick  
Ferraro  
Findley  
Fish  
Fisher  
Fithian  
Flippo  
Florio  
Foley  
Ford, Mich.  
Ford, Tenn.  
Forsythe  
Fountain  
Fowler  
Frenzel  
Frost  
Fuqua  
Gaydos  
Gephardt  
Gialmo  
Gibbons  
Ginn  
Glickman  
Gonzalez  
Gore  
Gradison  
Gramm  
Gray  
Green  
Guarini  
Gudger  
Hagedorn  
Hall, Ohio  
Hall, Tex.  
Hamilton  
Hance

Hanley  
Harkin  
Harris  
Harsha  
Hawkins  
Heckler  
Hefner  
Heftel  
Hightower  
Hillis  
Holland  
Hollenbeck  
Holtzman  
Horton  
Howard  
Huckaby  
Hughes  
Ichord  
Ireland  
Jacobs  
Jenkins  
Jenrette  
Johnson, Calif.  
Johnson, Colo.  
Jones, N.C.  
Jones, Okla.  
Jones, Tenn.  
Kastenmeyer  
Kazen  
Kildee  
Kogovsek  
Kostmayer  
Latta  
Leach, Iowa  
Leath, Tex.  
Lederer  
Lehman  
Leland  
Levitas  
Lloyd  
Long, Md.  
Lowry  
Lujan  
Luken  
Lundine  
McCormack  
McDade  
McHugh  
McKay  
Madigan  
Maguire  
Markey  
Marks  
Matsui  
Mattox  
Mavroules  
Mazzoli  
Mica  
Mikulski  
Mikva  
Miller, Calif.  
Mineta

Alexander  
Ambro  
Anderson, Ill.  
Andrews, N.C.  
Bevill  
Breaux  
Burton, John  
Clausen  
Collins, Ill.

NOT VOTING—27

Crane, Phillip  
Dodd  
Dornan  
Downey  
Flood  
Garcia  
Hutto  
Jeffords

LaFalce  
McCloskey  
McKinney  
Mathis  
Mollohan  
Pursell  
Smith, Iowa  
Waxman  
Zefteretti

□ 1710

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 68, noes 153.

□ 1715

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 221, not voting 29, as follows:

[Roll No. 35]

AYES—182

Abdnor  
Andrews,  
N. Dak.  
Applegate  
Archer  
Ashbrook  
Badham  
Bafalis  
Bailey  
Barnard  
Bauman  
Beard, Tenn.  
Bereuter  
Bethune  
Breaux  
Brinkley  
Brown, Ohio  
Broyhill  
Burgener  
Butler  
Byron  
Campbell  
Carney  
Carter  
Cheney  
Clausen  
Cleveland

Clinger  
Coleman  
Collins, Tex.  
Conable  
Conte  
Corcoran  
Coughlin  
Courter  
Crane, Daniel  
Daniel, Dan  
Daniel, R. W.  
Dannemeyer  
Daschle  
Davis, Mich.  
de la Garza  
Deckard  
Derwinski  
Devine  
Dickinson  
Donnelly  
Dougherty  
Duncan, Tenn.  
Edwards, Okla.  
Emery  
Erdahl  
Evans, Del.  
Evans, Ga.

Fish  
Frenzel  
Frost  
Gaydos  
Gilman  
Gingrich  
Glickman  
Goldwater  
Goodling  
Gradison  
Gramm  
Grassley  
Grisham  
Guyer  
Hagedorn  
Hall, Tex.  
Hammer-  
schmidt  
Hance  
Hansen  
Harsha  
Harris  
Hightower  
Hillis  
Hinson  
Hollenbeck  
Holt  
Hopkins

Addabbo  
Akaka  
Anderson,  
Calif.  
Annunzio  
Anthony  
Ashley  
Aspin  
Atkinson  
AuCoin  
Baldus  
Barnes  
Beard, R.I.  
Bedell  
Bellenson  
Benjamin  
Bennett  
Blaggi  
Bingham  
Blanchard  
Boggs  
Boland  
Bolling  
Bonar  
Bonior  
Bowen  
Brademas  
Brodhead  
Brooks  
Broomfield  
Brown, Calif.  
Buchanan  
Burlison  
Burton, Phillip  
Carr  
Cavanaugh  
Chappell  
Chisholm  
Clay  
Coelho  
Conyers  
Corman  
Cotter  
D'Amours  
Danielson  
Dellums  
Derrick  
Diggs  
Dingell  
Dixon  
Drinan  
Duncan, Ore.  
Early  
Eckhardt  
Edgar  
Edwards, Ala.  
Edwards, Calif.  
English  
Erlenborn  
Ertel  
Evans, Ind.  
Fary  
Fascell  
Fazio  
Fenwick  
Ferraro

NOES—221

Findley  
Fisher  
Fithian  
Flippo  
Florio  
Foley  
Ford, Mich.  
Ford, Tenn.  
Forsythe  
Fowler  
Fuqua  
Gephardt  
Gialmo  
Gibbons  
Ginn  
Gonzalez  
Gore  
Gray  
Green  
Guarini  
Gudger  
Hall, Ohio  
Hamilton  
Hanley  
Harkin  
Harris  
Hawkins  
Heckler  
Hefner  
Heftel  
Holland  
Holtzman  
Horton  
Howard  
Huckaby  
Hughes  
Ireland  
Jenkins  
Jenrette  
Johnson, Calif.  
Johnson, Colo.  
Jones, N.C.  
Jones, Okla.  
Jones, Tenn.  
Kastenmeyer  
Kogovsek  
Kostmayer  
Lederer  
Lehman  
Leland  
Levitas  
Lloyd  
Long, Md.  
Lowry  
Luken  
Lundine  
McCormack  
McDade  
McHugh  
McKay  
Madigan  
Maguire  
Marks  
Matsui  
Mavroules  
Mazzoli  
Mica

Mikulski  
Mikva  
Miller, Calif.  
Mineta  
Minish  
Mitchell, Md.  
Moakley  
Moffett  
Moorhead, Pa.  
Murphy, Ill.  
Murphy, N.Y.  
Murtha  
Myers, Pa.  
Natcher  
Neal  
Nedzi  
Nolan  
Oberstar  
Obey  
Ottinger  
Panetta  
Patten  
Patterson  
Pease  
Peysor  
Preyer  
Price  
Pritchard  
Rahall  
Rangel  
Heftel  
Ratchford  
Reuss  
Richmond  
Roberts  
Rodino  
Roe  
Rose  
Rosenthal  
Rostenkowski  
Roybal  
Russo  
Sabo  
Scheuer  
Schroeder  
Kastenmeyer  
Shannon  
Sharp  
Simon  
Skelton  
Slack  
Solarz  
Spellman  
St Germain  
Stack  
Staggers  
Stark  
Steed  
Stewart  
Stokes  
Stratton  
Studds  
Swift  
Synar  
Thompson  
Traxler  
Udall  
Ullman

Van Deerlin	Wells	Wolf, N.Y.
Vanik	Whitehurst	Wolpe, Mich.
Vento	Whitley	Wright
Volkmer	Whitten	Wyatt
Walgren	Williams, Mont.	Yates
Waxman	Wilson, Tex.	Young, Mo.
Weaver	Wirth	Zablocki

NOT VOTING—29

Albosta	Davis, S.C.	LaFalce
Alexander	Dicks	McCloskey
Ambro	Dodd	McKinney
Anderson, Ill.	Dornan	Mathis
Andrews, N.C.	Downey	Molohan
Bevill	Flood	Pepper
Bonker	Fountain	Pursell
Burton, John	Garcia	Smith, Iowa
Collins, Ill.	Hutto	Zeferetli
Crane, Phillip	Jeffords	

□ 1730

So the amendment was rejected. The result of the vote was announced as above recorded.

\*AMENDMENT OFFERED BY MR. LAGOMARSINO. Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 10, immediately after line 23, insert the following new title:

**TITLE III—JOINT COMMISSION ON SECURITY AND COOPERATION IN EAST ASIA**

Sec. 301. (a) There is established a joint congressional commission to be known as the Joint Commission on Security and Cooperation in East Asia (hereafter in this title referred to as the "Joint Commission") to exist for a period of four years, beginning on the date of enactment of this Act.

(b) The Joint Commission shall monitor—

- (1) the implementation of the provisions of this Act;
- (2) the operation and procedures of the designated entity;
- (3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
- (4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(c) (1) The Joint Commission shall be composed of twelve members. Of the members provided for under the preceding sentence—

(A) six shall be Members of the House of Representatives appointed by the Speaker of the House of Representatives, four of whom shall be selected from the majority party and two of whom shall be selected, upon the recommendation of the Minority Leader of the House of Representatives, from the minority party; and

(B) six shall be Members of the Senate appointed by the President pro tempore of the Senate, four of whom shall be selected, upon the recommendation of the Majority Leader of the Senate, from the majority party and two of whom shall be selected, upon the recommendation of the Minority Leader of the Senate, from the minority party.

Of the members appointed under subparagraph (A), three shall be selected from among members of the Committee on Foreign Affairs of the House of Representatives, and of the members appointed under subparagraph (B), three shall be selected from among members of the Committee on Foreign Relations of the Senate.

(2) For the Ninety-sixth Congress, the President pro tempore of the Senate shall designate one of the Members of the Senate selected under paragraph (1)(B) as Chairman of the Joint Commission, and the Speaker of the House of Representatives shall designate one of the Members of the House of Representatives selected under paragraph (1)(A) as Vice Chairman of the Joint Commission. For the Ninety-seventh

Congress, the Speaker of the House of Representatives shall designate one of the Members of the House of Representatives selected under paragraph (1)(A) as Chairman of the Joint Commission, and the President pro tempore of the Senate shall designate one of the Members of the Senate selected under paragraph (1)(B) as Vice Chairman of the Joint Commission.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, it is my position that we cannot understand the amendment unless we hear it read. We at least ought to hear what it says.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

(The Clerk concluded the reading of the amendment.)

(d) (1) Members of the Joint Commission shall serve without compensation but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Joint Commission.

(2) The Joint Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(e) The Joint Commission may, in carrying out its duties under this title, sit and act at such times and places, hold such hearings, take such testimony, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Joint Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Joint Commission, or any member designated by him, may administer oaths to any witness.

(f) (1) The Joint Commission shall prepare and transmit a semiannual report to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the President on—

(A) the progress achieved by the United States in maintaining full and unimpeded cultural, commercial, and other relations with Taiwan; and

(B) the legal and technical problems arising from the maintenance of such relations, together with recommendations for legislation to resolve such problems and recommendations for strengthening such relations and for carrying out the commitment of the United States to human rights in East Asia.

(2) The Joint Commission shall from time to time consult with and provide information to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and the Joint Commission shall provide information to Members of the House of Representatives and the Senate as requested.

(g) (1) There are authorized to be appropriated to the Joint Commission for each fiscal year and to remain available until expended, \$550,000 to assist in meeting the expenses of the Joint Commission in carrying

out the provisions of this title. Such appropriations shall be disbursed by the Secretary of the Senate on vouchers approved by the Chairman of the Joint Commission, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(2) For each fiscal year for which an appropriation is made, the Joint Commission shall submit to the Congress a report on its expenditures under such appropriation.

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Joint Commission shall be deemed to be a joint committee of the Congress and shall be entitled to the use of funds in accordance with the provisions of such section.

□ 1740

Mr. LAGOMARSINO. Mr. Chairman, this amendment would establish a joint congressional commission which would monitor implementation of this act, and U.S. policy concerning security and cooperation in East Asia.

The commission would also oversee the operation of the U.S. entity which was approved earlier today. It is specifically charged with seeing that free cultural, economic, and other exchanges with Taiwan are maintained. In addition, it would review the human rights of the Chinese on Taiwan.

The commission would have a 4-year lifespan, and would be composed of six Members from each Chamber. The House Foreign Affairs Committee and the Senate Foreign Relations Committee would each have three Members serving on the committee.

The need for an oversight commission is obvious to those who have followed the course of this legislation. The need was also obvious to the U.S. Senate, which has already agreed to a similar amendment. The need stems from the inability of the administration's proposed "institution" to guard the freedom of the people on Taiwan.

This commission would supplement the fine work already being done by the chairman of the Foreign Affairs Committee. Besides requiring that three members from the Foreign Affairs Committee serve on the commission, the amendment requires consultation between the commission and the committee.

These provisions are not included in the amendment adopted by the other body.

I would expect that the commission also will work closely with the chairman and the ranking member of the Subcommittee on Asian and Pacific Affairs.

Let me briefly summarize the need for such a commission that will be established by this amendment.

First, the new relationship with Taiwan is unprecedented. The only distant connection would be the oversight commission which was established for the Helsinki agreements. I doubt if any of my colleagues question the value of that commission. Similarly, an oversight commission to monitor the events in East Asia would have the same effect. It would demonstrate the concern of Congress for Taiwan in a dramatic fashion. If human rights is the cornerstone of our foreign policy, as the administration claims, such a commission is an absolute requirement.

Second, the new relationship with China is untested. Who is going to guarantee the freedom of Taiwan in the absence of the security treaty? Peking has publicly stated that it has not changed its "reunification" plans. With this commission Congress will have a formal instrument which could closely monitor these possible developments. It seems to me that this is the least the Congress could do to demonstrate its concern for our ally of 30 years.

Third, we have \$7.2 billion of trade with Taiwan; she is our ninth largest trading partner. Peking could easily strangulate this vital economic link—through blockade, embargo, or some other form of economic squeeze. The proposed "institute" would be unable to prevent such actions, any more than it would be able to promote our trade with Taiwan in a normal pattern. A congressional body, as proposed in this amendment will have the authority and intent of purpose to monitor this important aspect of our relations with Taiwan.

I think that my colleagues would welcome this commission in light of the ambiguity which runs throughout this legislation.

In summary, Mr. Chairman, the oversight commission is needed for several reasons: It dramatically shows that Taiwan has not been forgotten by Congress; that an official body of ongoing contact has been set up, that we will formally monitor and report on the continuing status and freedom of Taiwan, and that this process will formally involve the Congress of the United States in the oversight function.

AMENDMENT OFFERED BY MR. BROOMFIELD AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD as a substitute for the amendment offered by Mr. LAGOMARSINO: Page 10, immediately after line 23, insert the following new title:

**TITLE III—CONGRESSIONAL OVERSIGHT MONITORING AND REPORTING REQUIREMENTS**

SEC. 301. (a) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall monitor—

- (1) the implementation of the provisions of this Act;
- (2) the operation and procedures of the designated entity;
- (3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
- (4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(b) Such Committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

Mr. ZABLOCKI. Mr. Chairman, I rise to advise the committee that we have had an opportunity on this side to review the substitute amendment, and we accept the substitute amendment offered by the gentleman from Michigan (Mr. BROOMFIELD).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD) as a

substitute for the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma: On page 10, after Section 206, insert the following Section and renumber all subsequent Sections accordingly:

"Sec. 207. "No notice of intention to terminate any treaty or other international agreement in force between the United States and the Republic of China on December 31, 1978, shall be given by the United States directly or through the designated entity without the approval of both Houses of Congress."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS).

The question was taken; and on a division (demanded by Mr. EDWARDS of Oklahoma) there were—ayes 66, noes 147.

□ 1745

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 264, not voting 27, as follows:

[Roll No. 36]

AYES—141

- |                  |             |               |
|------------------|-------------|---------------|
| Abdnor           | Evans, Del. | McDade        |
| Andrews, N. Dak. | Evans, Ga.  | McDonald      |
| Applegate        | Fountain    | McEwen        |
| Archer           | Gilman      | Marlenee      |
| Ashbrook         | Goldwater   | Mariott       |
| Ashley           | Goodling    | Martin        |
| Badham           | Gradison    | Mattox        |
| Bafalis          | Gramm       | Mica          |
| Bailey           | Grassley    | Michel        |
| Bauman           | Grisham     | Miller, Ohio  |
| Bereuter         | Guyer       | Miller, N.Y.  |
| Bethune          | Hagedorn    | Moore         |
| Breaux           | Hammer-     | Moorhead,     |
| Broyhill         | schmidt     | Calif.        |
| Burgener         | Hance       | Mottl         |
| Byron            | Hansen      | Myers, Ind.   |
| Campbell         | Harsha      | Nelson        |
| Carney           | Hillis      | Quayle        |
| Carter           | Hinson      | Quillen       |
| Cheney           | Holt        | Regula        |
| Clausen          | Hopkins     | Rhodes        |
| Coleman          | Hyde        | Ritter        |
| Collins, Tex.    | Ireland     | Robinson      |
| Conable          | Jeffries    | Roth          |
| Corcoran         | Kelly       | Rousselot     |
| Coughlin         | Kemp        | Rudd          |
| Courter          | Kindness    | Satterfield   |
| Crane, Daniel    | Kramer      | Sawyer        |
| Daniel, Dan      | Lagomarsino | Schulze       |
| Daniel, R. W.    | Latta       | Sebelius      |
| Dannemeyer       | Leach, Iowa | Sensenbrenner |
| Davis, Mich.     | Leach, La.  | Shelby        |
| Deckard          | Leath, Tex. | Shumway       |
| Derwinski        | Lee         | Shuster       |
| Devine           | Lent        | Smith, Nebr.  |
| Dickinson        | Lewis       | Snowe         |
| Dougherty        | Livingston  | Snyder        |
| Duncan, Tenn.    | Loeffler    | Solomon       |
| Edwards, Okla.   | Lott        | Spence        |
| Emery            | Lujan       | Stangeland    |
| Erdahl           | Lungren     | Stanton       |
|                  | McClory     | Stockman      |

- Stratton
- Stump
- Symms
- Taylor
- Thomas
- Treen

- Trible
- Vander Jagt
- Walker
- Wampler
- Watkins
- Whittaker

- Williams, Ohio
- Wilson, Bob
- Winn
- Wylder
- Wylie
- Young, Alaska

NOES—264

- |                  |                 |               |
|------------------|-----------------|---------------|
| Addabbo          | Forsythe        | Nolan         |
| Akaka            | Fowler          | Nowak         |
| Albosta          | Frenzel         | O'Brien       |
| Anderson, Calif. | Frost           | Oakar         |
| Andrews, N.C.    | Fuqua           | Oberstar      |
| Annunzio         | Gaydos          | Obey          |
| Anthony          | Gephardt        | Ottinger      |
| Aspin            | Gibbons         | Panetta       |
| Atkinson         | Gingrich        | Pashaya       |
| AuCoin           | Ginn            | Patten        |
| Baldus           | Glickman        | Patterson     |
| Barnard          | Gonzalez        | Paul          |
| Barnes           | Gore            | Pease         |
| Beard, R.I.      | Gray            | Perkins       |
| Beard, Tenn.     | Green           | Peyster       |
| Bedell           | Guarini         | Pickle        |
| Bellenson        | Gudger          | Preyer        |
| Benjamin         | Hall, Ohio      | Price         |
| Bennett          | Hall, Tex.      | Pritchard     |
| Biaggi           | Hamilton        | Rahall        |
| Bingham          | Hanley          | Rallsback     |
| Blanchard        | Harkin          | Rangel        |
| Boggs            | Harris          | Ratchford     |
| Boland           | Hawkins         | Reuss         |
| Bolling          | Heckler         | Richmond      |
| Boner            | Hefner          | Rinaldo       |
| Bonior           | Heftel          | Roberts       |
| Bonker           | Hightower       | Rodino        |
| Bouquard         | Holland         | Roe           |
| Bowen            | Hollenbeck      | Rose          |
| Brademas         | Holtzman        | Rosenthal     |
| Brinkley         | Horton          | Rostenkowski  |
| Brodhead         | Howard          | Roybal        |
| Brooks           | Hubbard         | Runnels       |
| Broomfield       | Huckaby         | Russo         |
| Brown, Calif.    | Hughes          | Sabo          |
| Brown, Ohio      | Ichord          | Santini       |
| Buchanan         | Jacobs          | Scheuer       |
| Burlison         | Jenkins         | Schroeder     |
| Burton, Phillip  | Jenrette        | Seiberling    |
| Butler           | Johnson, Calif. | Shannon       |
| Carr             | Johnson, Colo.  | Sharp         |
| Cavanaugh        | Jones, N.C.     | Simon         |
| Chappell         | Jones, Okla.    | Skelton       |
| Chisholm         | Jones, Tenn.    | Slack         |
| Clay             | Kastenmeier     | Solarz        |
| Cleveland        | Kazen           | Spellman      |
| Clinger          | Kildee          | St Germain    |
| Coelho           | Kogovsek        | Stack         |
| Conte            | Kostmayer       | Staggers      |
| Conyers          | Lederer         | Stark         |
| Corman           | Lehman          | Steed         |
| Cotter           | Leland          | Stenholm      |
| D'Amours         | Levitas         | Stewart       |
| Danielson        | Lloyd           | Stokes        |
| Daschle          | Long, La.       | Studds        |
| de la Garza      | Long, Md.       | Swift         |
| Dellums          | Lowry           | Synar         |
| Derrick          | Luken           | Tauke         |
| Diggs            | Lundine         | Thompson      |
| Dingell          | McCormack       | Traxler       |
| Dixon            | McHugh          | Udall         |
| Donnelly         | McKay           | Ullman        |
| Drinan           | Madigan         | Van Deerlin   |
| Duncan, Oreg.    | Maguire         | Vanik         |
| Early            | Markey          | Vento         |
| Eckhardt         | Marks           | Volkmer       |
| Edgar            | Matsui          | Walgren       |
| Edwards, Ala.    | Mavroules       | Waxman        |
| Edwards, Calif.  | Mazzoli         | Weaver        |
| English          | Mikulski        | Weiss         |
| Erlenborn        | Mikva           | White         |
| Ertel            | Mineta          | Whitehurst    |
| Evans, Ind.      | Minish          | Whitley       |
| Fary             | Mitchell, Md.   | Whitten       |
| Fascell          | Moakley         | Wilson, C. H. |
| Fazio            | Moffett         | Wilson, Tex.  |
| Fenwick          | Montgomery      | Wirth         |
| Ferraro          | Moorhead, Pa.   | Wolff, N.Y.   |
| Findley          | Murphy, Ill.    | Wolpe, Mich.  |
| Fish             | Murphy, N.Y.    | Wright        |
| Fisher           | Murphy, Pa.     | Wyatt         |
| Fithian          | Murtha          | Yates         |
| Flippo           | Myers, Pa.      | Yatron        |
| Florio           | Natcher         | Young, Fla.   |
| Foley            | Neal            | Young, Mo.    |
| Ford, Mich.      | Nedzi           | Zablocki      |
| Ford, Tenn.      | Nichols         |               |

NOT VOTING—27

- |                |               |        |
|----------------|---------------|--------|
| Alexander      | Collins, Ill. | Dornan |
| Ambro          | Crane, Philip | Downey |
| Anderson, Ill. | Davis, S.C.   | Flood  |
| Bevill         | Dicks         | Garcia |
| Burton, John   | Dodd          | Gialmo |

March 13, 1979

## CONGRESSIONAL RECORD—HOUSE

H 1283

Hutto  
Jeffords  
LaFalce  
McCloskeyMcKinney  
Mathis  
Mollohan  
PepperPursell  
Smith, Iowa  
Williams, Mont.  
Zerferetti

## RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 174, not voting 32, as follows:

[Roll No. 37]

AYES—226

□ 1800

Mr. BROWN of Ohio changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. For what purpose does the gentleman from New York (Mr. PEYSER) rise?

Mr. PEYSER. Mr. Chairman, due to the fact that all time for debate on the amendments at the desk has expired, I ask unanimous consent that these amendments be considered and voted on in 5 minutes instead of 15 minutes.

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

Mr. BAUMAN. Mr. Chairman, reserving the right to object, do I understand the gentleman's request is to reduce the voting time?

Mr. PEYSER. Mr. Chairman, if the gentleman will yield, I am asking unanimous consent that the voting time be reduced to 5 minutes, and the amendments can be voted on in that order. There is no debate on these amendments.

Mr. BAUMAN. Mr. Chairman, when we start fooling around with the rules of the House, I must object.

The CHAIRMAN. Objection is heard. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 10, strike out lines 11 through 17 and insert in lieu thereof the following:

(2) the term "Taiwan" includes, as the context may require, the Government of the Republic of China (including its agencies and instrumentalities thereof), the islands of Taiwan and the Pescadores, the inhabitants of those islands, and corporations and other entities and associations created or organized under the laws of the Republic of China.

□ 1805

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 6, immediately after line 9, insert the following new paragraph:

(4) No agency of the United States Government may pay or otherwise make available to the designated entity, by contract or otherwise, any funds unless the Congress has expressly authorized and appropriated those funds to be made available to and used by the designated entity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 58, noes 109.

Abdnor  
Albosta  
Anderson,  
Calif.Andrews,  
N. Dak.  
Anthony  
ApplegateArcher  
Ashbrook  
Badham  
BalfallsBailey  
Barnard  
Bauman  
Beard, R.I.Beard, Tenn.  
Benjamin  
Bennett  
BereuterBethune  
Blaggi  
Boggs  
BreauxBrinkley  
Broomfield  
Brown, OhioBroyhill  
Buchanan  
Burgener  
ButlerByron  
Campbell  
Carney  
CarterChappell  
Cheney  
Clausen  
ClevelandClinger  
Coleman  
Collins, Tex.  
ConableConce  
Corcoran  
Coughlin  
CourtnerCrane, Daniel  
D'Amours  
Daniel, DanDaniel, R. W.  
Dannemeyer  
Daschle  
Davis, Mich.de la Garza  
Deckard  
Derwinski  
DevineDickinson  
Donnelly  
Dougherty  
Duncan, Tenn.Early  
Edwards, Ala.  
Edwards, Okla.  
EmeryEnglish  
Erdahl  
Erlenborn  
ErtelEvans, Ga.  
Fish  
Flippo  
ForsytheFountain  
Fowler  
FrenzelAddabbo  
Akaka  
Andrews, N.C.Annunzio  
Ashley  
Aspin  
AtkinsonAuCoin  
Baldus  
Barnes  
BedellFrost  
Fuqua  
Gephardt  
GlaimoGilman  
Gingrich  
Ginn  
GlickmanGoldwater  
Gonzalez  
Goodling  
GradsonGramm  
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Collins, Ill.  
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## NOT VOTING—32

□ 1825

Messrs. SYNAR, LONG of Maryland, and GIAIMO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. HANSEN

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

The Clerk read as follows:

Amendment offered by Mr. HANSEN: Page 5, line 6, strike nongovernmental.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. HANSEN).

The question was taken; and on a division (demanded by Mr. HANSEN) there were—ayes 37, noes 106.

So the amendment was rejected.

● Mr. GOLDWATER. Mr. Chairman, I feel, as do so many of my colleagues, that this bill is much like being placed between a rock and a hard place. It has been described—accurately I think—as a congressional effort to "pick up the pieces."

I am far from being satisfied with this piece of legislation, and I am deeply dis-

appointed that the House chose to go along with the administration and thus, the Red Chinese, on several amendments which would have materially strengthened U.S. support for the Republic of China. Included in those amendments were one which reaffirmed the U.S. position of 30 years and was contained in the Mutual Defense Treaty which requires the United States to act in accordance with constitutional processes to meet the danger of an armed attack against the Republic of China; an amendment which sought to require the President to consider the possibility of withdrawing diplomatic recognition of Red China in the event of a threat to the security of the Republic of China; and an amendment that sought to require that relations between the United States and the Republic of China be conducted through a liaison office rather than the so-called "nongovernmental, independent entity."

Regardless of the foregoing, I would like to state for the record that I found Mr. Carter's actions toward the Republic of China so incredible that they defy description by socially acceptable epithets. If December 8, 1941 was a "day of infamy" then December 15, 1978 ranks right up there in international betrayal.

In this regard, I know that in some quarters it is simply not polite to remember or mention the extermination of between 32 and 61 million people in Red China, but ignoring history has never erased the facts.

In pragmatic terms, I do not agree that recognition of Red China is a "simple reality" when that reality is achieved by discounting the simple reality of 18 million people in the Republic of China and the simple reality of the President unilaterally abrogating a Mutual Defense Treaty. A two-China policy would have been the obvious goal and the one most reasonable persons would agree on. Why then did the United States come out of the negotiations with nothing and the People's Republic of China with everything? There has not been such a "shutout" since the Giants beat the Redskins 52 to 0.

Red China wanted us to remove our troops—they got it. They wanted us to break diplomatic ties—they got it. They wanted us to break the 1954 Defense Treaty—they got it. What did we get? They promised not to "object" to continued interest in the future of Taiwan. (By the way, what does that mean exactly? Does that mean they promise not to send us a nasty telegram or not to declare war?) They allowed us to uphold the stipulation in the Defense Treaty that said the signators had to give 1 year's notification to break the treaty. Now, I consider that a mighty big concession—allowing us to uphold the terms of a contract.

Finally, they "tacitly" agreed not to object to arms sales to the Republic of China. I take that to mean that this is a gentleman's agreement, and I certainly do not want to muddy the waters by questioning the gentlemanliness of the boys in Taipei.

It is rather like saying that we all had a chicken dinner. We got the wings and

the feathers; they got the rest of the bird—but we all got chicken. This deal will certainly go down in history as a diplomatic coup—for Red China, that is.

The pathetic thing about this whole mess, however, is that it is typical of this administration's conduct of foreign affairs, which could be kindly described as being riddled by ineptitude and hypocrisy. We have had to watch a U.S. President receive a tongue lashing from the President of Mexico while our President fumbles around with an embarrassing joke of questionable taste. We have had to put up with a U.S. Ambassador to the U.N. who is about as diplomatic as a bull in a china shop and even though he insults with impunity our strongest and closest allies, he is still on the job. We have had to watch a revolution in Iran, for which we were totally unprepared and to which we had no official warning. And, finally, we have had to watch the one bright spot in the administration's foreign policy, the Camp David accords, turn into yet another dismal failure.

I am not going to go so far as to question the administration's sanity, but I do seriously question its commonsense and the credibility of its much-flaunted human rights policy.

In closing, I would like to reiterate that I am not pleased with this bill or the betrayal which forces its passage. It is rather like taking bitter medicine for the treatment of a terminal illness, and at this point, my greatest hope is that Mr. Carter's stamp on America's foreign policy does not become so irrevocable that we cannot recoup some of the failures after 1980. ○

○ Mr. ROUSSELOT. Mr. Chairman, the December 15th announcement by President Carter that the United States and the People's Republic of China had reached an agreement to "normalize" relations conditional upon: One, breaking diplomatic relations with the Republic of China on Taiwan; two, the termination of the U.S.-Taiwan Mutual Defense Treaty; and three, the withdrawal of U.S. troops from Taiwan, is a disgrace to U.S. foreign policy. This action, taken alone by President Carter, has injured the virtue of the United States of America and has placed America in the wretched situation of broken trust with the free Chinese on Taiwan. What free nation will again put confidence in a government that abrogates its treaties?

The bill that this House is considering today reaches new plateaus in political rhetoric. H.R. 2479 is written in dramatic language to profess friendship between the "people of the United States" and the "people of Taiwan" and it purports to "help maintain peace, security, and stability in the Western Pacific and to promote extensive and close relations" with Taiwan, but the members of the committee who are presenting this bill today are not playing the flip side of the record which, in fact, carries the explicit message that the United States intends to terminate its Defense Treaty and diplomatic ties with the Republic of China—a drastic change from the intention of the United States-Taiwan Mutual Defense Treaty. A gov-

ernment-to-government treaty is a far stronger document than a people-to-people agreement.

It is understandable that the administration wishes to "enhance consultative relations on matters of common international concern and expand bilateral relations" with the People's Republic of China. Improving relations has positive advantages for America, but certainly this could have been achieved without such a radical change in the U.S. policy toward the Republic of China on Taiwan.

President Carter agreed to the terms of the People's Republic of China in the agreement to establish full diplomatic relations and in so doing he blatantly ignored congressional legislation that required advance consultation with Congress prior to abrogation of any of the Mutual Defense Treaties with the Republic of China. May I remind this House that in July of 1978 the Senate unanimously (94 to 0) adopted an amendment offered to the International Security Assistance Act by Senators STONE and DOLE which called on the President to consult with the Senate before making any policy changes affecting the continuation of the United States-Republic of China Mutual Security Treaty. The amendment was later approved in a House-Senate conference, making it a resolution of the full Congress. Further, the United States (via President Carter) agreed to a moratorium on new U.S. arms sales to the Republic of China on Taiwan during 1979 in return for an "implied" commitment from the People's Republic of China not to threaten the security of the Chinese people on Taiwan. Who is kidding whom? To "imply" is not to make a direct statement regarding rights and obligations. Can this administration be so naive as to conclude that the smooth, ingratiatingly tactful, and well-mannered utterances of Communist diplomats could be relied on as a commitment? When Vice Premier Teng visited our country, President Carter, it is said, was supposed to obtain a firm commitment on Taiwan's security, but this subject was not discussed and agreement was never reached, probably because President Carter knew Teng's position and that it was firm.

What have we gained from normalization of relations with the People's Republic of China? Have we not endangered the economic stability of Korea and Japan who will find it very difficult to resist Peiping's pressure? The World Anti-Communist League, China chapter has stated that to effect the economic isolation of the Republic of China:

The combined political, economic and military pressure exercised by Communist China around Taiwan will increase armament buildup and cause other destabilizing changes in all countries in the area.

In the Philippines, Papua-New Guinea, Australia, Singapore, Malaysia, Thailand, and in the Mideast there is increasing anxiety over weakening U.S. relations.

What have we gained from normalization of relations with the People's Republic of China? The loss of a friend. In February 1972, when Richard M. Nixon and Chou En-lai issued their joint communique in Shanghai, I voiced an objec-

tion. The meaning of the communique was ambiguous but the United States certainly made no commitment to sever diplomatic relations with the Republic of and to abrogate the mutual defense treaty. The Republic of China has faithfully fulfilled its obligations under the treaty and the treaty is essential to the security of the Republic of China. Nullifying this treaty will surely encourage the Chinese Communists to improve their armed forces to challenge the Republic of China. They will surely use political pressure to isolate Taiwan economically.

It is with shame and disgust that I listen to the Members of this House seriously consider passage of H.R. 2479 without the amendment offered by Mr. QUAYLE to provide that the dealings of the United States with Taiwan be conducted through an official U.S. Liaison office on Taiwan and that a similar Taiwanese Liaison office be established in the United States thus granting privileges and immunities similar to those extended to diplomatic missions and personnel of accredited foreign governments. And without accepting Mr. QUAYLE's amendment to the declaration of principles stating that any armed attack or use of force, boycott, or embargo to prevent Taiwan from engaging in trade with other nations would be a threat to the peace and stability of the Western Pacific and to the security interest of the United States—and without accepting Mr. DERWINSKI's amendment that the United States shall use its voice and vote in international institutions and organizations to protect the status of Taiwan as a member of all international organizations and institutions of which it was a member as of December 31, 1978 and all international agreements to which it was a party as of the same date, and to oppose any sanctions, especially a trade boycott by the People's Republic of China against Taiwan and to procure privileges and immunities for U.S. personnel on Taiwan on a reciprocal basis to those enjoyed by Taiwanese personnel in the United States.

What have we gained from normalization of relations with the People's Republic of China? A loss of prestige and credibility in the free world. The United States has hastily agreed to normalize relations with the People's Republic of China without considering the full consequences this will have on our relations with Taiwan and without proving that there will be real benefits to offset the feeling that we have deserted a loyal ally.

○ Mr. DUNCAN of Oregon. Mr. Chairman, on December 15, at the time the relationship of this country with the Republic of China was changed, I issued a statement in which I said:

I believe myself to be a pragmatic politician, but I am not a cynic.

I believe political abandonment of Taiwan can be justified only for geopolitical considerations of the highest magnitude. While I have not been briefed, I see no such.

Certainly increased trade with China would come without this step because China needs trade and if not, I would not sell my

loyalty to our friends and allies of many years—allies who were fighting fascism in Asia years before Pearl Harbor for a mess of pottage.

I believe recognition on these terms could have been achieved long ago. I see no express protection against the use of force by China against Taiwan. I see only the termination of the U.S. Taiwanese treaty. What did we get out of the deal that our present relationship doesn't give us?

To say we can't ignore the presence of the most populous nation on earth is beside the point. We don't. We haven't. We couldn't. We couldn't ignore the civil war they fought during the war against Japan. We couldn't ignore their armies attacking us in Korea and the threat they posed to our forces in Vietnam. While Taiwan was supporting the United States and steadily moving their people to greater political freedom and participation, expanding their economy and raising their standard of living and human rights of their people, the People's Republic has swung violently through repression and banishment and only now is permitting or encouraging questioning posters which come and go as if on command. While there may be greater human rights than those of individuals involved here, it is not apparent to me what those are. They may be to those more cynical, or pragmatic than I.

It isn't formal recognition that I object to, but the high price we are forced to pay.

Nothing has occurred in the interim to substantially change my initial reaction to this policy decision. It is true that the Vice Premier has visited this country. It is also true that the Chinese army invaded Vietnam immediately upon his return.

On December 15, my reaction was one of dismay. It was, and is, my belief that the controversy which has ensued over the President's decision arises not so much because of the extension of full diplomatic relations to Peking, but from the manner and the terms on which the decision was made—that is, the failure to advise and consult with the Congress and the failure to adequately provide for a continued American commitment to the people on Taiwan.

I have reservations concerning the "rationality" and "realism" said to underlie the President's action. Honor, credibility, and morality (unfashionable words these days) may be intangible qualities, but they have real effects in the real world. Granted the basic rationality of having regular diplomatic relations with a nation comprising one-quarter of the human race, there is no certainty that Chinese-American friendship is here to stay. In accepting Peking's three prime conditions, the normalization of relations was acknowledgement, said President Carter, of "simple reality." Yet the past history of Chinese-American relations has been far from simple, and it is my hope that the present euphoria which persists after Teng Tsiaping's visit will not keep us from seeing some of the problems which lie ahead.

It is true, furthermore, that treaty-breaking carried to extremes can destroy the legal basis upon which sovereign states must deal with each other. Many have raised the critical concern that this decision has eroded and undermined our credibility with the people of

Taiwan and amongst our allies in other parts of the globe.

But the question here today is not what should have been done. We must cope with the world as it exists—with the fact of a dramatic change in our relations in the Western Pacific which has already occurred. Our job is to salvage what we can of our relationship with Taiwan and to do so without creating other and more dangerous problems in the process—and to pass a bill which will not be vetoed.

Under these circumstances I think the committee has done a workmanlike job. It would be better to have retained diplomatic relations. It would have been better to have a liaison office, but not at the expense of further compounding our problems. I, therefore, support and will vote for the bill.

I must say, however, that I do not understand the administration's initial handling of even this low-grade unofficial relationship with Taiwan. Prior to the President's action, the Republic of China had 13 consulates. They were useful, not just to Taiwan but to this country and our citizens. The administration has imposed a limit of eight offices of the Coordinating Committee for North American Affairs—the unofficial entity through which we will deal with Taiwan. I believe this to be arbitrary and unwise.

Taiwan represents one of the most advanced economies in Asia, and an important trading partner for the United States. Fortunately, Taiwan's leaders have already demonstrated the ability to sustain and restructure the island's economic, cultural, and educational relations with many nations, notably Japan, in the absence of formal diplomatic ties.

Much of the necessary liaison work and documentation which makes this trade possible has been carried on through consular offices. The maintenance of consulates is now impossible, but I cannot accept the administration's position of objecting to the reestablishment of an equal number of nongovernment bodies—including an important one in Portland. It is my belief that we should encourage the people on Taiwan to promote, rather than curtail their trading with the United States, and I will continue to seek a replacement for the office in Portland.

One of every nine employment opportunities in the State of Oregon is directly or indirectly the result of our trade. Oregon is one of the few States in this Nation which can boast an export surplus. Traditionally, Taiwan has been one of Oregon's top 10 trading partners. The trade between us in wheat, electronics, electrical switching gear, and a host of other merchandise was facilitated by the existence of a consular office in the city of Portland.

Therefore, the loss of this office would present more than just an inconvenience to Oregon business. Trade patterns—both within this country and in international markets—tends to follow the path of least resistance. It seems to me that the existing patterns are fragile enough without unilaterally taking an action which would endanger this relationship. I see no reason for any

limitation on the number of offices which should be maintained on this unofficial basis.

Therefore, I was pleased to support the amendment offered by my colleagues from Idaho, Mr. SYMMS, which directed the President to reach an agreement with Taiwan to assure that the facilities used to conduct its affairs in the United States be at or near the locations of the consular establishments of Taiwan existing prior to December 31, 1978. This amendment, while it does not guarantee that the Taiwanese will reopen the Portland office, does give them—and us—that opportunity. I hope the conference retains this provision.●

● Mr. DANNEMEYER. Mr. Chairman, very soon the Members of this House will be voting on final passage of a bill which will establish a new framework for relations between the United States and Taiwan. In so doing, we will bear a tremendous responsibility for the continued freedom and well-being of a nation which over many years has been tied to the United States by bonds of friendship, commerce, and philosophy.

It is disturbing to me, and to many other Members of this body, that our Government should have conceded so much to the government in Peking, and yet has received so little in return. It is disturbing that we should have recognized the "reality" of Communist rule on mainland China, but now totally refuse to recognize the reality of an efficient, productive, and well-ruled state which has existed on Taiwan for over 30 years. It is even more disturbing that we have chosen, in a flight of wishful thinking, to unquestioningly assume that Peking will not use force or coercion against Taiwan in the future, when even Peking's leadership insists that force remains an option. The current Chinese invasion of Vietnam should give us all pause in this respect. It now appears clear that Peking wished to have the United States at its back before launching its Vietnam adventure. And now that we have developed such a close relationship with Peking, what influence have we gained with our new quasi-allies? If China's Vietnam gambit is any indication, the answer clearly is none. In any event, the Chinese invasion of Vietnam, coming as it does so closely on the heels of normalization, must raise doubts among serious observers about the wisdom of blindly assuming the People's Republic's peaceful intentions toward Taiwan. This suggests to me the need for a strong security commitment to Taiwan in our pending bill on China.

A recent article in the Washington Post by a distinguished scholar and practitioner of U.S. China policy, Eugene K. Lawson, helps to clarify many of the outstanding issues regarding Taiwan, our negotiations with the People's Republic, and our future responsibilities in the area of China. I urge it to the Members' attention, and include it in the RECORD:

TAIWAN: WE FORGOT WHO HELD THE TRUMP CARDS

(By Eugene K. Lawson)

1979 is the year of the Ram, and Taiwan just got gored—needlessly.

It didn't have to be that way. It has been six years since the Shanghai communiqué was drafted, which laid the basis for an agreement on normalization of ties with the People's Republic of China, with the details to be worked out. On the issue of Taiwan, the United States gave nothing away. The operative language said we acknowledge that "all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The U.S. government does not challenge that position." The statement, written by weary U.S. negotiators in the middle of the night in Shanghai, was not bad. It was sufficiently ambiguous to satisfy the U.S. desire to keep the ultimate resolution of Taiwan's status still open, and it satisfied Peking's need for a face-saving gesture from us on that issue.

But the key passages in the Shanghai communiqué were the anti-hegemony clauses aimed at the Soviet, Peking was willing to lay aside Taiwan with almost no concession by us in return for our help against Moscow. Peking saw Taiwan as a minor irritant compared with the Soviet danger. Subsequently, U.S.-P.R.C. ties developed quickly despite the Taiwan issue. Taiwan was the "Panama Canal" of Chinese policies, "forgotten except as a banner with which to rally the factional faithful during leadership contests." A year later the lessening importance of Taiwan was underscored when Peking agreed to open a liaison office a few blocks from the Republic of China's embassy.

In retrospect, our China policy after 1973 was probably flawed. We were so sure that we could make a deal with Peking that would preserve Taiwan's security that we began to cover our domestic flank from a right-wing attack by *strengthening* our ties with Taiwan, thus making it more agonizing than necessary when the inevitable break came. We increased the number of Taipei's consulates, sold more sophisticated weaponry than ever before, appointed a senior diplomat as ambassador and promised prior consultation before making any future major moves. Instead, we should have smoothed the road to normalization by systematically reducing our ties to Taiwan and giving it time to adjust. We should have reduced our embassy to the charge level, withdrawn all our troops (this would have psychologically prepared Taiwan better than anything else we could have done) and discussed with the Congress the most effective means of replacing the mutual defense treaty.

The defense treaty was, of course, the bottom line, and of Peking's three demands (break diplomatic relations with Taiwan, withdraw our military and end the treaty), that is the one we should have worked on. And, in fact, the Nixon administration did have a package of minimum conditions in its mind to implement.

The most important element in the Nixon plan included the ways and means to find a plausible substitute for the treaty. First, the United States would cite only those People's Republic statements that spoke of resolving the situation peacefully and ignore the more belligerent ones. Second, the president would issue with the Congress a statement *after* normalization with Peking was achieved that any use of force by anyone in the Taiwan Straits would cause the United States to consider whatever military actions appeared necessary to preserve peace.

Moreover, we would continue to ensure that the international waters existing between the mainland and Taiwan would be open to all countries, and, finally, we would continue to sell defensive equipment to Taiwan. Our assumption was that we were in the driver's seat, and Peking needed us more than we needed it. While Peking had its conditions for normalization, we had ours. As for the future of Taiwan, we would follow the Shanghai communiqué by keeping

the door open on its ultimate status, in the same way Japan, Canada, the United Kingdom and others have done.

The rest of the story is well known. Watergate drove Richard Nixon from office, and Ronald Reagan's challenge to Gerald Ford prevented the latter from normalizing relations. Then the proponents of a born-again foreign policy came in. The first policy actions about East Asia and China were not reassuring: a proposed rapid withdrawal from South Korea, a plan to give up U.S. bases in the Philippines, a disastrous visit to Peking by the secretary of state, which was denounced immediately after by Vice Premier Teng Hsiao-ping. The lack of effective consultation with Congress was apparent early on, and a new harder line by Peking began.

Instead of limiting itself to its original three conditions, Peking sensed the weakness in our leadership and very shrewdly began to escalate its demands. First, Teng would tell visiting congressmen that Peking could not accept a unilateral U.S. declaration about Taiwan's security. Next, Chairman Hua Kuo-feng would inform a U.S. trade delegation that continued U.S. arms sales to Taiwan after normalization would not be allowed.

Somehow, somewhere, the corporate memory about our China policy failed. We forgot that we held most of the trump cards and that we could obtain both the kind of agreement needed to preserve Taiwan's security and yet proceed in a more important relationship with Peking. When we overcome one of Peking's new demands (that we end arms sales to Taiwan), we took that for a great concession, again forgetting that Peking at first had only three conditions. In spite of the fact that we enjoy more leverage and influence over Peking now than in 1972, we obtained no concessions from Peking and gave Taiwan precious little security. The president's statement that the United States continues to have an interest in the peaceful resolution of the Taiwan issue" is woefully inadequate. The failure to consult with key members of Congress about the conditions of normalization leaves that body of individuals in a rebellious mood when both branches should be united in their views. Failure to give early warning to Taiwan and the Congress leaves us scurrying around to find a solution to (among many others) our nuclear sharing agreement with Taipei.

And most unaccountably of all, the administration tried hard to close the door on Taiwan's ultimate status by stating that Taiwan is part of China. The enormous difference between President Carter's statement and the language contained in the Shanghai communiqué seems lost to National Security Adviser Zbigniew Brzezinski. In his press backgrounders, he cited the Shanghai communiqué as the foundation for this agreement. He simply has misread it. None of our major allies had to make that concession. Taiwan is obviously not under the de facto control of the mainland, and to say that it is part of China, de jure or otherwise, is a gratuitous concession to Peking, and deprives us of leverage we might need later.

The statement by Secretary of State Cyrus Vance that it "doesn't make any sense" for the People's Republic to opt for a violent solution is, unfortunately, just an opinion. This group of leaders in Peking may put Taiwan on the back burner, but a different group might not. The leadership coalition is hardly stable (Teng is 74), and the costs of a Western style modernization to China may create a domestic, xenophobic backlash, as it has so often in the past, and produce a more reactionary leadership. We obviously cannot rely on good sense in Peking for Taiwan's security.

As happened so often in the past two years, the professionals are yet again picking up the pieces. Taiwan will no doubt forgive us our clumsiness and inexcusable speed if we quickly get Congress to maintain some 59



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treaties we have with the island and issue a strong statement about its security. But the whole exercise is depressing. Once again, this administration has proved itself inept, taking a problem already mostly solved and turning a small success into a small fiasco. ©

○ Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 2479, a bill assuring the continuation of U.S. relations with Taiwan. New relations with the People's Republic of China have already been established. This legislation we are considering today does not address that. For really, there is little this body is empowered to do with respect to the Executive actions revising United States-China policy.

What we must do now, those of us concerned with the future of Taiwan, is act to guarantee the viability of an independent people there. H.R. 2479 does assure that this viability will be maintained.

The legislation states that continued close and friendly relations between the people of the United States and Taiwan must be assured. And it recognizes the fact that an armed attack against Taiwan would constitute a threat to the peace and stability of the Western Pacific. This continued peace and stability, according to logic and H.R. 2479, is in the political, security, and economic interests of the United States.

The legislation before us today states clearly that the United States will make available to Taiwan articles and services necessary for its defense against armed attack.

H.R. 2479 assures that all agreements entered into between the nations of Taiwan and the United States will be continued as if the derecognition had not occurred. Taiwan will still be a most-favored-nation for trade purposes, and will continue to be eligible for Export-Import Bank loans and other U.S. Government programs and forms of aid.

Finally, this legislation allows the establishment of a nongovernmental entity for the continuation of relations with Taiwan in the future.

Clearly, the primary theme of H.R. 2479 can be seen as one of continuity in a time of change. It was Executive policy that altered the structure of our past relationships. The House today must act to minimize any negative effect these new relationships might have on the longstanding friendship that exists between the United States and Taiwan. The mutual interests of the people of these two lands have not been changed by derecognition. It is these mutual interests that must serve as the basis of our continued friendship. The passage of H.R. 2479 will help assure the maintenance of commercial, cultural, and touristic relations between us. With these continued relations, and with the sale of defense weapons, we can work to see that the basic situation in Taiwan will go unchanged. This situation is one of freedom for the people who live there, and the security of American interests in the Western Pacific. ©

GENERAL LEAVE

○ Mr. WEISS. Mr. Chairman, I support the amendment to the first Budget Rescission of 1979—H.R. 2439—which pre-

vents \$37 million in proposed cuts in essential health education programs.

Offered by Mr. STAGGERS—the chairman of the committee responsible for authorizations for these programs—the amendment restores \$17,046,000 for advanced nurse training programs and \$20 million for the capitation grant program which provides financial support for medical, dental, and osteopathic schools.

The severe funding slash represented by H.R. 2439 is unconscionable in the middle of the fiscal year. Both the affected programs were originally slated for modest extensions. Both programs were funded at a reasonable level by the previous Congress.

The Nurse Training Act was passed by a vote last year in the House of 393-12, but it was pocket-vetoed by the President. The President then agreed; however, to support a continuing resolution which preserved this vital program.

Over 50 national health organizations and related groups have spoken out in opposition to the proposed rescission. Among these groups are the Association of New York Neighborhood Health Centers, the Mental Health Association, and Planned Parenthood Federation of America.

The chairman of the Health Subcommittee, Mr. WAXMAN, has noted that this budget rescission would result in the abrupt termination of 33 research projects and scholarships for 3,500 nursing students, most of whom are from low-income families.

I would like to point out to those of my colleagues who support the budget rescission as a step toward balancing the budget that this \$37 million cut would in fact be an illusory savings. Decent health care for Americans, which these programs help insure, will save the Government and taxpayers money in the long run. We should not seek to economize at the expense of our constituents' health.

Health education institutions and program administrators have already planned for fiscal 1979 on the assumption that the funding level approved and promised them by both the President and Congress would in fact be delivered. They have rightly assumed that our commitments would be honored. We cannot now turn away from this pledge. ©

□ 1830

The CHAIRMAN. Are there other amendments to title II?

There being none, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELSON, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2479) to help maintain peace, security, and stability in the western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan, pursuant to House Resolution 148, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY  
MR. DERWINSKI

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

The SPEAKER. Is the gentleman oppose to the bill?

Mr. DERWINSKI. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DERWINSKI moves to recommit the bill, H.R. 2479, to the Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendment: On page 10, immediately after line 4, insert the following new section, and redesignate the succeeding sections accordingly:

"REAFFIRMATION OF HUMAN RIGHTS

"SEC. 205. Nothing contained in this Act shall contravene the President's stated policies and positive interest in human rights, especially with respect to those human rights of the approximately 18 million inhabitants of Taiwan. The preservation of the human rights of the people of Taiwan is hereby reaffirmed as a commitment of the United States."

The SPEAKER. The gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes in support of his motion to recommit.

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

Mr. DERWINSKI. Mr. Speaker, due to the lateness of the hour, I will not take 5 minutes; I hope to confine my remarks to 1 minute.

I will point out, Mr. Speaker, that at least since the era just preceding World War II, bipartisanship has been a great American factor in the conduct of foreign affairs. I, for one, have great respect for the President's emphasis on human rights. I sometimes wonder if the advice he receives from subordinates in the executive branch is as sound and accurate as it should be, but the President himself is a man of great character and strength, and his human rights policy comes from the heart.

It is in support of that, recognizing that it is the fundamental conviction of the American people that nothing contained in our readjusted China policy should deprive the people on Taiwan of their human rights, that I offer this motion to recommit, realizing it is a reaffirmation of public policy and governmental policy, as well as the strong convictions of the Members of this body.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, I rise not in opposition to the motion to recommit with instructions, but I do want

to point out that the gentleman from Illinois (Mr. DERWINSKI), with his repeated support and love for the President, will have some problems and will have some real explanations to offer Governor Reagan in the very near future. I do hope that the gentlemen's support for the President will continue through the next year.

As far as the motion to recommit is concerned, the amendment is very artfully and very cutely drawn. Who can be against motherhood, against human rights, against apple pie, or against the American flag?

So, Mr. Speaker, I hope the amendment will be agreed to, but I cannot accept it at this point.

Mr. DERWINSKI. Mr. Speaker, if the gentleman will yield, I thank the chairman of the committee for his comments. I wish to state, in the spirit in which he offered the suggestion, that I intend to support the President this year, as well as in the next year, the political year, on any occasion when he is correct.

Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 2479, back to the House with an amendment.

□ 1835

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 10, immediately after line 4, insert the following new section, and redesignate the succeeding sections accordingly:

"REAFFIRMATION OF HUMAN RIGHTS

SEC. 205. Nothing contained in this Act shall contravene the President's stated policies and positive interest in human rights, especially with respect to those human rights of the approximately 18 million inhabitants of Taiwan. The preservation of the human rights of the people of Taiwan is hereby reaffirmed as a commitment of the United States."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 55, answered "present" 2, not voting 30, as follows:

[Roll No. 38]

YEAS—345

Abdnor	Evans, Ga.	Luken
Addabbo	Evans, Ind.	Lundine
Akaka	Fary	McCormack
Albosta	Fascell	McDade
Anderson,	Fazio	McEwen
Calif.	Fenwick	McHugh
Andrews,	Ferraro	McKay
N. Dak.	Findley	Madigan
Annunzio	Fish	Maguire
Anthony	Fisher	Markey
Archer	Fithian	Markes
Ashley	Filippo	Marlenee
Aspin	Florio	Martin
Atkinson	Foley	Matsui
AuCoin	Ford, Mich.	Mattox
Baldus	Ford, Tenn.	Mavroules
Barnes	Fountain	Mazzoli
Beard, R.I.	Fowler	Mica
Beard, Tenn.	Frenzel	Michel
Bedell	Frost	Mikulski
Bellenson	Fuqua	Mikva
Benjamin	Gephardt	Miller, Calif.
Bennett	Giaino	Mineta
Bereuter	Gibbons	Minish
Bethune	Gilman	Mitchell, Md.
Biaggi	Gingrich	Mitchell, N.Y.
Bingham	Ginn	Moakley
Blanchard	Glickman	Moffett
Boggs	Gonzalez	Montgomery
Boland	Gore	Moore
Bolling	Gradison	Moorhead, Pa.
Boner	Gramm	Mottl
Bonior	Grassley	Murphy, Ill.
Bonker	Gray	Murphy, N.Y.
Bouquard	Green	Murtha
Bowen	Guarini	Myers, Ind.
Brademas	Gudger	Myers, Pa.
Breaux	Guyer	Natcher
Brinkley	Hagedorn	Neal
Brodhead	Hall, Ohio	Nedzi
Brooks	Hall, Tex.	Nelson
Broomfield	Hamilton	Nichols
Brown, Calif.	Hammer-	Nolan
Brown, Ohio	schmidt	Nowak
Broyhill	Hanley	O'Brien
Buchanan	Harkin	Oakar
Burison	Harris	Oberstar
Burton, Phillip	Harsha	Obey
Butler	Hawkins	Otinger
Byron	Heckler	Panetta
Campbell	Hefner	Pashayan
Carr	Heftel	Patten
Carter	Hightower	Patterson
Cavanaugh	Hillis	Pease
Chappell	Hinson	Perkins
Cheney	Holland	Peysner
Chisholm	Hollenbeck	Pickle
Clausen	Holt	Preyer
Clay	Holtzman	Price
Cleveland	Hopkins	Pritchard
Clinger	Horton	Quayle
Coelho	Howard	Quillen
Coleman	Hubbard	Rahall
Conable	Huckaby	Railsback
Conte	Hughes	Rangel
Corcoran	Hyde	Ratchford
Corman	Ichord	Regula
Cotter	Ireland	Reuss
Coughlin	Jacobs	Rhodes
Courter	Jenkins	Richmond
D'Amours	Jenrette	Rinaldo
Danielson	Johnson, Calif.	Ritter
Daschle	Johnson, Colo.	Roberts
Davis, Mich.	Jones, N.C.	Rodino
de la Garza	Jones, Okla.	Roe
Dellums	Jones, Tenn.	Rose
Derrick	Kastenmeier	Rosenthal
Derwinski	Kazen	Rostenkowski
Diggs	Kemp	Roybal
Dingell	Kildee	Runnels
Dixon	Kogovsek	Russo
Donnelly	Kostmayer	Sabo
Dougherty	Leach, Iowa	Santini
Drinan	Leach, La.	Sawyer
Duncan, Oreg.	Lederer	Scheuer
Duncan, Tenn.	Lee	Schroeder
Early	Lehman	Schulze
Eckhardt	Leland	Sebelius
Edgar	Lent	Seiberling
Edwards, Ala.	Levtas	Sensenbrenner
Edwards, Calif.	Lloyd	Shannon
Emery	Long, La.	Sharp
English	Long, Md.	Shelby
Erdahl	Lott	Shuster
Erlenborn	Lowry	Simon
Ertel	Lujan	Skelton

Slack  
Smith, Nebr.  
Snowe  
Snyder  
Solarz  
Spellman  
St Germain  
Stack  
Staggers  
Stangeland  
Stanton  
Stark  
Steed  
Stewart  
Stockman  
Stokes  
Stratton  
Studds  
Swift  
Synar

Tauke  
Taylor  
Thomas  
Thompson  
Traxler  
Treen  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Vento  
Volkmer  
Walgren  
Walker  
Wampler  
Waxman  
Weaver  
Weiss  
White

Whitehurst  
Whittaker  
Whitton  
Williams, Mont.  
Wilson, Bob  
Wilson, C. H.  
Wilson, Tex.  
Winn  
Wirth  
Wolff, N.Y.  
Wolpe, Mich.  
Wright  
Wylder  
Wylie  
Yates  
Yatron  
Young, Alaska  
Young, Mo.  
Zablocki

NAYS—55

Applegate  
Ashbrook  
Badham  
Bafalis  
Bailey  
Barnard  
Bauman  
Burgener  
Carney  
Collins, Tex.  
Crane, Daniel  
Daniel, Dan  
Daniel, E. W.  
Dannemeyer  
Devine  
Dickinson  
Edwards, Okla.  
Forsythe  
Gaydos  
Goldwater

Goodling  
Grisham  
Hance  
Hansen  
Jeffries  
Kelly  
Kramer  
Lagomarsino  
Latta  
Leath, Tex.  
Lewis  
Livingston  
Loeffler  
Lungren  
McClory  
McDonald  
Marriott  
Miller, Ohio  
Moorhead,  
Calif.

Murphy, Pa.  
Paul  
Robinson  
Roth  
Rousselot  
Rudd  
Satterfield  
Shumway  
Solomon  
Spence  
Stenholm  
Stump  
Symms  
Watkins  
Wyatt  
Young, Fla.

ANSWERED "PRESENT"—2

Burton, John Kindness

NOT VOTING—30

Alexander  
Ambro  
Anderson, Ill.  
Andrews, N.C.  
Bevill  
Collins, Ill.  
Conyers  
Crane, Philip  
Davis, S.C.  
Deckard

Dicks  
Dodd  
Dornan  
Downey  
Evans, Del.  
Flood  
Garcia  
Hutto  
Jeffords  
LaFalce

McCloskey  
McKinney  
Mathis  
Mollohan  
Pepper  
Pursell  
Smith, Iowa  
Trible  
Williams, Ohio  
Zerfetti

□ 1850

The Clerk announced the following pairs:

Mr. AMBRO with Mr. ANDERSON of Illinois.  
Mr. FLOOD with Mr. WILLIAMS of Ohio.  
Mr. GARCIA with Mr. PHILIP M. CRANE.  
Mr. LaFALCE with Mr. TRIBLE.  
Mr. ZEFERETTI with Mr. DECKARD.  
Mr. PEPPER with Mr. PURSELL.  
Mr. MOLLOHAN with Mr. DORNAN.  
Mr. DODD with Mr. EVANS of Delaware.  
Mr. DOWNEY with Mr. MCKINNEY.  
Mr. BEVILL with Mr. JEFFORDS.  
Mr. CONYERS with Mr. MCCLOSKEY.  
Mr. MATHIS with Mr. DICKS.  
Mr. DAVIS of South Carolina with Mr. HUTTO.  
Mr. SMITH of Iowa with Mrs. COLLINS of Illinois.  
Mr. ALEXANDER with Mr. ANDREWS of North Carolina.

So the bill was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS, PUNCTUATION, AND CROSS REFERENCES IN ENGROSSMENT OF H.R. 2479

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that, in the engross-

March 13, 1979

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H 1289

ment of the bill, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill H.R. 2479.

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

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, can the gentleman assure us that in the so-called technical amendments there is no major change?

Mr. ZABLOCKI. If the gentleman will yield, I can assure the gentleman from California, referring to the technical amendments, that it involves only a wrong phrase, or lack of a comma, or punctuation. No substantive changes will be permitted.

Mr. ROUSSELOT. 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 Wisconsin?

There was no objection.

#### GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed, H.R. 2479.

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

There was no objection.

#### INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO CORRECT DEFICIENCIES IN ELECTORAL SYSTEM

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

Mr. BURLISON. Mr. Speaker, an "archaic, undemocratic, complex, indirect, and dangerous" procedure for electing a President and Vice President is how the Special Commission on Electoral Reform of the American Bar Association describes the electoral college system. This analysis was once again borne out in the 1976 Presidential election. A shift of a few thousand votes would have given President Ford a majority of the electoral vote while Governor Carter won the popular vote. Indeed, on three occasions, the elections of 1824, 1876, and 1888, our election system has frustrated the popular will. The candidate who won the popular vote lost the electoral vote and the Presidency.

Our present election system can be capricious as well as undemocratic. In a close election, it is possible that no candidate will win an electoral vote majority. A slight shift, for example, in the 1948, 1960, and 1968 elections would have sent the decision to the House where, for political reasons, the popular will could have been canceled. Also, in a close three-way contest that denies an electoral majority

to any candidate, and with electors free to disregard their pledges to candidates, the Presidency is subject to being bartered to the highest bidder.

I believe that these intrinsic defects in our electoral system should be changed. Accordingly, today I am introducing my constitutional amendment for the direct election of the President and Vice President. I have introduced similar legislation in each of the previous five Congresses. The House, in 1969, by a vote of 399 to 70, passed the amendment. Because of a filibuster, the Senate was unable to vote on this amendment, though the Senate has acted favorably on other occasions. This resolution has over the years had the broad national support of the American public and various national organizations including the AFL-CIO, the American Bar Association, the chamber of commerce and the League of Women Voters. Senator BAYH, chairman of the Constitutional Amendments Subcommittee in the other body, is committed to the resolution in the 96th Congress. The President has publicly endorsed it.

I urge you to support and cosponsor with me this important resolution.

#### A PLEA FOR SUPPORT OF BILL TO ROLL BACK NATURAL GAS PRICES

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

Mr. FORD of Tennessee. Mr. Speaker, today I rise to ask my colleagues to join me by supporting a bill to roll back the high prices of natural gas. In an American system founded on justice, I ask you how we can justify the increasing costs of natural gas especially since, for the first time in recent history, natural gas is in a surplus? In an American system founded on justice, is it not a violation of the natural laws of supply and demand to allow this situation to continue? And, most importantly, in an American system founded on justice, I speak with neither reservation nor hesitation in appealing to your sense of fairness to rectify these inequities.

I make this appeal, moreover, because we must recognize that something is wrong with a system which allows prices to increase in spite of surplus. Something is terribly wrong when the cost of natural gas in 1970 averaged 17.1 cents and now, gas averages more than 800 percent of that figure and threatens to go even higher.

Something is mighty wrong when gas producers received about \$60 billion in total revenues between 1970 and 1978; yet, for the next 8 years—for substantially less gas—total revenues will probably exceed \$254.2 billion as a result of last year's Natural Gas Policy Act.

Something is mighty, mighty, mighty wrong when a housewife in Washington must pay \$80 per month for gas, alone, when a Memphis family, which takes home only \$500 per month pays \$200 to heat a five-room home.

And, something must be done when Government asks workers to keep their pay within 7 percent of last year's, although they are told by the same Gov-

ernment that natural gas prices will rise a minimum of 14 percent.

You and I, not only have an obligation, but we also have a legislative duty to look carefully into this grossly unfair and economically debilitating situation. That is why I have proposed the Natural Gas Pricing Amendments Act of 1979.

Specifically, the Natural Gas Pricing Amendments Act of 1979 would roll back the price of various classes of natural gas to levels near or at previous levels. It would delete the so-called kicker clauses which automatically adjust the price of natural gas over and beyond inflation. The bill would, however, allow for upward adjustments equal to the annual inflation factor applicable for a respective month.

The amendments would repeal the authority of the Federal Energy Regulatory Commission to increase ceiling prices of natural gas and would extend Federal controls on natural gas ceilings by 2 years.

If we support measures to reduce inflation; if we support economic solvency of the American family; and if we want to prevent the creation of another Government welfare-energy stamp program, we must support the objectives of the Natural Gas Pricing Amendments Act of 1979.

□ 1205

#### OUTSIDE EARNED INCOME LIMITATIONS

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

Mr. KOSTMAYER. Mr. Speaker, last week the Senate without committee hearings, floor debate, or a recorded vote, suspended their limitations on outside earned income.

As you recall from the heated debate on this matter in the House 2 years ago, there are valid arguments on both sides of the issue.

To your credit, Mr. Speaker, you and the Democratic leadership wisely and successfully argued then, that in return for a generous pay increase, the House should impose the limitations.

While I donated my pay raise in the last Congress to charity, nevertheless, I still support the idea of such restrictions.

But whether one agrees with me or not on the merits of the limitations, I hope all concur that it would be totally unacceptable and intolerable to the American people for the House to any way alter our current ethical standards without full discussion and accountability.

Today, I am asking my colleagues to join with me in publicly stating that conviction. The form is a letter to the Speaker I am circulating for their signatures.

I invite my colleagues to go on the record expressing our hope that a change in our ethics code be treated with the same seriousness as any major legislation would receive, namely a rollcall vote.

The letter follows:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., March 13, 1979.

DEAR COLLEAGUES: In all likelihood your constituents have contacted you with their reaction to the Senate action last week suspending limitations on outside earned income.

Obviously, a case can be made both for and against outside earned income for the Senate or House.

But whatever your position, I do hope you agree with me that the issue should not be resolved without adequate floor debate and a recorded vote.

The attached letter to the Speaker allows members of the House to go on the record favoring such thorough consideration in advance of any efforts to alter the ethics package.

I know of no scheduled move to suspend or revoke the House's outside income limitations but I think after the way action was taken by the Senate it would be prudent for the House to state its position as soon as possible.

This letter is neither for or against outside income limitations. It is for accountability. We would not consider any other major legislation without full discussion and we should recognize our own ethical standards are as important as any law we act upon, and we should go on the record if we choose to change them.

If you wish to join me in registering your opinion with the House leadership, please call my office 5-4276 by noon Friday, March 16th.

Sincerely,

HOUSE OF REPRESENTATIVES,  
Washington, D.C., March 13, 1979.

HON. THOMAS P. O'NEILL, JR.,  
Speaker of the House,  
Washington, D.C.

DEAR MR. SPEAKER: Comments from our constituents and a review of editorial opinion confirm that whether or not one agrees with the outside earned income limitation Congress accepted two years ago, there is little disagreement that the American people would find it intolerable for the House to take action which would suspend or revoke the limits without a recorded roll-call vote.

While there remain valid arguments on both sides of this question, there is no argument in our view to justify altering the 1977 ethics package for which you fought so diligently without full discussion and a recorded vote.

Mr. Speaker, we request that you and the House leadership do all in your considerable power to insure that a recorded vote occurs should there be an attempt to suspend or revoke the limitations on outside earnings which we imposed upon ourselves in the last Congress at least partly in exchange for a generous pay raise.

We feel reasonably sure the leadership would not allow any major piece of legislation, such as a Social Security increase or the President's Hospital Cost Containment Bill, to be passed or scuttled by back-door procedures. Let the record show: we consider the trust we made with the nation to commit this House to strong ethical reform to be every bit as important as other well recognized, major legislative efforts. And we expect the House to deal with ethical questions in the same forthright way we would deal with other significant legislation.

Thank you for recognizing our concerns. You can count on our support should a conflict involving this matter arise.

Sincerely,

#### CONSTITUENT FRUSTRATED ON ENERGY SITUATION

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

Mr. KILDEE. Mr. Speaker, I want to draw the attention of my colleagues in the Congress to a letter I received from a constituent on the energy issues facing our Nation. The letter by Mr. Carl Cavalier of Flushing, Mich., is an example of the frustration being experienced by many citizens over the inadequacies of the Department of Energy and Secretary James R. Schlesinger. I received the letter only a day before a press conference in my district March 9, in which I released my letter to President Carter urging that the President ask for Dr. Schlesinger's resignation. Mr. Cavalier's viewpoint is shared by many citizens, who are baffled and angered by what I described in my letter as the "drift and confusion, contradictory statements and reversals of position" by Dr. Schlesinger and the Department on our Nation's energy policy. Mr. Cavalier wrote to me:

CONGRESSMAN KILDEE: Since the Iranian Crises, I have heard nothing but gas shortages and higher prices. Gas has risen at the rate of one cent per week and is still climbing. January 1, 1979 thru March 1, 1979, gas has gone up ten cents for regular gas in the Flint area. Each time I read the newspaper or watch television news, I am informed by Schlesinger, some Senator, or Congressman that gas will be one-dollar per gallon by the end of this year. The oil companies must love it—An open invitation that they keep raising their prices. Schlesinger has got to go! He has proven to be an oil company man all the way back to the Nixon Administration.

It makes me sick to think that my government will take the word of Oil Companies as to how we stand where "our" country's oil and gas is concerned. I will not believe this type of information unless the government will force the oil companies to show their yearly profits with proof of research and what has been reinvested into the United States for more oil. I am not referring to the multi-million dollar office buildings being built to offset high profits and supply some nice tax shelters.

I think we are being ripped off by the oil companies. If we really have a shortage, why hasn't the Government "seriously" gotten into the act and tried to come up with an alternative source of energy? We have the technology—the best in the world, and we're not putting it to use.

The biggest wasters of energy are the Government and large corporations and the average American citizen is paying for it. Let's put the blame where it belongs. There are a lot of ways without rationing or sky high prices. If you don't already know or hold some interest in what the people who voted you into office think, please contact me.

Mr. Speaker, while in this House there will be disagreement on one point or another in this letter, I believe Mr. Cavalier's viewpoint is important because it is shared by so many others. New leadership is needed in the Department of Energy which will command the confidence of the American people and work more effectively to meet our energy problems and needs.

□ 1210

#### REMARKS BY REPRESENTATIVE LINDY BOGGS REGARDING THE CONTRIBUTIONS OF THE GIRL SCOUTS ON THE OCCASION OF THE REPORT TO CONGRESS

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair is happy to recognize the lady from Louisiana who we understand is celebrating her birthday.

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

Mrs. BOGGS. Mr. Speaker, I rise today to ask my colleagues to join me in saluting the Girl Scouts of the United States as they file their report this year with the Congress.

For decades the Girl Scouts have played a vital role in the formation of citizenship and education among girls and young women. It has been a special privilege to be associated with the Girl Scouts in Louisiana, where many exciting programs are being organized and run by these fine young women.

I would like to take a moment to share with you some highlights among the programs operated by Girl Scouts in my State since similar projects are underway in every congressional district throughout the country.

On the Louisiana State University campus, Girl Scouts and Camp Fire co-sponsored "Hand-in-Hand," an international day at LSU for cultural awareness. Seven different countries were represented with programs presented by persons of that particular nationality. A total of 650 Girl Scouts from 40 troops and 177 Camp Fire Girls participated.

In Shreveport Senior Troop No. 47 meets once a week at the Council on the Aging to conduct a folk dance workshop. Troops of Girl Scouts volunteer at the Shrine Hospital for Crippled Children, and at the Caddo School for Exceptional Children who are orthopedically handicapped.

In Baton Rouge the Girl Scouts Energy Watch will distribute energy-saving ideas to consumers. Girl Scouts are taking field trips to utility companies, observe energy wastes around their own homes, and seek ways to make corrections.

In southeast Louisiana I have been privileged to serve on our area's council and I have seen firsthand some wonderful projects that teach young girls and young women a wide variety of skills that will be useful throughout their lives as citizens of society.

Last summer Jefferson Parish, La., had its first daycamp for retarded children, courtesy of Girl Scout volunteers. Cadet—junior high-aged—scouts planned the camp and served as volunteer counselors, working one to one with the children. The girls made an important contribution to the education of these youngsters and are hoping to receive some assistance from the parish for another camp this year.

In the city of New Orleans, Girl Scouts