UNITED STATES OF AMERICA

U.S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

VOLUME 119—PART 5

FEBRUARY 26, 1973 TO MARCH 6, 1973

(PAGES 5251 TO 6698)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1973

It is truly difficult today to draw hard and fast lines which separate jurisdictional responsibility for police and fire prevention functions. These are public employees who are devoted to protecting the lives and property of all persons without regard to their domicile, place of origin, or final destination. Whenever a public safety officer dies or is seriously injured while protecting others, his sacrifice and that of his family have been in the interest of the whole Nation. Accordingly it seems to me that Congress should recognize this national responsibility by helping compensate those who become casualties in the common task of preserving law and order. Our country owes these men no less than a guarantee that neither they nor their dependents will suffer undue economic disadvantage, because of physical harm which has befallen them while answering their call to duty.

AMENDMENT NO. 24

I am also introducing today, Mr. President, an amendment to S. 800, the Victims of Crime Compensation Act. Title III of that bill—a bill which, as a whole, I fully support—provides a payment of $50,000 to public safety officers—including policemen and firefighters—killed in the line of duty. My amendment simply permits the dependents of such a public service officer to choose to be compensated under the Federal Employees Compensation Act instead of receiving the $50,000 payment. For reasons I have already stated, I believe this is a preferable approach. Last year during Senate consideration of a bill similar to title III of S. 800, I introduced an identical amendment. While there was no objection to the thrust of my idea last year, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) suggested that the amendment be withdrawn to permit further study, and I did so. I hope the Senate will agree to the amendment this year, if the bill I introduce today is not passed.

Mr. President, I realize that there are other approaches to solve this problem—approaches I can and will support if my proposal is not accepted. The exact procedure by which families of public safety officers killed or disabled in the line of duty is not as significant as is the principle that Federal assistance in this area is necessary and proper. I hope we will take prompt and effective action this session of Congress to provide benefits to these dedicated public safety officers.

I ask unanimous consent that the text of my bill and my amendment be printed in the RECORD at this point.

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

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8191 of title 5, United States Code, is amended to read as follows:

"§ 8191. Determination of eligibility.

"The benefits of this subchapter was available as provided in this subchapter to eligible public safety officers (referred to in this subchapter as 'eligible officers') and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

"(1) employed as a law enforcement officer or firefighter by a State or a political subdivision of a State,

"(2) an officially recognized or designated member of a legally organized volunteer fire department, or

"(3) serving without compensation as an officially recognized or designated member of a legally organized law enforcement agency of a State or political subdivision of a State thereof,

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty."

(b) The heading at the beginning of subchapter III of chapter 81 of title 5, United States Code, and the item relating to such subchapter in the table of sections at the beginning of such chapter are amended by striking out "LAW ENFORCEMENT" and inserting in lieu thereof "PUBLIC SAFETY."

SEC. 2. The amendments made by the first section of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act.

AMENDMENT NO. 24

On page 51, after line 14, add the following new subsection:

"(e) In lieu of the benefit provided under subsection (a), any recipient eligible under section 527 may elect to receive compensation under the provisions of the Federal Employees' Compensation Act, 5 USC, Chapter 81, as if the public safety officer had been covered by such Act."

By Mr. MONDALE (for himself and Mr. BROOKE):

S. 1085. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Romania. Referred to the Committee on Finance.

ROMANIAN TRADE ACT OF 1973

Mr. MONDALE. Mr. President, since 1949, the United States has pursued a policy designed to prevent trade with Communist nations from threatening in any way the security or national interest of the United States.

We are still pursuing this basic policy, most notably in our export controls which prohibit the export of U.S. goods or technology which could contribute to the military potential of Communist nations or in any other way be contrary to the national interest of the United States.

But in addition to policies, laws, and regulations such as these, we also carry on our books a number of other provisions which, if they ever indeed contributed to our national interest and/or military security, do not do so today. Some of these restrictions, in fact, seem actually to be counterproductive, contributing to nothing but the economic benefit of our Western competitors and the continued economic and political domination of East Europe by the Soviet Union.

One such policy—surely the most damaging symbol of irrational hostility toward the East—is the denial of most-favored-nation treatment to all nations of Eastern Europe except for Yugoslavia and Poland.

The effect of such a denial is to impose upon the products of the rest of East Europe the old Smoot-Hawley tariff rates. Given such extraordinary discrimination against their products, there is little hope for any major expansion of peaceful, nonstrategic trade in East Europe—the fastest growing market in the world. For, aside from the great political damage rendered by such discrimination, the inability to sell goods to us severely limits the amount of goods they can buy from us, and places an unnatural and irrational limit upon trade in peaceful, nonstrategic goods.

I say "unnatural and irrational" because the discrimination against imports from the East European countries makes neither economic nor political sense.

The denial of most favored nation in no way contributes to our national security. All goods bound for East Europe must be licensed, and the presence or absence of most favored nation adds absolutely nothing to this protection.

Nor does it have any significant economic effect on the nations of East Europe. The denial of most favored nation status, in fact, keeps nothing from the East Europeans which cannot otherwise find its way there from the West—legally and with full concurrence of our Government. All this denial does is to prevent the East Europeans from earning the necessary dollars with which to become customers of U.S. exports in peaceful, nonstrategic goods. It is one more explanation why in 1971, with some 13 percent of total world trade, the United States enjoyed less than 3 percent of the total trade between the East and the West.

Nor, should I add, does the denial of most favored nation make sense in terms of the products against which it most discriminates. If we had reason, for example, to raise special tariffs against certain products from the East European countries, then such tariffs should be imposed with some semblance of precision and reason. I do not happen to think that such discriminatory tariffs should be necessary as long as we have basic protection against dumping and foreign export subsidies. But the denial of most favored nation across the board imposes a totally capricious set of discriminatory tariffs upon the products of these nations, unrelated to specific products or to any coherent economic or trade policy.

Mr. Harold Scott, formerly Deputy Assistant Secretary of Commerce for Domestic and International Business and Director of the Bureau of International Commerce, visited East Europe and had this summary comment to make on the most favored nation problem:

The lack of MFN treatment to all East European countries except Poland is the most discussed major problem. To a degree, this

deterrent while real also is partly psychological. There is a strong feeling among East Europeans that the lack of MFN is a form of punishment. Importers not only pay a higher duty but view such treatment as a symbol of the "unwelcome mat." One of the major purposes of our Mission was an examination, product by product and country by country, of export potential to the United States. Indeed there were many specific product areas where the lack of MFN removed all possibilities. There were, however, many of their products with some U.S. potential, despite the lack of MFN, that had not been aggressively promoted. One can speculate that occasionally the lack of MFN represents a warm security blanket under which Eastern European export enterprises can quite easily hide their lethargy. It is safe and practical to conclude that trade relations will not grow rapidly until the MFN problem is resolved. It is equally sound to conclude that East European countries have specific trade opportunities in the United States today with the existing tariff structure that they are not exploiting to maximum potential.

Actually, we do give most favored nation status to two East European countries: Yugoslavia and Poland. We also grant these two nations special treatment in our export control regulations, Yugoslavia being considered as "West Europe" for such regulations, and Poland—along with Romania—being given preferential treatment over all the rest of the East European countries.

What I am proposing today, Mr. President, is that the President of the United States be given authority to negotiate a commercial agreement with Romania, extending most favored nation to that nation in return for equivalent benefits granted us and in our national interest.

This bill cosponsored by the Senator from Massachusetts (Mr. BROOKE) would grant "most favored nation" status at least to that nation which seems to be, in fact, "most favored" in the eyes of our Government.

In the summer of 1969, after Mr. Nixon concluded his most successful visit to Romania, he and President Nicole Ceausescu issued a joint statement reading:

The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Romania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers.

In the President's 1971 foreign policy message he declared:

There are difficulties, which we recognize, attending close political relations between Eastern European nations and the United States. But within these limits there are opportunities for economic, scientific and technological contact which we are prepared to broaden on the basis of mutual benefits.

Our trade with Romania doubled in 1970. We extended credits for the purchase of agricultural commodities and liberalized certain export controls for her benefit. We expanded educational and cultural exchanges and responded with immediate relief in medical supplies, foodstuffs, and other emergency needs when Romania suffered a disastrous flood in 1970.

Romania and Yugoslavia have indicated by their policies a desire for cordial relations with the United States on the basis of reciprocity. Our relations have continued to improve because the pace and scope is determined in the first instance by them. We are responsive, and other countries in Eastern Europe who desire better relations with us will find us responsive as well. Reconciliation in Europe is in the interest of peace.

Mr. President, surely the foreign policy as well as the economic interests of the United States can be furthered by granting most-favored-nation status to Romania.

In 1972, we exported $69.4 million worth of goods to Romania and imported from that nation $31.5 million—a trade surplus ratio of more than 2 to 1. Our exports to Romania last year were four times the 1968 figure of $16.7 million—a sign of the great growth potential present.

Mr. President, it is obvious, in spite of this growth in trade, that Romania, with precious few dollar holdings and almost no way to earn them in this country, cannot continue to maintain such a deficit in her accounts with the United States.

A country cannot buy if it cannot also sell. And we cannot sell if we do not also buy.

I must point out that most-favored nation is not a concession to be given without compensation. The Romanian Trade Act of 1973 does not require the President to grant most-favored nation. Rather, it authorizes him to negotiate a commercial agreement—our part of which would be an extension of most-favored nation treatment, and Romania's part to be the granting of equivalent commercial benefits to the United States.

Mr. President, I think that enactment of this legislation would be sound economics and sound foreign policy, furthering not only the commercial returns from expanded trade, but the political returns from closer ties to this key nation of East Europe.

President Nixon has indicated his full support for obtaining MFN status with Romania once Congress has granted him the authority to do so. I believe we should move quickly to grant this authority, thereby benefiting both the interests of the United States and furthering the cause of improving East-West relations.

Mr. President, I ask that the full text of this bill, the Romanian Trade Act of 1973, be printed at this point in the RECORD.

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

S. 1085

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

SHORT TITLE

SEC. 101. This Act may be cited as the "Romanian Trade Act of 1973."

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

(a) to maintain United States objectives in building a peaceful, democratic world;

(b) to promote constructive relations with Romania and to provide a framework helpful to private United States firms conducting business relations in Romania by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and

(c) to increase peaceful trade and related contacts between the United States and Romania, and as assistance in meeting United States balance-of-payments problems, to expand markets for products of the United States in Romania by creating similar opportunities for the products of Romania to compete in United States markets on a nondiscriminatory basis.

AUHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Romania providing most-favored-nation treatment to the products of Romania whenever he determines that such agreements—

(a) will promote the purposes of this Act,

(b) are in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary.

(d) most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and Rumania, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 105. (a) In order to carry out a commercial agreement made under this Act and, notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Rumania.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1901 et seq.).

(c) Section 231 of the Trade Expansion Act of 1962 (19 U.S.C. 1861) is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) of this section shall not apply to products, whether imported directly or indirectly, of Rumania, if a proclamation is in effect under section 105(a) of the Rumanian Trade Act of 1973.".

(d) The portion of general headnote 3(e) to the Tariff Schedules of the United States that precedes the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) PRODUCTS OF CERTAIN COMMUNIST COUNTRIES.—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2

shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 105(a) of the Rumanian Trade Act of 1973;"

(e) Nothing in this Act shall be deemed to modify or amend the Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.).

REPORTS TO CONGRESS

SEC. 106. The President shall submit to the Congress an annual report on the commercial agreements, program instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 136

At the request of Mr. SCHWEIKER, the Senator from Texas (Mr. BENTSEN) and the Senator from Colorado (Mr. HASKELL) were added as cosponsors of S. 136, to authorize financial assistance for opportunities industrialization centers.

S. 275

At the request of Mr. HARTKE, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 275 to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 467

At the request of Mr. RANDOLPH, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 467, a bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes.

S. 648

At the request of Mr. MCGEE, the Senator from Rhode Island (Mr. PASTORE), the Senator from Nebraska (Mr. CURTIS), the Senator from North Carolina (Mr. ERVIN), the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. MOSS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. MUSKIE), were added as cosponsors of S. 648, to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes.

S. 649

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 649, to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

S. 793

At the request of Mr. CRANSTON, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 793, the Public Service Employment Act of 1973.

S. 798

At the request of Mr. BURDICK, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 798, to reduce recidivism by providing community centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes.

S. 882

At the request of Mr. HARTKE, the Senator from Florida (Mr. CHILES), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 882, to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans.

S. 896

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. MONDALE) and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 896, a bill to amend the Education of the Handicapped Act, and for other purposes.

S. 928

At the request of Mr. ROTH, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 928, to create a catalog of Federal assistance programs.

S. 1036

At the request of Mr. ROBERT C. BYRD, on behalf of Mr. MUSKIE, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1036, to amend the Internal Revenue Code of 1954 with respect to legislative activity by certain types of exempt organizations.

SENATE JOINT RESOLUTION 41

At the request of Mr. MCGEE, the Senator from Indiana (Mr. BAYH), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 41, to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month."

SENATE RESOLUTIONS 74 THROUGH 78—SUBMISSION OF RESOLUTIONS RELATING TO THE INTERNATIONAL COURT OF JUSTICE

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON. Mr. President, today, the International Court of Justice is inadequately consulted. Less than 40 cases have been submitted to it in the last quarter of a century. At the moment, only two cases are before it. Its peaceful potential lies in substantial neglect.

As we grope for a final end to the Vietnam war, we must seek rational ways of reducing international tensions and of settling international disputes without resorting to force. We can support worldwide programs designed to stimulate world economic development, stabilize currencies, alleviate hunger, poverty, and disease, and halt international pollution. But without preventive steps to avoid another war, these fine measures may still leave us with ravaged countries and devastated populations. Our reliance upon great military strength and upon alliances with our friends has not kept us out of war. In fact, Vietnam is the fourth war we have fought in 44 years.

Devoting our keenest minds to finding alternatives to armed conflict is not a luxury, but a pressing need. We cannot continue to risk self-destruction by dabbling in peace with one hand and waging war with the other.

We cannot wait for a peace based upon vast, sweeping structural changes within the United Nations, the International Court of Justice, and other institutions created with the hope that they would bring enduring peace. Instead, hope and realism can be combined in a step-by-step approach. We can take measures designed to—

Expand the jurisdiction of the Court by gradual degrees;

Increase the number of cases submitted to it;

Contribute to the clarification and establishment of international legal precedents and principles; and

Develop, slowly but surely, the habit of relying upon the Court for the peaceful resolution of international disputes.

We herewith submit no less than five separate resolutions designed to promote these goals. Some are wide ranging, some are specific, but all are designed to make the Court a sturdier tool in the construction of peace.

The Court's potential has been stunted by a vicious circle. Nations have been unwilling to submit disputes for binding settlement because they do not know what legal principles, rules, and standards the Court will apply. Yet the more nations hold back, the less opportunity the Court has to establish precedents, develop a body of law, and contribute to the clarification of international legal disputes and to the settlement of international differences. By itself, the Court is powerless to break through this web of inaction.

All of our resolutions seek to change this pattern. One requests the United States to submit to the Court a number of relatively minor international territorial disputes with our allies. The areas in question are desolate and largely uninhabited islands in the Caribbean Sea and the Pacific Ocean. The purpose of this resolution is not merely to provide business for the Court, but to demonstrate that taking a case to Court is a friendly act rather than a provocation.

The Department of State acknowledges some 28 territorial disputes involving the United States. Three are islands or cays in the Caribbean; namely, Quinto Sueno, Roncador Cay and Serrana Bank, known as the Coral Bank Area. They lie roughly within an area roughly 60 miles square, 120 miles east of Nicaragua and 250 miles north of Panama.

The basis for the U.S. claim of sovereignty over these islands dates back to the Guano Act of 1856, passed by the U.S. Congress. Guano is a substance composed chiefly of the excrement of seafowl, and once was used extensively as a fertilizer. The Guano Act permitted jurisdiction to