

the laws of the State or States where incorporated.

#### OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

#### RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

#### LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority and in accordance with the laws of the States in which it carries on its activities.

#### BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

#### AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504; 78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(52) Gold Star Wives of America".

#### ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

#### RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

#### DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

#### TAX EXEMPT STATUS—EXPIRATION OF CHARTER

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such

status, or if it fails to comply with the provisions of this Act, the charter granted hereby shall expire.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

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

#### COMMUNICATIONS ACT OF 1934

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 4892.

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

The legislative clerk read as follows:

A bill (H.R. 4892), an act to repeal section 506 of the Communications Act of 1934.

The Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, I hope that H.R. 4892, the repeal of section 506 of the Communications Act of 1934 (the Lea Act), can be given approval by my colleagues.

The Lea Act made it unlawful by the use of force, violence, intimidation or duress, or by the use of other means to coerce, compel or constrain an FCC licensee to employ or agree to employ any person in excess of the number of employees needed to perform actual services; to pay for preparing or using recordings in broadcasts; or to accede to any restrictions in the use of recordings or programs in the production of broadcasts.

Simply put the Lea Act denies musicians the same rights and privileges that other citizens have. It constrains musicians under criminal penalties from engaging in negotiations and activities in the broadcasting industry when such activities are enjoyed by every other craft as being legal and honorable. It has denied equal access to work opportunities and public exposure to musicians in some localities.

Some radio and TV stations have been afraid to negotiate with musicians about the possibility of broadcasting their performances because of the Lea Act. Therefore unless a musician was in New York, Hollywood, Nashville, or Memphis his career was restricted.

Since the passage of the act in 1946, the FCC has found no record of any actions taken by it pursuant to section 506.

Mr. President, I have had the opportunity to study the Lea Act very carefully for a long period of time. It was my responsibility during the 95th Congress to introduce S. 2581, to repeal the act. Regrettably no action was taken on the bill during the 95th Congress.

I introduced an identical repeal, S. 761, on March 26, 1979. On June 13, 1979, the Senate Communications Subcommittee most graciously allowed S. 761 to be discussed during the hearings it was conducting regarding the reform of the Communications Act.

On July 20, 1979, my good friend and colleague JOHN SLACK introduced H.R. 4892, the repeal of the Lea Act. The House Interstate and Foreign Commerce Committee considered and marked up

H.R. 4892 on September 24, 1980. On September 30, 1980, the House passed the repeal by voice vote. It is now the time for the Senate to follow suit.

Mr. President, when the repeal is realized there will be many people that deserve credit. However, one man has spent an incredible amount of time in pursuit of the repeal. My good friend Ned Guthrie, chairman, National Committee for Repeal of the Lea Act, Charleston, W. Va., has virtually traveled all over this country and has spent many, many days and hours in Washington seeking his elusive goal. Ned has made it his daily duty to educate Members of Congress as to what the Lea Act really is and what its repeal will mean to musicians.

Mr. President, I thank Senator HOLLINGS, Senator SCHMITT, Senator GOLDWATER, and Senator CANNON for their cooperation in allowing the consideration of S. 761.

I believe that a vote in favor of H.R. 4892 is justified. I urge my colleagues to approve the repeal of the Lea Act.

The bill (H.R. 4892) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

#### NATIONAL PARK AND RECREATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BUMPERS I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2363.

The PRESIDING OFFICER laid before Senate amendments of the House of Representatives to the bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes.

(The amendment of the House is printed in the RECORD of June 17, 1980, beginning at page H5057.)

Mr. ROBERT C. BYRD. I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BOREN) appointed MESSRS. JACKSON, BUMPERS, MELCHER, HATFIELD, and McCLURE conferees on the part of the Senate.

#### AUTHORIZATION TO FILE ANNUAL REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator NELSON, I ask unanimous consent that the Senate Small Business Committee be authorized to file its annual report of activities in 1980, as required by Senate Resolution 359 (agreed to March 4, 1980) during the period the Senate is not in session at the end of this year.

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

**HOUSE JOINT RESOLUTION 634—TO AUTHORIZE THE U.S. SECRET SERVICE TO CONTINUE TO FURNISH PROTECTION TO THE FORMER VICE PRESIDENT OR HIS SPOUSE**

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Joint Resolution 634.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 634) to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

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

The joint resolution (H.J. Res. 634) was considered and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was passed.

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

The motion to lay on the table was agreed to.

**HOUSE CONCURRENT RESOLUTION 452 ORDERED HELD AT THE DESK**

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 452.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 452 directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that House Concurrent Resolution 452 be held at the desk pending further disposition.

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

**DEFENSE OFFICER PERSONNEL MANAGEMENT ACT**

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1918.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1918) entitled "An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes."

(The amendment of the House is printed in the RECORD of November 17, 1980, beginning at page H10721.)

Mr. NUNN. Mr. President, the Defense Officer Personnel Management Act, S. 1918, addresses one of the most important aspects of U.S. national security—the selection and management of our military leaders, the commanders and top and middle members of our Armed Forces. The purpose of the bill is to revise the laws which govern active duty officer management by establishing new statutory limits on the numbers of active duty officers who may serve in the higher grades, and by providing uniform law regulating appointment, promotion, tenure, separation, and retirement of active duty Regular and Reserve commissioned officers.

This bill is a most complex piece of legislation. It would overhaul or eliminate more than 300 sections of current law and codify others. It contains the statutory authority needed to provide more uniform promotion systems among the services and new grade authorization tables, but in many respects, it does not represent a radical departure from the present law.

Major revisions to officer personnel management laws have been proposed several times over the past 15 years. DOPMA was originally recommended by the Department of Defense and introduced in the Senate in September 1975.

Members of the Armed Services Committee and staff with the assistance of experts from the Congressional Research Service and the Congressional Budget Office, private consultants and representatives of the Department of Defense have been carefully examining this proposal in detail for some time. I am very pleased to recommend that the Senate approve the current bill which will bring all these efforts to a successful conclusion.

**CRITERIA FOR OFFICER MANAGEMENT**

Our considerations have made it clear that the issues associated with effective military officer management are complex. However, all of these issues can be reviewed in the context of three major criteria for judging an effective military officer management system.

First, youth and experience must both be accommodated. We need an officer personnel system that provides youthful, vigorous personnel to perform many combat jobs but also produces an officer corps with sufficient experience. The importance of experience cannot be underplayed in view of the many complex, scientific, technical and administrative tasks vital to the support of today's Armed Forces.

Second, we must provide an officer grade structure to fulfill command responsibilities. We need an officer management system which will attract qualified and dedicated officers to military careers in the grades required to meet mission based requirements at an acceptable level of manpower costs. By this, I mean that the officer system, through its promotion policies, should provide enough, and only enough, officers to meet requirements for high quality military leadership for this Nation's security.

Third, we must recognize the respon-

sibilities of Congress and the President in officer management. We need an officer system adequately controlled by the Congress which will also give the President, as Commander-in-Chief, as much management flexibility as he can safely and constitutionally be granted without eroding civilian control and congressional control over the military.

The bill as proposed by the administration did not measure up to the stringent criteria by which this important subject should be judged. The bill before the Senate does meet these criteria.

**MAJOR POLICY RECOMMENDATIONS**

Mr. President, I will now highlight the major policy provisions in the bill.

**PROMOTION AND TENURE**

The administration's proposal would have rigidified the already too rigid up-or-out system. S. 1918 maintains the up-or-out policy but modifies several of the administration's proposals.

S. 1918 adopts the administration's recommendations that officers be involuntarily separated after twice failing promotion. Under the proposal, these separations of captains and majors would take place earlier than under current law. However, S. 1918 includes a provision to allow for the selective continuation of captains to 20 years and majors to 24 years. This modification will permit, but not require, the Service Secretaries to continue captains and majors in critical skills on a voluntary basis. For example, the services are now making use of selective continuation for pilots, doctors, and chaplains who fail to be promoted. Under the administration's proposed bill, the Department of Defense would have had to end this sensible practice making shortages in these areas worse.

The administration's proposal would add a new provision to the up-or-out system by requiring in law that reserve officers be separated after 11 years service. This provision would provide for an all-regular officer force after 11 years by law, but testimony indicated that about 6 percent of all officers would be forced out at the 11-year point solely because of this provision.

The administration's proposal would also prohibit the Secretary of Defense from voluntarily recalling experienced Reserve officers with over 11 years service to active duty even if they were needed in particular skills like doctors or if the size of the military were to increase in a period of growing tension. S. 1918 does not require the separation of Reserve officers at 11 years. Instead, the Secretary of Defense will retain permissive authority to separate Reserve officers and would have sufficient numbers of regular officer positions so that he could achieve an all-regular force through management actions. The Secretary would also be permitted, but again not required, to voluntarily recall experienced reservists to active duty.

The administration's proposal would have operated only during peace. At time of mobilization, mobilized reservists would not be included under the grade limitations and would not be considered under the same promotion system as