HOUSE OF REPRESENTATIVES—*Friday, November 14, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

"O may this bounteous God
Through all our life be near us,
With ever joyful hearts
And blessed peace to cheer us;
And keep us in his grace,
And guide us when perplexed,
And free us from all ills
In this world and the next."
—MARTIN RINKART, 1586–1649.

Gracious Lord, bless all who reach out to You in humility and in faith. Help us to realize that everyone stands in need of Your grace and, enable people to grow together in the bonds of peace and reconciliation one with another. Bless the men and women of this Assembly and encourage them in what they do, that justice and mercy will reign and that we all will be worthy stewards of the tasks given to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States; and

H.R. 7764. An act for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3193. An act to designate the Jacob K. Javits Federal Building.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PROUD TO HAVE VOTED FOR PRESIDENT CARTER

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

Mr. GONZALEZ. Mr. Speaker, this is Friday and the euphoria or opposite emotion has subsided somewhat after the election. I rise because I was reminded of an old saying that President John Kennedy evoked after the Bay of Pigs. He said:

Defeat is an orphan; victory has 1,000 fathers.

In the case of President Carter, I think it is quite obvious that so many now do not want to be reminded that they supported him or were identified with him. I rise proudly to say that I did everything I could, particularly in my district, in behalf of the reelection of President Carter. I am glad I did because during the course of the campaign I got to know the President and his family a little bit better than I had had the opportunity to know him before. I became impressed with the dimensions of the man which I think have escaped not only Members of the Congress but particularly the American public, and his major accomplishments which, for some reason, perhaps reflecting his political inability and the fact of his engineering background, rather than legal or political preparation, have not been adequately assessed nor appreciated. The Panama Canal Treaty is a major diplomatic achievement of the 20th century. No American boys have died in the jungles of Panama, Nicaragua, or El Salvador, thanks to Jimmy Carter.

POPULAR VOTE GAVE GOP MAJORITY IN HOUSE

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

Mr. SHUSTER. Mr. Speaker, yesterday I expressed great concern over your intention to stack the deck of three major committees with a 2-to-1 plus 1 Democrat ratio, thereby disenfranchising the minority from fair representation. This takes on added significance when one compares the GOP's 44 percent of the seats in the new House with the actual U.S. popular vote. It is of profound significance that based on the U.S. popular vote, Republicans should control the House. The actual national votes cast for House seats was 36.2 million for Republicans and 36 million for Democrats or 50.2 percent Republican and 49.8 percent Democrat.

Only by past gerrymandering do the Democrats control the new House. Republicans should be in the majority based on the popular vote. That makes it doubly unfair for the Democratic majority to further disenfranchise us by not giving us even our 44-percent representation on committees. In the interest of fairness I urge the Democratic majority not to inflict this injustice upon an already underrepresented minority.

OUTRAGEOUS PLAN TO STACK COMMITTEES

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

Mr. RUDD. Mr. Speaker, the people of this country went to the polls less than 2 weeks ago in what amounted to a referendum repudiating the disastrous economic policies of the Carter administration and this 96th Congress.

And yet press reports indicate that the Democrat leadership is intent on thwarting the will of the people next January, by stacking the important Appropriations, Ways and Means, and Rules Committees with a better than 2-to-1 Democrat majority—which could only be intended to obstruct efforts to reduce the power and cost of Government and provide meaningful tax relief for our citizens.

Democrat representation in the House next year will be less than 56 percent as a result of the elections.

I hope the Democrat Caucus will think better of this outrageous plan to stack the spending, tax-writing, and rules committees of the House in the next Congress.

□ 1010

THE SPEAKER'S 2-TO-1 RATIO ON IMPORTANT COMMITTEES IS UNFAIR

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

Mr. KRAMER. Mr. Speaker, earlier this year, House Republicans sent a letter to the Speaker, pointing out how the majority has shortchanged the minority on committee representation. We contended that, given the ratio of Republicans to Democrats in the House at that time, we should have been allotted 15 more committee slots. Needless to say, our arguments were brushed aside. I am sorry to see that, despite recent quotes from Democratic leaders that they intend to cooperate with the Republican minority in the House, the Speaker has gone on record in favor of retaining a 2-to-1 ratio on the important Committees on Rules, Appropriations, and Ways and Means. I would remind the Speaker that 44 percent of the seats in the House will be occupied by Republicans in the 97th Congress, and we expect to be treated fairly. Stacking the most important committees in favor of a shrinking majority is hardly proceeding in a spirit of cooperation. What happens on this critical question of committee representation may well determine whether the 97th Congress is off to a smooth or a rocky start.

THE LANDSLIDE WENT TO THE PARTY OF IDEAS

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

Mr. LOTT. Mr. Speaker, the 1980 elections are more than a week behind us, and the political analysts are still offering their rationalizations for the Republican landslide. I urge them to seek the answer in the candid statements of some of this Congress Democrats.

Writing in the Washington Post last August, Representative PAUL SIMON of Illinois noted the initiative of the Republicans in proposing new ideas. The Democrats, he said, contented themselves with just holding the fort. He said that while the status quo attitude is in part a normal attitude of the incumbent party, it was more pronounced in this Democratic Party which he saw lacking in a sense of direction or a sense of purpose.

It seems that in 1980, Republicans and Democrats are in agreement on one central theme: Republicans are raising the important issues and working toward practical solutions.

Americans are demanding and begging for a true and radical vision for the 1980's. First, they want a departure from the orthodox range of policies which are causing 13 percent of inflation and unemployment nearing 8 percent.

Second, Americans want to conserve the basic principles of economic and political freedom on which our country was founded and without which we get the sort of mess we are in today.

I contend that the election of Ronald Reagan as President, the return of Republican control to the Senate and the addition of 33 new Republicans in the House reflects the confidence of the American public in the Republican Party to confront, rather than evade, the challenges of the 1980's.

The American electorate gave the Republicans a landslide because Republicans' innovative programs for economic growth without inflation offer a better prospect of success than the well-worn Democratic formula of raising taxes, increasing Government budgets, and trying to boost productivity by giving out subsidies.

In other words, Republicans offer a hopeful country a serious plan to alter things fundamentally.

TAKING A SECOND LOOK AT THE REPUBLICAN LANDSLIDE

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

Mr. WEISS. Mr. Speaker, for the last couple of days and this morning we have been hearing from the other side of the aisle about the so-called Republican or Reagan landslide. That landslide ought to be put into some kind of context. True, on the basis of the electoral college votes there was an overwhelming Reagan victory. But if they examine what happened on the basis of the popular vote, I think that the Republicans ought to take a sober reappraisal of that landslide, and so should the rest of us. Of the popular vote, Mr. Reagan received approximately 50.1 percent, the barest majority, hardly a landslide, hardly a national mandate. It seems to me that the Democratic Party members in Congress ought to stick to our basic philosophical and political positions of providing jobs, of assisting those in distress, and fighting inflation rather than being taken in by the propaganda of the Republicans that the country has voted to go to the political right.

THE HONORABLE GLADYS SPELLMAN

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

Mr. HARRIS. Mr. Speaker, as the House returns to session, I personally have to note the missing person of Mrs. GLADYS SPELLMAN, the Congressperson from Maryland. I have known Mrs. SPELLMAN for many, many years. I know of her sense of community, of her deep involvement in all community affairs. I know of her contribution to regional matters, the pioneering she did in the development of Metro, the wisdom that she brought to the development of regional cooperation through the Council of Governments. Serving with her in the House, I also know of the grasp she had of national problems and national affairs, especially as they affected people. They were always on her mind in a very person-oriented way.

I know mostly, though, of GLADYS SPELLMAN'S effect on her colleagues. She had a very special wisdom with respect to relationships of all people. She had a very special effect on everyone she came in contact with in this House. I think that this House and this country, and certainly her community, need GLADYS SPELLMAN'S leadership and contributions very badly. I look forward to her early return to this House of Representatives. I certainly pray and join with my other colleagues in prayer for her early return. GLADYS is a truly remarkable person, and this country needs her services.

THE WORLD WEATHER PROGRAM PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, November 14, 1980.)

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. 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 Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN).

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 Senate bill, S. 885, with Mr. GONZALEZ (Chairman pro tempore) in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, November 13, 1980, all time for debate under the 5-minute rule had expired, and pending was an amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. WEAVER) to the text of the bill H.R. 8157, which was being considered as an original text and was open to amendment at any point.

AMENDMENT OFFERED BY MR. WEAVER

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

The CHAIRMAN pro tempore. Was the amendment printed in the RECORD?

Mr. WEAVER. Yes, it was, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 23, line 15, strike "section 553" and insert therefor "section 554".

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WEAVER. Mr. Chairman, this amendment has to do with a hearing process. It is very important that the public be involved in the decisions that we make in this bill, because the amounts of money that we are going to spend are staggering. Already the Northwest has gone into debt, has been put into debt by $5 billion, and this has been estimated by the authorities to reach $18 billion. So I would like to make an announcement, Mr. Chairman. The announcement is this, that we can resolve this issue for this bill very quickly and very hurriedly upon the adoption of one amendment.

This amendment I have drafted, and it would not take unanimous consent to offer it, but there would be no debate on it. The amendment is this: It simply requires an election in each of the four States involved—Washington, Oregon, Idaho, and Montana—an election by the people in each State prior to the acquisition of any major resource; in other words, prior to the Bonneville's underwriting the bonds that would be sold to pay for this resource.

Let me read a letter that I have written and hope to get all the Northwest Members to sign:

The Pacific Northwest has a long and strong tradition of allowing the voters to decide whether or not to sell bonds and go into debt to finance public services. Presently the largest such debt issue in our history is comprised by the bonds being sold by the Washington Public Power Supply System to finance construction of thermal plants. This debt is estimated now to reach $18 billion.

I may point out here that no voter has ever voted our consent to go into this debt.

□ 1020

The letter goes on:

We believe the people should decide whether or not to go into such debt and, therefore, urge that you encourage the appropriate language be placed in the Northwest power bill to allow a vote of the people in the States of Washington, Oregon, Idaho, and Montana on further issuance of debt instruments undertaken through the purchase authority granted the Bonneville Power Administration by the bill.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order. The gentleman is not addressing himself to the amendment. Mr. Chairman, that is not dealing with the amendment.

Mr. WEAVER. Mr. Chairman, I am discussing now that the amendment deals with the public review process.

Mr. DINGELL. Mr. Chairman, regular order.

Mr. WEAVER. As part of the public review process——

Mr. DINGELL. Mr. Chairman, may we have regular order?

The CHAIRMAN pro tempore. The gentleman must discuss the pending amendment.

Mr. WEAVER. I am discussing the present amendment, Mr. Chairman. It has to do with the public review process.

Mr. DINGELL. Mr. Chairman, may we have regular order?

The CHAIRMAN pro tempore. The gentleman is recognized to complete his 5-minute presentation, but only on the pending amendment.

Mr. WEAVER. So this amendment should go further than the present amendment that I am now offering and have an election in which three of the four States must vote in a majority in order to go into this debt for any further issuance of bonds underwritten by the Bonneville Power Administrator.

So, Mr. Chairman, I just simply say to the Members and the proponents of the bill, if they wish to resolve this issue right now——

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I call again for the regular order. The gentleman is not addressing the amendment.

Mr. WEAVER. Mr. Chairman, the hearing processes in the bill are inadequate. My amendment deals with the public review process. I am saying that this amendment is a good amendment. We should even go further and have elections in the various States. We should go further than my amendment that I have offered here and have elections.

Mr. DINGELL. Mr. Chairman, I call again for the regular order.

Mr. WEAVER. Mr. Chairman, may we have a ruling on that point of order, please? Am I out of order?

The CHAIRMAN pro tempore. The gentleman must be reminded once again that he must adhere to debate relevant to the pending amendment.

Mr. WEAVER. Mr. Chairman, I am discussing the hearing process and the public review, which is my amendment.

The CHAIRMAN pro tempore. If the gentleman will permit, the Chair is trying to let the gentleman complete the half a minute he has, but his remarks must be relevant to the substance of his amendment which has to do with the administrative hearing process, and the gentleman should not talk about a referendum amendment which he may offer.

Will the gentleman please continue?

Mr. WEAVER. Mr. Chairman, I simply say that we can resolve this issue if we allow the people to vote before we go into any more of this billions and billions and billions of dollars of debt.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The CHAIRMAN pro tempore. Does the gentleman insist upon his point of order?

Mr. DINGELL. I do not, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, with all respect to my good friend from Oregon—and I certainly have great fondness for him—he has made an amendment here which lies before the House which calls for very complex hearings procedures for the approval of the council's conservation and power plan. The hearings required under 553 of the Administrative Procedures Act are both fair and expeditious. They have been used many times and under many statutes. They afford an ample opportunity for full public input So for that reason, if expeditious consideration of questions like fish and wildlife, conservation, allocation and power, and that sort of thing, is desired, then the amendment of the gentleman from Oregon should be rejected because his amendment would unduly prolong a hearing process and would substitute a lengthy and complex process for one which is simple and expeditious but which at the same time affords all parties full opportunity to be heard.

I would urge my colleagues to avoid the costs, to avoid the time, and the waste and the enormous increase in inflationary effects of prolonged hearings in proceedings which will unduly delay the contemplation of the whole matter.

Mr. Chairman, the House has been considering S. 885 on the floor for 5 days now—September 24 and 29 and November 12 and 13 and today—including 2 hours of general debate.

More than a dozen amendments have been offered, including a pending substitute, the reading of which we were required to suffer through for several hours. All of the amendments which were also considered in two committees have been defeated—one by a margin of over 150 votes. Included in this list of defeated amendments are several that raised major issues of concern to the bill's opponents. They are the two-tier ratemaking approach, the elimination of private utilities from the power sale provisions of the bill, the construction work-in-progess amendment, and the output-versus-capability amendment. Another amendment that would preclude certain actions under the bill until a permanent nuclear waste storage program is established is, in my judgment and that of the Office of the Parliamentarian, nongermane because it seeks to tie a national program to a regional bill.

The distinguished gentleman from Washington quoted a recent news article indicating that the opponents had printed amendments, and would offer them, amounting to 15 hours of floor time. With votes on some of these, this could be extended well beyond 15 hours.

Mr. Chairman, we are all anxious to adjourn. There is much work to be done. Ample time has been provided in the House and in the committees for the opponents to amend this bill which enjoys broad bipartisan support, as well as broad support from many citizen and other interest groups of the Pacific Northwest and elsewhere. The House has consistently rejected those efforts and supported the compromise version of the two committees, which itself reflects provisions offered in committee by the opponents and accepted. Clearly, we should not continue this arduous process. We should not be asked to debate another 15 or more hours over many proposed amendments that are so clearly intended to be dilatory, rather than substantial. The House should not permit the twisting of the rules to enable the opponents to run the clock hoping the bill will be killed by the process. It is a bad precedent. The Members' rights must be protected under the rules. But we should not allow any abuse of the rules in the exercise of this right. It is time to vote.

Yesterday, Chairman STAGGERS asked the Speaker to place the bill on the Sus-

pension Calendar in the form of H.R. 8157 with all the perfecting amendments adopted by the House to date. I support that request, as do, I know, many of my colleagues from both sides of the aisle. We have spent more time on this bill without a final vote than on revenue sharing and other major appropriation and authorization bills. No further time is needed.

I urge all to vote to suspend the rules and pass S. 885.

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

Mr. DINGELL. I yield to my friend, the gentleman from Idaho, who I understand is also in opposition to the amendment.

Mr. SYMMS. I thank the gentleman for yielding, and I rise in opposition to the amendment.

In addition to the comments of the gentleman from Michigan which I agree with, I would say that this amendment has been thoroughly discussed, this bill has been thoroughly discussed, Mr. Chairman. We have worked on this bill for not a matter of hours now, but a matter of days.

As one who has long been a Member who has advocated minority views, I entirely sympathize with anyone who wants the opportunity to have a fair forum to present his views. I believe, as Thomas Jefferson did, that parliamentary procedure is designed to protect the minority against oppressive action by the majority. However, I also believe Jefferson was right when he said procedure is designed to allow a real majority to always prevail.

We have come to this point in considering the Northwest power bill (S. 885). The real majority, which consists of an overwhelming bipartisan coalition, wants this bill. So far, we have consumed parts of 3 days of this House on this bill. In every instance the opponents have been defeated by better than a 2-to-1 margin or have not even been able to muster enough support for a recorded vote. In summary, time is short. The will of the House and Senate is clear. The Northwest power bill must be enacted.

I urge the leadership to take whatever action is necessary—including scheduling the bill on the next Suspension Calendar, to carry out the will of the House and the people. Tactics which are purely dilatory were never sanctioned by Jefferson nor by me.

I believe that opponents of this bill have been given more than enough time to express their views and those views have been rejected time and time again.

The time has come for the bipartisan majority in support of this bill to work its will, that is passage of S. 885, the Northwest power bill.

Mr. DINGELL. I thank the gentleman.

Mr. Chairman, I urge the House to reject this amendment as being dilatory and not in the best interest of the legislation.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

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

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1030

The CHAIRMAN pro tempore. A quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 634]

Albosta	Carter	Ertel
Alexander	Cavanaugh	Evans, Del.
Ambro	Chappell	Evans, Ind.
Anderson, Calif.	Cheney	Fary
	Chisholm	Fascell
Andrews, N.Dak.	Clausen	Fazio
	Clay	Fenwick
Annunzio	Clinger	Findley
Anthony	Coelho	Fish
Applegate	Collins, Tex.	Fisher
Aspin	Conable	Flippo
Atkinson	Conte	Florio
AuCoin	Convers	Foley
Badham	Corcoran	Ford, Mich.
Bailey	Coughlin	Ford, Tenn.
Baldus	Courter	Forsythe
Barnes	Crane, Daniel	Fountain
Bauman	Crockett	Fowler
Beard, Tenn.	Daniel, Dan	Frost
Benjamin	Daniel, R. W.	Gaydos
Bennett	Danielson	Gilman
Bereuter	Dannemeyer	Gingrich
Bethune	Daschle	Glickman
Blanchard	Davis, Mich.	Goldwater
Boggs	Davis, S.C.	Gonzalez
Boland	Derwinski	Gore
Boner	Devine	Gradison
Bonior	Dickinson	Gramm
Bouquard	Dicks	Grassley
Bowen	Dingell	Gray
Brademas	Dixon	Green
Breaux	Donnelly	Grisham
Brinkley	Dornan	Guarini
Brodhead	Dougherty	Gudger
Brooks	Drinan	Guyer
Broomfield	Duncan, Oreg.	Hagedorn
Brown, Calif.	Duncan, Tenn.	Hall, Tex.
Brown, Ohio	Early	Hamilton
Broyhill	Eckhardt	Hammer-schmidt
Buchanan	Edgar	
Burgener	Edwards, Calif.	Hance
Burton, John	Edwards, Okla.	Hansen
Butler	Emery	Harkin
Campbell	English	Harris
Carney	Erdahl	Hawkins
Carr	Erlenborn	Hefner
Hightower	Michel	Selberling
Hinson	Mikulski	Sensenbrenner
Hollenbeck	Miller, Ohio	Shannon
Holt	Mitchell, N.Y.	Sharp
Hopkins	Moakley	Shelby
Horton	Montgomery	Shuster
Howard	Moore	Simon
Hubbard	Moorhead, Calif.	Skelton
Huckaby		Smith, Iowa
Hughes	Motti	Smith, Nebr.
Hutchinson	Murphy, Ill.	Snowe
Hutto	Murphy, Pa.	Snyder
Hyde	Murtha	Solarz
Ichord	Musto	Solomon
Ireland	Myers, Ind.	Spence
Jacobs	Natcher	Stack
Jeffords	Nelson	Stangeland
Jeffries	Nichols	Steed
Jenkins	Nowak	Stenholm
Johnson, Calif.	Oakar	Stewart
Jones, N.C.	Oberstar	Stockman
Jones, Okla.	Obey	Stokes
Jones, Tenn.	Ottinger	Stratton
Kastenmeier	Panetta	Studds
Kazen	Pashayan	Stump
Kildee	Patten	Swift
Kindness	Patterson	Symms
Kogovsek	Paul	Synar
Kostmayer	Perkins	Tauke
Lagomarsino	Petri	Tauzin
Latta	Pickle	Taylor
Leach, Iowa	Porter	Traxler
Leath, Tex.	Preyer	Trible
Lehman	Price	Udall
Leland	Pritchard	Ullman
Levitas	Pursell	Vander Jagt
Lewis	Quayle	Vanik
Livingston	Rahall	Walgren
Lloyd	Railsback	Walker
Loeffler	Ratchford	Wampler
Long, La.	Regula	Watkins
Long, Md.	Reuss	Weaver
Lott	Rhodes	Weiss
Lowry	Rinaldo	White
Lujan	Robinson	Whitehurst
Luken	Rodino	Whitley
Lundine	Roe	Whittaker
Lungren	Rose	Whitten
McClory	Rosenthal	Williams, Ohio
McCormack	Rostenkowski	Wilson, Tex.
McHugh	Roth	Wolpe
Maguire	Roybal	Wright
Markey	Royer	Wyatt
Marriott	Rudd	Yates
Martin	Russo	Yatron
Matsui	Sabo	Young, Fla.
Mattox	Sawyer	Zablocki
Mavroules	Schroeder	Zeferetti
Mazzoli	Schulze	
Mica	Sebelius	

□ 1040

The CHAIRMAN. Three hundred and twelve Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. WEAVER. Mr. Chairman, I withdraw my request for a recorded vote.

So the amendment was rejected.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that I be allowed to speak for 5 minutes.

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

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

□ 1100

AMENDMENT OFFERED BY MR. WEAVER

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

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 11, lines 24–25, strike "appointed" and insert "elected";

Page 12, line 2, after "Council.", insert "All references in this Act to the appointment of the members of such Council shall be deemed to mean the election of the members of such Council under applicable state law."

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Chairman, the rule provides that the gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes if his amendment has been printed in the RECORD. Is that correct?

The CHAIRMAN. That is correct.

Mr. DINGELL. That rule requires, as I understand it, that the amendment printed in the RECORD and the amendment which is offered be identical in every word and particular. Is that correct?

The CHAIRMAN. That is correct.

Mr. DINGELL. And unless the words of the amendment as printed in the RECORD and the amendment as offered by the gentleman from Oregon are identical in every particular, the gentleman does not get 5 minutes as provided by the rule.

Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DINGELL. Mr. Chairman, then I ask a further parliamentary inquiry.

Mr. Chairman, the question then is, Is this amendment identical to that which was printed in the RECORD? If the copy which has been made available to me is the one which was offered, it is not identical, and the gentleman is not entitled to his 5 minutes.

The CHAIRMAN. Well, the Chair has the word of the gentleman from Oregon that it is identical.

Mr. WEAVER. It is in the RECORD.

Mr. DINGELL. A further parliamentary inquiry.

I observe that the copy of the amendment made available to me is at page 59, line 18.

Mr. WEAVER. That is not it.

Mr. DINGELL. Very well.

Mr. Chairman, I have no further parliamentary inquiries.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, I have an important announcement to make to the committee.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The gentleman from Oregon has been recognized for 5 minutes under the rule.

Mr. WEAVER. Mr. Chairman, it has to do with this amendment.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) may proceed, but direct his attention to the amendment before the committee.

Mr. WEAVER. Mr. Chairman, the amendment has to do with the election of the council members by each State. That is the amendment.

Now the council members are appointed by the Governors. This amendment has to do with the election of the council members by each State.

What I would like to say to the Members of the House is that we can resolve——

Mr. DINGELL. Mr. Chairman, I call for regular order. The gentleman has been recognized for 5 minutes on his amendment.

Mr. WEAVER. Mr. Chairman, this amendment dealing with an election in each State as it does may help us resolve this issue of the Northwest power bill immediately. I am prepared, that if a certain amendment is adopted, to go to a vote immediately on final passage, and this amendment has to do with the election of the council.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The CHAIRMAN. The gentleman is still speaking to his pending amendment.

Mr. DINGELL. The gentleman was recognized for 5 minutes on his amendment.

The CHAIRMAN. The gentleman from Oregon is still at the moment discussing the amendment before the Committee.

Mr. WEAVER. This amendment deals with the election of the council members in the bill. That is what this amendment does. Right now the council would be nominated by the Governors. This amendment has to do with the election by each State of their council members.

So, therefore, the key here is the election, and we are prepared to resolve this issue of this Northwest power bill immediately, and that would be by accepting this amendment together with another amendment dealing with election authorizing the purchase authority. That amendment does not change the substance of the bill in any way, shape, or form, whatsoever, no substantive change is made in the bill of any kind; it just requires an election by the council members. And if we adopted another amendment having election in each State authorizing the purchase authority, I would be prepared to have final resolution of this bill immediately. I still would not like the bill. It contains provisions that are horrendous in my estimation, but at least the bill would be up to the people. They could decide in a manner set by State law.

POINT OF ORDER

Mr. KAZEN. Mr. Chairman, I raise the point of order that the gentleman is not speaking on the amendment pending before the Committee.

Mr. WEAVER. May I read the amendment, Mr. Chairman?

Mr. KAZEN. I know what the amendment says, Mr. Chairman. He has already referred himself to the amendment, but now he goes over and beyond that saying, "If another amendment * * *" and he proceeds to say what that other amendment is.

I submit that it is not properly before the Committee.

The CHAIRMAN. The Chair will advise the gentleman from Oregon that he must limit his remarks to the amendment pending before the Committee.

Mr. WEAVER. The amendment says that the "council shall be deemed to mean the election of the members of such council," and the amendment says that the council members shall be elected.

Now that is what I am after, letting the people speak in each State, because we are going into debt. This council could put us into debt by billions of dollars. Presently, the debt that we are being put under is $18 billion.

Right now, with five projects already underwritten by the BPA, or three of them and two by others, $18 billion, and this council will be making further decisions to put us into further horrendous debt without any voice of the people, without their consent, without their having the approval.

And so, therefore, I urge that the council members be elected and would hope that even the acquisition be up to the people, too, and if that would happen, this issue could be resolved immediately I say to the House, immediately.

□ 1110

Mr. DINGELL. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I will not take the full 5 minutes because the House has been much put upon by a series of amendments, while we are told that if this matter is disposed of by accepting one amendment from the gentleman from Oregon (Mr. WEAVER) we can have a quick vote. I do not think any of us were elected to submit to that kind of behavior by any Member of this body.

Mr. Chairman, I rise in opposition to the amendment. It would require members of the council to be elected in accordance with State laws. The idea is unworkable. It is unlikely that the States have laws relating to an election of this kind of a council at this time and I doubt if any have the ability or statutes for setting a date for such election prior to June 30, 1981, or within 6 months thereafter.

It would insure the Federal Council would be established, which is something that the States are trying to prevent. Governors are elected officials. Governors are responsive to their peoples and they will be responsible to their people if they fail to appoint well qualified people to insure a broad base of representation.

We have vested in the Governors of the several States under the bill before my colleagues proper discretion to deal with the matters and I believe that they will exercise that power wisely by appointing qualified people, probably expeditiously, and they will certainly do so more speedily so the council may commence its endeavors at an early time.

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

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to join in opposition to this amendment. I am sure that the sponsors of the legislation, the people in the Northwest, would be opposed to this amendment, too. I think it is important to recognize that this is just one more dilatory tactic trying to stretch out the time and wear the patience of the Members out.

I think it is important to also remember that there are dozens and dozens, if not hundreds, of councils and commissions that are appointed through Federal every year to carry out the business of Government. To suggest that we start electing them is really nothing but a frivolous suggestion. I hope the Members will recognize it as nothing but a frivolous suggestion and vote down this amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Ohio.

Mr. BROWN of Ohio. I think it should be pointed out that the regional planning council to which the gentleman from Oregon (Mr. WEAVER) seeks election of the members is an advisory board speaking on behalf of the Governors of the States in the region to the Administrator of the Bonneville Power Authority. Each member must be appointed subject to State law and, of course, both the Governors and the State legislators who determined that State law are elected officials.

Moreover, the various public utilities commissions of the States with their elected officers are not superseded by the advisory planning council. The planning council is merely an advisory unit. They are elected for a 3-year term. They are not necessarily in any way partisan.

The Governors are, of course, elected on a partisan ballot but they are there to work with other States, to set up a regional approach to this problem.

It seems to me inappropriate if they are to consider the concerns of other regions that they be elected in that way and so I, too, oppose the amendment of the gentleman from Oregon (Mr. WEAVER).

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I am delighted to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I have asked for the gentleman to yield to me because the amendment the gentleman from Oregon is talking about intrigues me. Do I understand that the gentleman would want unanimous consent in order to offer his amendment?

Mr. WEAVER. And to speak on it.

Mr. KAZEN. And to speak on it.

Mr. WEAVER. Yes.

Mr. KAZEN. And then let the will of the Congress be done? If the Committee votes it up, it is in? If the Committee votes it out, it is out? And we will then proceed with the bill?

Mr. DINGELL. Then we would proceed immediately to a vote so that we can end this rather unfortunate procedure.

Mr. WEAVER. Will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. WEAVER. Upon adoption by this House of the amendment we will proceed immediately.

Mr. KAZEN. In other words, if the gentleman will continue to yield, in other words, what the gentleman is saying is unless his amendment is adopted he is not going to stop harassing the Committee.

POINT OF ORDER

Mr. WEAVER. Mr. Chairman, I make a point of order. I believe the language used by the gentleman is out of order.

Mr. BROWN of Ohio. If the gentleman will yield, I have to say that the harassment is not just to the Committee but to the whole House and I think that this is the most outrageous procedure or proposal that I have heard of in my time in Congress, that if this House will vote something one of the Members wants then he will cease offering amendments. I must say that I think this is outrageous.

POINT OF ORDER

Mr. WEAVER. Mr. Chairman, point of order. Is the gentleman addressing the amendment? Are you addressing the amendment?

The CHAIRMAN. The gentleman from Oregon insists on his second point of order. The debate must relate to the pending amendment.

The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. AU COIN

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

The Clerk read as follows:

Amendment offered by Mr. AuCOIN: On page 69, after line 17, insert:

(n)(1) The Administrator may not acquire any resource derived from a new nuclear generating facility until such time as the Nuclear Regulatory Commission has licensed the operation of a permanent storage facility for high level nuclear waste and spent fuel from commercial nuclear generating facilities.

(2) For purposes of this subsection, the term "new nuclear generating facility" shall not include any nuclear generating facility for which a construction permit was issued by the Nuclear Regulatory Commission before the date of enactment of this Act.

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Is the amendment printed in the RECORD?

Mr. AuCOIN. Mr. Chairman, the amendment is printed in the RECORD.

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes in support of his statement.

Mr. AuCOIN. Mr. Chairman, throughout the debate on the Northwest power bill we have heard it said that this is a bill to provide several means of generation of energy for this region. No one has denied that. Some would argue as to what kinds of power would be given priority and the greatest impetus under the terms of the bill as it now stands. I happen to think that the greatest impetus would be given to the construction of nuclear powerplants. Some disagree with me. Some say the greatest impetus would be given to conservation and alternative forms of energy.

I thank the Chairman for calling the Committee to order because throughout the consideration of this bill Members have had difficulty focusing on what is a regional issue. I would say to my colleagues who do not reside in the Northwest that a lot of people in the Northwest are going to be affected by the terms of this bill. We would like very much to have your attention because the ratepayers of this region will have to live with the consequences of what my colleagues are about to do on this bill.

□ 1120

We ask only for your attention long enough to let us work our will on this piece of legislation. The amendment I offer would simply say that of all the forms of energy that would be made possible in the Pacific Northwest under the financing terms of this bill, one of them is nuclear power. This amendment would not place a moratorium on the development of nuclear powerplants; it would simply lay down some rules for the construction of these plants. It would say as a minimum public safety safeguard that no nuclear powerplants will be constructed under the financing terms of this bill unless a condition is met, a minimal condition, that condition being the existence of a national licensing system for the permanent storage of the wastes that these plants produce.

I think it is extremely important to add to this bill such a condition in terms of the public safety of the people and the ratepayers of the region. I would say to my colleagues that in the last 30 years since we began to build and operate nuclear powerplants, we have accumulated 70 million gallons of high-level liquid wastes and 6,000 tons of spent fuel. Wastes today from our commercial reactors are now being held in temporary storage facilities on site at the reactors that are being operated.

According to the industry and the Department of Energy, some reactors will run out of these kinds of storage spaces and will have to shut down beginning in the year 1983. I do not know how any reasonable person can say that that is an acceptable set of circumstances. The people of the Pacific Northwest have rendered an opinion on this question. In the last election, a ballot measure was proposed that laid down provisions almost identical to the amendment I offer to my colleagues today; and the people of Oregon approved the amendment. They said they want nuclear safety to come before nuclear plant construction. I do not think that is such an unreasonable request.

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

Mr. AuCOIN. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding. I want to commend the gentleman for what I believe to be a fine, constructive, and reasonable amendment.

As the sponsor of this amendment, Mr. AuCoin has just indicated, the people of the State of Oregon have recently voted to require that a permanent waste storage facility be available before any more nuclear plants are licensed in their State. I believe we should not force the people of the State of Oregon to pay for the construction or power of facilities which have been opposed by those citizens. The possibility of the defeat of such State and local initiatives and the granting of preferred status to one region of our country are the primary reasons why I have supported several amendments to this legislation.

I know the people of my area are also concerned about the lack of any permanent disposal facility to deal with the vast amounts of nuclear waste being generated. I believe it is essential that we resolve such safety problems before taking actions which contribute to the magnitude of these present and potential problems.

Mr. AuCOIN. I certainly thank my friend from Vermont. I appreciate his contribution on this issue as well as on other issues.

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

Mr. AuCOIN. I yield to the gentleman from Oregon.

Mr. WEAVER. I want to commend my colleague for speaking for the voice of the people of Oregon so strongly.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend from California.

Mr. JOHN L. BURTON. I would support the gentleman's amendment because our subcommittee of the Committee on Government Operations spent a long time clearing the ability of the State of Washington to store some hazardous wastes. Without the restrictions we put on it, the State of Washington could have ended up having this poisonous material get into the water supply of that State; and if our committee had not put strong restrictions on it, they would not have gotten that location that was desired by everybody in the State of Washington delegation save one, so I think the gentleman's point makes a lot of sense.

Mr. AuCOIN. I thank the gentleman for his comments.

I want to make one additional point and then I will yield to whoever else would like to have me yield.

Some people will argue that this question of nuclear waste storage is a national problem and, therefore, should not be attached in any way to a regional bill. I want to just suggest to my colleagues that that is an unacceptable argument. It really misses the most salient point involved here. It is true that the policy questions dealing with a national system of storage of these wastes does come and must come from Washington, D.C., and from the Federal agencies. So, in that sense, true, it is a national question. But I want to suggest to my colleagues that if there is a leak in the temporary storage pools in which these wastes are being stored, such as at the Trojan Nuclear Plant in my congressional district, it has long since at that point ceased being a national cosmic theoretical issue. It is a neighborhood problem, it is a community problem for the residents around the Trojan Nuclear Plant in Columbia County in the State of Oregon, the people that I represent.

If you call that an esoteric national issue, you have some explaining to do to the people of Columbia County; and for that reason, I urge my colleagues to accept the amendment that simply says fine, if we choose to go ahead and build nuclear plants we will do so, but only after a minimal standard of public safety has been met first; and that is a permanent storage system for the wastes that these plants emit.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Michigan (Mr. DINGELL) insist upon his point of order?

Mr. DINGELL. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, the bill before us establishes a planning council. It provides for a planning council. It provides for a program for conservation and for a fish and wildlife program. It provides for the sale of power. It provides for the establishing of rates, and it provides for the acquisition of resources to produce power.

Nowhere in the bill does the bill deal with atomic energy as such or with the storage of either spent nuclear fuels or nuclear wastes. The amendment would add a condition to the bill prohibiting the BPA from acquiring any resource derived from nuclear generation until the Nuclear Regulatory Commission licenses operation of a permanent storage facility for nuclear wastes and spent fuel.

That I believe would be the addition of a national program for dealing with spent nuclear fuel and nuclear waste to be added to a regional program to be administered by the BPA. This would impose burdens on an agency entirely different from those which are either set up in the bill, which be your State and regional planning councils, or the Bonneville Power Authority. In other words, the agency which would do this, under law, would be the Nuclear Regulatory Commission which is an agency not anywhere mentioned in the bill.

Essentially, the proposal is an attempt, indirectly, to amend the Atomic Energy Act and to deal with the question of spent fuel and nuclear waste on a nationwide basis as opposed to simply dealing with the question of power management as is provided in the bill; and I call to the attention of the Chair that the bill is regional in character; the amendment is national in character; the bill deals with power management. The amendment deals with nuclear waste, its storage and the establishment of a nationwide program for the storage and so forth of nuclear waste.

I would point out the language of the amendment says:

The Administrator may not acquire any resource derived from a new nuclear fuel generating facility—

This is not a nuclear fuel generating facility which would be present within the Bonnevile Power Authority service area, but it is sufficiently general to cover any nuclear generating facility in the United States.

Then it goes on and it says:

Until such time as the Nuclear Regulatory Commission—

Which is not mentioned in the legislation—

has licensed the operation of a permanent storage facility for high-level nuclear waste and spent fuel from commercial nuclear generating facilities.

These nuclear generating facilities are not within the Bonneville Power market area but are anywhere in the United States. And it could include those in the Northeast, the Southeast, the Southwest, in Alaska, or in Hawaii—none of them within the area served. The amendment is much more broad than the bill and deals with quite different matters.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The Chair controls the time. Does the gentleman from Ohio wish to be heard on the point of order?

□ 1130

Mr. BROWN of Ohio. Mr. Chairman, I would like to be heard on the point of order, but I would like to exchange a view with the gentleman from Michigan to reinforce the point of order.

Mr. JOHN L. BURTON. Regular order, Mr. Chairman.

The CHAIRMAN. There is no colloquy on a point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would be happy to speak on the point of order, to reinforce the position of the gentleman from Michigan.

There is an electrical power generation in-tie between the Southwestern part of the United States, that is, California, Utah, and Arizona, and that area, and the Northwestern part of the United States. This bill has an impact on the Northwest. Some of the power generated in that Southwestern in-tie is of a nuclear sort, and so the impact of this attempted amendment would be to impact, as the gentleman from Michigan points to, the generation of power in other parts of the United States and, therefore, I think is inappropriate from the standpoint of its germaneness, for that reason.

The CHAIRMAN. Does the gentleman from Oregon (Mr. AuCoin) wish to be heard on the point of order?

Mr. AuCOIN. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman. I am somewhat surprised to hear suggestions in defending the point of order that the people of the Pacific Northwest ought to be inflicted with a burden of building

additional nuclear powerplants without safeguards. It is the people in the region who will have to live with the consequences of cooling towers in the Pacific Northwest.

I think it is unfortunate that Members have argued that they ought to take those risks simply to shift the power southward or to any other region of the country.

But more to the point of order, Mr. Chairman, no one can rationally argue that the whole cycle of activities that is involved in nuclear power operation and construction can be separated out and considered alone. The storage of radioactive waste from the nuclear plants is just as much a part, an intrinsic part, of the whole process as the construction of the plant. It is a part of the same procedure, the whole life cycle of the plants, and, therefore, cannot be excluded and separated out, and it cannot be held that, somehow, that is not germane to the construction of plants, because the construction produces the result, that result, being waste. That waste has to be dealt with.

I would also make the point that the amendment does not require a contingency action on the part of this House or the Congress. The NRC is responsible for any plant that is constructed, nuclear powerplant that is constructed in this region. It is so under current law. So the NRC is very much affected by the thrust of this legislation by the terms of the legislation.

It may be that there is no specific reference to nuclear power in the bill. But no one has denied for a moment in the debate or informal discussions about the bill that nuclear powerplants cannot be constructed or will not be constructed under the terms of this bill. So this business about the amendment referring to the NRC regulatory agency, I think, Mr. Chairman, is a red herring.

I would further say that the amendment poses no contingency upon the House because existing law gives the Nuclear Regulatory Commission licensing and regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954. Among those powers are the licensing and regulatory authorities to operate facilities used primarily for the receipt and storage of high-level radioactive waste resulting from activities licensed under the Atomic Energy Act of 1954.

So no additional act of Congress is necessary, nor does this amendment require any additional act of Congress, because of the authorities already granted to the NRC. And my amendment simply says that, until that authority is used, either on the agency's own part or by further direction from the Congress, no additional nuclear powerplants will be constructed in the Pacific Northwest.

Now, Mr. Chairman, I regret that there are those who would try to kill this amendment by a technicality, but I would say that I do not think the point of order stands for the reasons I have stated.

Mr. KAZEN. Mr. Chairman, I rise in support of the point of order and to say that, under the terms of the amendment, there is additional responsibility placed on the NRC and the agencies within the province of this bill. By his own words, the author of the amendment has said that NRC has that authority, but under his amendment they will cease to have the authority to license and regulate. They will be told, "You cannot license any nuclear powerplant unless you have got a permanent storage for the waste." And, therefore, I submit that it does provide for additional duties and, therefore, would be nongermane to the bill.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. JOHN L. BURTON. I would like to speak in opposition to the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I do not believe that the statement of the distinguished gentleman from Texas saying that the NRC cannot license nuclear powerplants without safeguarding the people by dealing with the hazardous waste that is involved is a horrendous task placed on the NRC. I think that the point of order should be overruled. And I think that the bill is the biggest rape and ripoff of the public that I have ever seen in my life.

Mr. AuCOIN. Mr. Chairman, could I be heard on one additional point?

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. AuCOIN).

Mr. AuCOIN. Mr. Chairman, my friend from Texas, the subcommittee chairman, for whom I have a great deal of respect, has, I think, confused, momentarily, the difference between an amendment that would force the Nuclear Regulatory Commission to take an action as opposed to imposing on the Nuclear Regulatory Commission a new responsibility.

There is no new responsibility being imposed on the agency by this amendment. It does require action by the agency under the authority already granted to it by the Atomic Energy Act of 1954.

I would state to the Chair and to my friend, the gentleman from Texas, that the authority already existing exists under Public Law 93-438, title II. And for that reason I do not believe his argument stands.

The CHAIRMAN. The Chair is prepared to rule.

In the opinion of the Chair, the amendment offered by the gentleman from Oregon would impose a contingency which is not solely related to the issue of purchase and transmission of power in the Northwest region and which addresses potentially new NRC licensing authority for all Government and privately owned storage facilities on a national basis.

The Chair would cite, specifically, chapter 28 of Deschler's Procedures, section 24.15:

> An amendment delaying the effectiveness of a bill pending the enactment of other legislation and requiring actions by committees and agencies not involved in the administration of the program affected by the bill was ruled out as not germane.

On that basis, the Chair is constrained to sustain the point of order.

Mr. KAZEN. Mr. Chairman, it now becomes obvious that we will not be able to finish this bill today because of the vast number of amendments which the gentleman from Oregon is prepared to offer. I therefore, Mr. Chairman, instead of subjecting the Committee to staying here all day on this type of procedure, move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, had come to no resolution thereon.

□ 1140

APPROVAL OF PROTOCOL TO THE TRADE AGREEMENT RELATING TO CUSTOMS VALUATION

Mr. VANIK. Mr. Speaker, pursuant to section 151(f) of Public Law 93-618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from Louisiana (Mr. MOORE) and myself.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

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 consideration of the bill, H.R. 7942, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to section 151(d) of Public Law 93-618, no amendments are in order, and the bill shall not be read for amendment.

Pursuant to section 151(f) of Public Law 93-618 and the order of the House agreed to earlier today, the gentleman from Ohio (Mr. VANIK) will be recog-

nized for 10 hours, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 10 hours.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I yield myself 5 minutes, and I think that will be enough to describe the protocol.

Mr. Chairman, H.R. 7942 approves and implements into U.S. law the protocol to the Customs Valuation Agreement. The bill also makes technical amendments to the tariff schedules of the United States, relating to the classification of certain chemicals.

The protocol will amend the Customs Valuation Agreement, which was approved by Congress in the Trade Agreements Act of 1979, to eliminate one of the four tests under that agreement by which related parties can establish a transaction value for customs purposes. This amendment will have little impact on U.S. law but will greatly facilitate acceptance of the Customs Valuation Agreement by a significant number of developing countries.

The President negotiated the protocol under section 102 of the Trade Act of 1974. The protocol must be approved by Congress pursuant to the same provisions of the Trade Act of 1974 which applied to the Trade Agreements Act of 1979, including at least 90 days notice to Congress of the President's intention to sign the agreement, and the submission of an unamendable implementing bill.

The President submitted the implementing bill, H.R. 7942, on August 1. Under the Trade Act procedures, Congress must act on the bill within 90 legislative days.

The administration strongly supports this bill, believing that the protocol, as negotiated with both developed and developing countries, meets the concerns of the developing countries while preserving the integrity of the basic agreement. The related party test which is being deleted would be difficult for developing countries to administer, and our concession in agreeing to the protocol should result in meaningful participation by the developing countries in the Customs Valuation Agreement.

The Committee on Ways and Means favorably reported H.R. 7942 by voice vote on September 16, 1980, and I urge its passage.

Mr. MOORE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is not a controversial bill. It cleared our Subcommittee on Trade and the full Ways and Means Committee without objection. Only one element of the protocol to the Customs Valuation Agreement requires a change in U.S. law. This change would remove one of the four tests under the agreement by which related parties can establish a transaction value for customs purposes. The test requires customs officers to accept a transaction value between a related buyer and seller if the importer demonstrates such transaction value closely approximates the transaction value of identical goods imported from a third country.

This provision reflects a major concern less developed countries (LDC's) have concerning their relationship with large multinational corporations.

In order to facilitate participation by LDC's in the Custom Valuation Code, the developed countries agreed to make certain changes in the code designed to ease the concerns of the LDC's. H.R. 7942 would implement the resulting negotiated settlement.

Mr. Chairman, I know of no opposition to this bill, and I urge its passage.

I have no further requests for time, and I yield back the balance of my time.

Mr. VANIK. Mr. Chairman, I yield back the balance of my time and urge adoption of the bill.

The CHAIRMAN. The gentleman from Ohio yields back the balance of his time. The gentleman from Louisiana yields back the balance of his time.

All time has expired.

Under the statute, the bill shall be considered as having been read.

The bill reads as follows:

H.R. 7942

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

SECTION 1. APPROVAL OF PROTOCOL TO THE TRADE AGREEMENT RELATING TO CUSTOMS VALUATION.

(a) APPROVAL OF PROTOCOL.—In accordance with the provisions of sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the Congress approves—

(1) the trade agreement entitled "Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade" (hereinafter in this Act referred to as the "Protocol") submitted to the Congress on August 1, 1980, and;

(2) the statement of administrative action proposed to implement such trade agreement submitted to the Congress on that date.

(b) ACCEPTANCE OF PROTOCOL BY THE PRESIDENT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may accept the Protocol for the United States.

(2) LIMITATION ON ACCEPTANCE OF PROTOCOL.—Paragraph (3) of section 2(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2503 (b)(3)) (relating to the limitation on acceptance of trade agreements concerning major industrial countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is referred to in such paragraph (3).

(c) APPLICATION OF PROTOCOL.—Paragraph (2) of section 2(b) of such Act of 1979 (19 U.S.C. 2503(b)(2)) (relating to the application of agreements between the United States and other countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is accepted by the President under paragraph (1) of such section 2(b).

(d) RELATIONSHIP OF PROTOCOL TO UNITED STATES LAW.—Subsections (a), (b), (c), and (f) of section 3 of such Act of 1979 (19 U.S.C. 2504 (a), (b), (c), and (f)) (relating to the priority of domestic law in case of conflict, implementing regulations, statutory changes to implement agreement amendments, and disclaimer regarding the creation of any private right of action or remedy) apply to the Protocol and for such purpose the Protocol shall be treated as a trade agreement approved by the Congress under section 2(a) of such Act of 1979.

SEC. 2. CONSEQUENTIAL AMENDMENT TO UNITED STATES LAW RELATING TO CUSTOMS VALUATION.

Effective on the latest of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect,

(2) the date on which the President accepts the Protocol for the United States, or

(3) the date on which the President determines that the European Economic Community has implemented the Protocol under its laws,

and effective with respect to merchandise exported to the United States on or after that date, section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a), as amended by section 201 of such title II, is further amended by striking out subparagraph (B) of subsection (b)(2) and inserting in lieu thereof the following:

"(B) The transaction value between a related buyer and seller is acceptable for the purposes of this subsection if an examination of the circumstances of the sale of the imported merchandise indicates that the relationship between such buyer and seller did not influence the price actually paid or payable; or if the transaction value of the imported merchandise closely approximates—

"(i) the transaction value of identical merchandise, or of similar merchandise, in sales to unrelated buyers in the United States; or

"(ii) the deductive value or computed value for identical merchandise or similar merchandise;

but only if each value referred to in clause (i) or (ii) that is used for comparison relates to merchandise that was exported to the United States at or about the same time as the imported merchandise.".

SEC. 3. TECHNICAL AMENDMENTS RELATING TO TARIFF CLASSIFICATION OF CERTAIN CHEMICALS.

(a) GENERAL AMENDMENTS.—Effective on the later of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect, or

(2) the date of the enactment of this Act,

and effective with respect to merchandise exported to the United States on or after such later date, subparts B and C of part 1 of schedule 4 of the Tariff Schedules of the United States, as amended by section 223(d) of such title II, are further amended as follows:

(A) Subpart B is amended—

(i) by striking out the superior heading for item 402.84 and inserting in lieu thereof "Other hydrocarbon derivatives:";

(ii) by amending the article description for item 403.61 to read as follows: "5-Chloro-2-nitroanisole; 6-Chloro-3-nitro-p-dimethoxybenzene; Dimethyl diphenyl ether; 4-Ethylguaiacol; and 2-α-Hydroxyethoxyphenol";

(iii) by striking out item 403.76 and inserting in lieu thereof the following:

"	Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols, and other single or complex oxygen-function aldehydes; cyclic polymers of aldehydes and paraformaldehyde:		
403.74	Terephthalaldehyde..	1.7¢ per lb. +11.6% ad val.	7¢ per lb. +37% ad val.
403.76	Other.....	1.7¢ per lb. +12.9% ad val.	7¢ per lb. +41% ad val.

(iv) by amending the article description for item 400.32 to read as follows: "Naphthalic anhydride; Phthalic acid; and 4-Sulfo-1,8-naphthalic anhydride";

(v) by striking out "p-Aminobenzoylaminonaphthalene sulfonic acid;" "'Aminophenol, substituted;" "3-(N-Ethylanilino)-propionic acid, methyl ester;", "1-(p-Nitrophenyl)-2-amino-1,3-propane diol;", and "Toluidine carbonate;" in item 404.84;

(vi) by amending item 404.92—

(I) by striking out "p-Acetamino-benzaldehyde;",

(II) by inserting "3-(N-Ethylanilino)-propionic acid, methyl ester;" immediately after "4-Dimethylaminobenzaldehyde;",

(III) by inserting "1-(p-Nitrophenyl)-2-amino-1,3-propanediol;" immediately after "2-Methyl-p-anisidine [NH₂=1];",

(IV) by striking out "Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,10-dioxo-2-anthramide); and"; and

(V) by inserting "; and Toluidine carbonate" immediately after "L-Phenylalanine";

(vii) by amending item 405.28—

(I) by inserting "p-Acetamino-benzaldehyde;" immediately before "p-Acetanisidide;",

(II) by inserting "p-Aminobenzoylamino-naphthalenesulfonic acid;" immediately after "p-Aminobenzoic acid isooctyl-amide;",

(III) by inserting "2-(m-Hydroxyanilino)-acetamide;" immediately after "Gentisamide;",

(IV) by striking out "and" after "N-(7-Hydroxy-1-naphthyl) acetamide;", and

(V) by inserting "Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,-10-dioxo-2-anthramide); and" immediately before "Phenacetin, technical";

(viii) by striking out "2-Amino-5-nitrobenzonitrile;" in item 405.56;

(ix) by inserting immediately after item 405.84 the following new item:

" 405.85	4,4₀- Diphenyl-bis-phosphonous acid, di(2',2'',4',4''-di-tert-butyl)phenyl ester	1.7¢ per lb.+ 12.5% ad val.	7¢ per lb. +40% ad val. ";

(x) by amending item 406.36—

(I) by inserting "3-(5-Amino-3-methyl-1-H-pyrazol-1-yl) benzenesulfonic acid;" immediately after "Aminomethylphenylpyrazole (Phenylmethylaminopyrazole);",

(II) by inserting "4-[[4,6-Bis(octylthio)-1,3,5-triazine-2-yl] amino]-2,6-di-tert-butylphenol;" immediately after "3-Amino-1-(2,4,6-trichloro-phenyl)-5-pyrazolone;",

(III) by inserting "1-(o-Ethylphenyl)-3-methyl-2-pyrazolin-5-one;" immediately after "6-Ethoxy-2-benzothiazolethiol;", and

(IV) by striking out "4-Chloro-1-methylpiperidine hydrochloride;", "1,4-Dimethyl-6-hydroxy-3-cyanpyridone-2;", "o-Ethylpyrazolone;", "Iminopyrazole-3-sulfonic acid;" and "3-Quinuclidinol;",

(xi) by inserting immediately after item 406.72 the following new item:

" 406.73	4-Chloro-1-methylpiperidine hydrochloride; 1,4-Dimethyl-6-hydroxy-3-cyanopyridone-2; Di(2,2,6,6-tetramethyl-4-hydroxypiperidine) sebacate; and 3-Quinuclidinol	1.7¢ per lb. + 12.4% ad. val.	7¢ per lb. + 39.5% ad val. ";

and

(xii) by inserting immediately after item 406.81 the following new item:

" 406.82	Dehydrolinalool and Isophytol	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.".

(B) Subpart C is amended—

(i) by amending the headnotes to such subpart by striking out headnote 6, and by redesignating headnotes 7 through 12 as headnotes 6 through 11, respectively;

(ii) by striking out "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb);" in item 408.21;

(iii) by amending item 408.24—

(I) by striking out "1,2-Benzisothiazolin-3-one;",

(II) by striking out "and" immediately after "(Phosalone);", and

(III) by inserting "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb); and" immediately below "(Phosalone);";

(iv) by striking out item 408.32 and inserting in lieu thereof the following:

	Other:		
" 408.31	1,2,-Benzisothiazolin-3-one	1.7¢ per lb. +12.8% ad val.	7¢ per lb. +41% ad val.
408.32	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val. ";

(v) by striking out item 408.52;

(vi) by striking out items 411.36 and 411.40, and the superior heading thereto, and inserting in lieu thereof the following:

" 411.40	Papaverine and its salts	1.7¢ per lb. + 28.9% ad val.	7¢ per lb. + 104% ad val. ";

(vii) by inserting "Ethaverine hydrochloride;" immediately after "Ergonovine maleate;" in item 411.44;

(viii) by inserting "Cleamastine hydrogen fumarate;" immediately before "Diphenhydramine" in item 411.52; and

(ix) by striking out the article description for item 413.50 and inserting in lieu thereof "Paints and enamel paints, and stains".

(b) SPECIAL AMENDMENTS.—The President may proclaim the following amendments to subpart B of part 1 of schedule 4 of such schedules, to be effective not sooner than the date on which the amendments made by subsection (a) take effect:

(1) In numerical sequence insert the following:

" 406.83	Dimethylsuccinoyl succinate	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val. ".

(2) Strike out item 407.15 and insert the following:

	Other:		
" 407.14	Mixtures of 1,3,6 Naphthalenetrisulfonic acid and 1,3,7 Naphthalenetrisulfonic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
407.16	Other	1.7¢ per lb. +13.6% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. +43.5% ad val., but not less than the highest rate applicable to any component material. ".

(c) STAGING.—The rates of duty in column numbered 1 for items 403.74, 406.73, and 408.31 (as added by subsection (a)) shall be subject to any staged rate reductions proclaimed by the President for items 404.32, 406.36, and 408.24, respectively.

Mr. VANIK. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. 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 pro tempore. The question is on the passage of the bill.

The bill was passed.

DIRECTING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7942

Mr. VANIK. Mr. Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 809

Resolved, That the Clerk of the House of Representatives, in the engrossment of the bill (H. R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes, is authorized and directed to make the following corrections:

Page 5, line 22, strike out "α-Hydroxyethoxyphenol';" and insert "(α-Hydroxyethoxy)-phenol';".

Page 6, in the matter appearing immediately before line 1, strike out "aldehydephenols," and insert "aldehydephenols,".

Page 6, line 6, strike out "naphthalene sulfonic acid;" and insert "naphthalenesulfonic acid;".

Page 6, line 7, insert a comma after "tuted;".

Page 6, line 8, insert a hyphen after "propane".

Page 6, line 20, strike out "1-amino-9," and insert "1-Amino-9,".

Page 7, line 2, strike out "L-Phenylala" and insert "λ-Phenylala".

Page 7, line 10, strike out "isooctyl-amide" and insert "isoocytylamide".

Page 7, in the matter appearing after line 23, strike out "4,4'- Diphenyl" and insert "4,4'-Diphenyl".

Page 9, line 4, strike out "12" and insert "13".

Page 9, line 5, strike out "11" and insert "12".

Page 10, strike out the matter appearing after line 20 and ending before line 1 on page 11 and insert the following:

	Other:		
" 407.14	Mixtures of 1,3,8 Naphthalenetrisulfonic acid and 1,3,7-Naphthalenetrisulfonic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
407.16	Other	1.7¢ per lb. +13.8% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. +43.5% ad val., but not less than the highest rate applicable to any component material. "

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, this resolution simply directs the Clerk of the House of Representatives to make cor-

rections in the engrossment of H.R. 7942. These corrections are all purely technical in nature. They are strictly printing and clerical errors such as the inclusion of commas, hyphens, or the adding of parenthesis to the description of individual chemicals.

I ask that this correcting resolution be adopted.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1150

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the acting majority leader as to the program for the balance of the day and the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Washington.

Mr. FOLEY. At the conclusion of the last order of business, we would expect to program no further bills for today.

The schedule for next week is as follows:

The House will meet at noon on Monday and will vote on suspensions, there being 28 bills. All votes will be postponed until the conclusion of the debate on each suspension bill, but the votes will be held on Monday at the conclusion of debate.

The suspension bills are as follows:

S. 885, Pacific Northwest Electric Power Planning and Conservation Act;

H.R. 8112, Ute Mountain Indians, Colorado;

S. 1972, Sangre de Cristo Development Corporation;

H.R. 5584, Paiute Indians trust lands;

H.R. 5496, historic preservation amendments;

H.R. 4968, real estate investment trust;

H.R. 7709, cigarette tariffs;

H.R. 6750, hoverskirt tariffs;

H.R. 7660, duty free treatment of freight containers;

H.R. 7802, ephedrine tariffs;

H. Con. Res. 376, relating to United States-Japan trade;

S. 1918, Defense Officer Personnel Management Act;

H.R. 3765, Concur in Senate Amendment to Walnut Marketing Act;

H.R. 999, Plant Variety Protection Act amendments;

H.R. 3559, emergency medical services in National Forest System;

H.R. 6933, patent and trademark laws amendments;

H. Res. 693, sense of House re age discrimination in appointment of judges;

H.R. 7873, Gasohol Competition Act;

H.R. 154, Gold Star Wives bill;

H.R. 2279, National Ski Patrol bill;

H. Con. Res. 301, sense of Congress re foreign language studies;

H.R. 5888, police and firefighters death benefits, United States Code, title 5;

H.R. 7126, Toxic Substances Control Act, 1980 amendments;

S. 1828, Milner Dam bill;

H.R. 7039, fish development, concur in Senate amendment;

H.R. 6671, inland navigational rules;

H.R. 7805, American Folklife Center reauthorization; and

H.J. Res. 205, Ralph J. Bunche Monument, New York City.

The House will meet at noon on Tuesday and at 10 a.m. during the balance of the week. On Tuesday there will be the Private Calendar and the second budget resolution for fiscal year 1981, subject to a rule being granted. After that we will consider the following bills:

H.R. 6417, the Surface Transportation Act of 1980, under an open rule with 1 hour of debate. The rule will have been adopted;

H.R. 6811, the International Development Association and African Development Bank, under an open rule with 1 hour of debate;

H.R. 6704, Juvenile Justice and Delinquency Prevention Act, under an open rule with 1 hour of debate. The rule will have been adopted;

H.R. 5615, Intelligence Agents Identities Protection Act, under an open rule with 1 hour of debate; and

H.R. 6386, the Legal Services Corporation authorization, under an open rule with 1 hour of debate.

The House will adjourn at 3 p.m. on Friday. The adjournment times on all of the days will be announced. This announcement, of course, is subject to the usual condition that conference reports may be brought up at any time and any further program may be announced later.

Mr. Speaker, I want to correct a misstatement I made earlier in the colloquy with my friend. I suggested we would have no further business today. I am advised that the leadership intends to call up two rules.

Mr. MICHEL. Would the gentleman tell us what those rules pertain to?

Mr. FOLEY. I would say to the gentleman that the rules pertain to surface transportation and juvenile justice.

Mr. MICHEL. Do I understand that those are the two that will be considered next week?

Mr. FOLEY. Yes. Other than that, there will be no further business today.

Mr. MICHEL. Then, am I correct in assuming that after adjournment next week, with the session through Friday, that we will definitely be off for the week of Thanksgiving, the entire week?

Mr. FOLEY. The gentleman is correct. It is the intention of the leadership, when the House adjourns on Friday next, to seek agreement to adjourn until December 1.

Mr. MICHEL. Then we will definitely be in session that first week in December?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. Both parties will have their freshmen orientation during the latter part of that week. Am I to assume that we will strive for an adjournment sine die on the 5th day of December?

Mr. FOLEY. That is the announced intention of the leadership on this side and the Senate Democratic leadership as well. There will be an attempt, and I think it is a firm intention, to adjourn sine die on the 5th of December.

Mr. MICHEL. For the further information of the Members, it would be the intention of the majority side to have its caucus the following week, beginning December 8; would it not?

Mr. FOLEY. It is my understanding that both the Democratic Caucus and the Republican Conference are scheduled for the 8th, 9th, and 10th of December.

Mr. MICHEL. I would say to the gentleman that that is the preliminary information we were depending upon for our own conference, assuming the majority was wedded to those dates.

Mr. Speaker, might I also inquire then in that first week in December when we are in session, would we expect a reconciliation conference report? Is the gentleman prepared to respond to that kind of question?

Mr. FOLEY. I believe it is hoped that there will be a conference report available at that time.

Mr. MICHEL. Now, there are no appropriation bill conference reports scheduled, although the gentleman has said that conference reports may be brought up at any time. In the absence of our completing work on all the conference reports on money bills, then of course we have to enact a continuing resolution; is that correct?

Mr. FOLEY. The gentleman is correct. I think it is, again, the intention to try and complete action on as many appropriation bills as possible. In the event that some appropriation bills cannot be concluded, then it is the intention to proceed in a limited way with a continuing resolution.

Mr. MICHEL. Then, Mr. Speaker, if I might ask one final question, is that December 5 adjournment date set in concrete? Is it still in limbo?

Mr. FOLEY. Mr. Speaker, I would suggest to the gentleman that it would be unwise for Members to make firm plans for the 6th of December, but that is my own personal caution. I have seen many firm dates slip 1 day. It is the intention of the leadership to conclude sine die on the 5th, but I think the gentleman would agree with me that it would not be wise for Members to schedule themselves on the 6th in a way that would make it impossible for them to adjust the schedule if we slipped 1 day.

However, there is no intention to go beyond that week.

Mr. MICHEL. That is the key answer. I would like to assume that after concluding, whether it is the 5th or 6th or even running into Sunday, Members on both sides would want to stay here, except for those who have no reason to stay, for the organizing caucus and conference on our side. After that time, they may want to begin making plans for the Christmas season and for the balance of the year.

Mr. FOLEY. Mr. Speaker, I would hesitate to give advice to Members, but I think any Member would be fairly confident to make plans for the week following the caucus and conference meet-

ings, assuming that the House would not be in session.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his responses.

I yield back the balance of my time, Mr Speaker.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1200
ADJOURNMENT TO MONDAY, NOVEMBER 17, 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday, November 17, 1980.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 6704, JUVENILE JUSTICE AMENDMENTS OF 1980

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 732 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 732

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 6704, the House shall proceed, section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill (S. 2441), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 provides for the consideration of the bill H.R. 6704, the Juvenile Justice Amendments of 1980, to provide a 4-year extension for the programs under the Juvenile Justice and Delinquency Prevention Act of 1974 and to broaden the scope of such programs.

This is an open rule, Mr. Speaker, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purposes of amendment under the 5-minute rule. The resolution provides for one motion to recommit.

In addition, the rule waives points of order against the committee substitute for failure to comply with the provisions of clause 5, rule XXI, which prohibits an appropriation in a legislative bill. Although there are no actual appropriations in the legislation, certain provisions of the bill could technically be construed as new appropriations; thus, the waiver was necessary.

Mr. Speaker, the rule further provides that upon adoption of H.R. 6704, the House shall proceed to the consideration of S. 2441, the Senate passed version of the legislation and insert the House-passed language. The rule waives section 401(a) of the Budget Act against consideration of the Senate bill. Section 401 (a) of the Budget Act provides that it shall not be in order to consider any bill which provides new contract or new borrowing authority unless that bill also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation acts. Section 304(b) of the Senate bill could be construed as providing new contract authority, and since it fails to limit the availability of such authority, the bill would be subject to a point of order under section 401(a) of the Budget Act. H.R. 6704 completely cures the Budget Act violation in the Senate bill and the Budget Committee has indicated that it has no objection to this technical waiver.

H.R. 6704 furthers congressional efforts to formulate a comprehensive approach to juvenile justice. I urge my colleagues to adopt House Resolution 732, so that the House may proceed to the consideration of this important legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 is the rulemaking in order the consideration of H.R. 6704, the Juvenile Justice Amendments of 1980 that extend the authorization of appropriations for the Juvenile Justice and Delinquency Prevention Act of 1974.

This is an open rule, as the gentleman from Illinois (Mr. MURPHY) has described, providing for 1 hour of general debate. The amendment recommended by the Committee on Education and Labor in the nature of a substitute is made in order by the rule as an original bill for the purposes of amendment under the 5-minute rule.

A waiver is provided against a point of order that the bill does not comply with clause 5 of rule XXI, which prohibits appropriations in a legislative bill. This waiver is necessary because the bill prescribes new purposes for which funds already appropriated are to be used.

In addition, one motion to recommit with or without instructions is provided for.

After passage of H.R. 6704, the rule makes in order the consideration of S. 2441 and waives section 401(a) of the Budget Act against consideration of the Senate bill. This waiver is made necessary because the Senate bill provides contract authority which has not been provided for in advance by an appropriation act.

It shall then be in order, under the rule, to move to strike out the provisions of the Senate bill and insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

Mr. Speaker, H.R. 6704 provides a 4-year reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, under which the Federal Government has carried out a formula grant-in-aid program to assist States and local governments to improve efforts in preventing and controlling juvenile delinquency.

The bill authorizes $200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and $25 million each year for the same period for youth programs.

As reported by the Committee on Education and Labor, the bill expanded the original act to include assisting State and local governments in removing juveniles from jails and lockups for adults; and requires that beginning 5 years after the date of enactment State plans provide that no juveniles be detained or confined in any jail or lockup for adults.

I am informed that the managers of the bill have agreed to accept an amendment that will be offered by the gentleman from Missouri (Mr. COLEMAN) to modify the reported bill.

The Coleman amendment would extend the requirement for removal of juveniles from adult jails from 5 to 7

years; require that regulations to carry out the new provision take into account the special problems of rural areas to permit the temporary detention of juveniles accused of serious crimes against persons; and requiring a study by the executive branch within 18 months on the costs that will face the States and local governments when juveniles will be required to be removed from adult jails, as well as the possible adverse effect of the new requirement on State and local governments.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

PROVIDING FOR CONSIDERATION OF H.R. 6417, SURFACE TRANSPORTATION ACT OF 1980

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 767 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 767

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 767 is the rule providing for the consideration of the bill H.R. 6417, the Surface Transportation Act of 1980. It is an open rule, with one hour of general debate, and it makes in order the committee amendment in the nature of a substitute. The bill will be read for amendment by titles instead of by sections, and each title will be considered as having been read. In addition, there are two waivers of points of order.

The first is a waiver of section 402(a) of the Budget Act. Section 402(a) prohibits consideration of a bill authorizing spending in a fiscal year if it was not reported by May 15 preceding the beginning of the fiscal year. The waiver was originally necessary because two sections of the bill would possibly have authorized spending in fiscal 1980. The Public Works Committee had agreed to offer floor amendments curing the violations, so the waiver was essentially technical in any case. In addition, since we are now beyond the 1980 fiscal year, the waiver is doubly a technical matter.

There is also a waiver of clause 5 of rule XXI, which prohibits appropriations in an authorization. That waiver is necessary because one section of this bill allows the Secretary of Transportation to make funding available for emergency repairs to transit systems damaged by natural disasters, if that should be necessary. Since the way the section is worded, it could result in using money that has already been appropriated in a way that is slightly different from what it was originally appropriated for, it is technically an appropriation in an authorization and requires the waiver.

Mr. Speaker, this bill is a major piece of transportation legislation. It revises and extends funding for several important programs—for the various efforts of the Urban Mass Transportation Administration, for new and existing rail systems, for university transportation research, for terminal development, for intercity bus service, for emergency repairs in areas hit by natural disasters, and so forth.

In addition, the bill changes or clarifies current law in several significant instances. It creates, for example, a uniform means of identification for elderly and handicapped persons who wish to use transit systems, and strengthens the authority of the Transportation Department to insure that adequate safety standards are met in transit systems funded by the Urban Mass Transportation Administration.

This is important legislation, Mr. Speaker, and I urge the support of all my colleagues for this rule and for the bill.

□ 1210

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 767 is the rule under which the House will consider H.R. 6417, the Surface Transportation Act of 1980 which extends the authorization of appropriations for highway construction, highway safety, and mass transportation programs.

This is an open rule, as the gentleman from Massachusetts (Mr. MOAKLEY) has described, providing for 1 hour of general debate. The amendment recommended by the Committee on Public Works and Transportation in the nature of a substitute is made in order by this rule as an original bill for the purposes of amendment under the 5-minute rule. The committee amendment will be read by titles instead of by sections.

Two waivers are provided in the rule, one waiving section 402(A) of the Budget Act and one waiving clause 5 of rule XXI. The Budget Act waiver was necessary because the bill as reported by the Public Works Committee authorized new budget authority during fiscal year 1980 and the bill had not been reported prior to May 15, 1979.

However, the Public Works Committee has agreed to offer an amendment striking the 1980 funding from the bill and thus bringing it into compliance with the Budget Act. As a consequence, the chairman of the Budget Committee, the Honorable ROBERT GIAIMO, has indicated he has no objection to this waiver—which is purely technical in nature—to permit consideration of the bill.

The waiver of clause 5, rule XXI, which prohibits appropriations in a legislative bill, is provided because a section of the bill creates an emergency repair fund for public transportation equipment and facilities damaged by natural disasters and thereby prescribes new purposes for which funds already appropriated may be used.

In addition, one motion to recommit with or without instructions is provided.

Mr. Speaker, H.R. 6417 provides a 4-year reauthorization of highway construction, highway safety and mass transportation in both urban and rural areas, totaling $23.153 billion through 1985. There is little doubt as to the necessity for this legislation, in fact the bill comes to the floor from the Public Works Committee without dissent or minority views.

The major provisions of the bill authorize expenditures to replenish the highway emergency fund, to implement energy conservation goals, and increase the existing authorizations for both the formula mass transit operating and capital grant program and the discretionary capital grant mass transit program.

The remaining noteworthy provision of the bill, Mr. Speaker, is section 223, the so-called Cleveland amendment. This provision eliminates the present requirement that all public transportation which receives Federal funding be "fully accessible" to handicapped persons, and provides exemptions for transit systems that have equivalent special services for the disabled.

This is a local option approach, in my opinion, that is designed to provide enough flexibility in communities across

the Nation while at the same time insuring that alternative services to the handicapped meet service criteria.

Mr. Speaker, there is no disagreement on the need for this legislation, there is no controversy with this rule, and I urge the adoption of the rule.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SENATE AMENDMENT TO H.R. 3765

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

● Mr. FOLEY. Mr. Speaker, on Monday, November 17 one of the suspensions to be considered by the House will be a request by me to concur in the Senate amendment to H.R. 3765. For the information of the Members the Senate amendments are as follows:

H.R. 3765

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

SEC. 101 Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after $2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": *Provided further*, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": *Provided*, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: *Provided further*, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary.".

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or

other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agriculture Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay

loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assist-

ance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE.

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Amend the title so as to read: "An Act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COTTER (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. RANGEL (at the request of Mr. WRIGHT), for today through November 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 30 minutes, today.

(The following Members (at the request of Mr. COELHO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FOLEY, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROYER) and to include extraneous matter:)

Mr. GOLDWATER.

Mr. WYDLER.

Mr. CORCORAN.

Mr. LEWIS.

(The following Members (at the request of Mr. COELHO) and to include extraneous matter:)

Mr. FORD of Michigan.

Mr. DONNELLY.

Mr. MOTTL.

Mr. YATRON.

Mr. EDWARDS of California in two instances.

Mr. WHITE.

Mr. RODINO.

Mr. RICHMOND.

Mr. DE LA GARZA in 10 instances.

Mr. SIMON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3193. An act to designate the Jacob K. Javits Federal Building; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. COELHO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, November 17, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5620. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics) transmitting notice of the proposed conversion to contractor performance of the commissary shelfstocking and custodial services function at McClellan Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5621. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed new records system and of proposed changes in two existing systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5622. A letter from the Assistant Attorney General (Antitrust Division) transmitting the annual report for fiscal year 1979 on competition in the coal industry, pursuant to section 8 of the Federal Coal Leasing Amendments of 1976; to the Committee on Interior and Insular Affairs.

5623. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation transmitting a report covering the month of June 1980, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5624. A letter from the Professional Audit Review Team, transmitting a report on the team's evaluation of the energy data collection and analysis activities of the Energy Information Administration, pursuant to section 55(a) of the Federal Energy Administration Act, as amended; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California:

H.R. 8347. A bill to amend the Internal Revenue Code of 1954 to provide a credit for amounts contributed to an individual housing account; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 8348. A bill to amend the Congressional Budget Act of 1974 to limit the levels of total budget outlays contained in the concurrent resolutions on the budget and to study including certain off-budget items as budget outlays for purposes of such act; jointly, to the Committees on Rules and Government Operations.

By Mr. LLOYD:

H.R. 8349. A bill to provide new dates for Federal elections, to provide a uniform period of time during which polls must remain open for Federal elections, to regulate absentee ballots for Federal elections, to create a Board of Voter Registration and for other purposes; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7824: Mr. QUILLEN, Mr. CORCORAN, Mr. LEE, Mr. BONKER, Mr. FINDLEY, Mr. MADIGAN, Mr. STEED, Mr. JACOBS, Mr. MARLENEE, Mr. GRASSLEY, Mr. STOCKMAN, Mr. DEVINE, Mr. HORTON, Mr. MILLER of Ohio, Mr. KINDNESS, Mr. GUYER, Mr. GINN, Mr. BAUMAN, Mr. SYNAR, Mr. GRISHAM, Mr. COURTER, and Mr. SAWYER.

H.R. 8046: Mr. BEREUTER, Mr. DAVIS of Michigan, Mr. ERDAHL, Mrs. FENWICK, Mr. GLICKMAN, Mrs. HECKLER, Mr. MARRIOTT, and Mr. NEAL.

H.R. 8054: Mr. FORSYTHE, Mr. VAN DEERLIN, Mr. MATSUI, Mr. LAGOMARSINO, Mr. LEE, Mr. GOLDWATER, Mr. HUGHES, Mr. SHUMWAY, Mr. MILLER of California, Mr. PASHAYAN, Mr. STARK, Mr. AUCOIN, Mr. ROUSSELOT, Mr. BOB WILSON, Mr. DIXON, Mr. PHILLIP BURTON, Mr. BADHAM, Mr. ROYER, Mr. GRISHAM, and Mr. CLAUSEN.

H.J. Res. 516: Mr. BROWN of California, Mr. CONYERS, Mr. DORNAN, Mr. EVANS of Georgia, Mrs. HECKLER, Mr. LOWRY, and Mr. LUJAN.

H.J. Res. 579: Mrs. SPELLMAN.

H.J. Res. 598: Mr. DANIELSON, Mr. JONES of Tennessee, Mr. GINGRICH, Ms. MIKULSKI, Mr. CARR, Mr. NOWAK, Mr. MOFFETT, Mr. HOPKINS, and Mr. BROWN of Ohio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

630. By the SPEAKER: Petition of the Board of County Commissioners of Clear Creek County, Colo., relative to the general revenue sharing program; to the Committee on Government Operations.

631. Also, petition of the police jury of Webster Parish, La., relative to the general

revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6386

By Mr. KRAMER:

—Page 2, after line 12, insert the following new section:

SEC. 2. The fourth sentence of section 1004(f) of the Legal Services Corporation Act (42 U.S.C. 2996c(f)) is amended by inserting "and the Governor of the State" immediately after "Corporation".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1006(d)(5) of the Legal Services Corporation Act (42 U.S.C. 2996e(d)(5)) is amended—

(1) by inserting "(A)" immediately after "express approval of";

(2) by inserting immediately before the period at the end thereof the following: ", and (B) the advisory council of the State in which the recipient is located"; and

(3) by adding at the end thereof the following new sentence: "Each State advisory council shall notify the regional director of the Corporation of each class action undertaken pursuant to this paragraph with the approval of such advisory council.".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1007(f) of the Legal Services Corporation Act (42 U.S.C. 2996f(f)) is amended to read as follows:

"(f)(1) At least thirty days prior to the approval of any grant application, the entering into of any contract, or the initiation of any other project, the Corporation shall provide notification of such grant, contract, or project to—

"(A) the Governor or chief executive officer of the State in which legal assistance will be provided pursuant to such grant, contract, or project;

"(B) the State bar association of such State;

"(C) the chief elected official (or the governing body if there is no chief elected official) of the unit of local government for each locality in which legal assistance will be provided pursuant to such grant, contract, or project; and

"(D) the principal local bar associations for each such locality.

Such notification shall include a reasonable description of the grant application or proposed contract or project and shall request comments and recommendations.

"(2) If, within the thirty-day period described in paragraph (1) of this subsection, the Governor or chief executive officer of the State in which legal assistance will be provided pursuant to the grant, contract, or other project involved submits to the Corporation notice of disapproval of—

"(A) such grant, contract, or other project; or

"(B) any particular activity or type of legal assistance proposed to be conducted under such grant, contract, or other project,

then such grant, contract, or other project, or such particular activity or type of legal assistance (as the case may be) may not be undertaken.

"(3) Upon the request of the Governor or chief executive officer of a State in which a recipient providing legal assistance under this title is located, the Corporation shall, in accordance with section 1011 of this title—

"(A) terminate all financial assistance provided to such recipient in connection with any grant, contract, or other project under this title; or

"(B) terminate financial assistance provided to such recipient for a particular activity or type of legal assistance.".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1008 of the Legal Services Corporation Act (42 U.S.C. 2996g) is amended by adding at the end thereof the following new subsection:

(f)(1) The Corporation shall require each recipient to maintain documentation demonstrating the eligibility of each person to whom such recipient provides legal assistance and the Corporation shall periodically review such documentation to assure compliance with the rules and regulations establishing eligibility criteria for receipt of assistance under this title.

(2) The Corporation shall include in its annual report prepared under subsection (c) of this section a summary of the eligibility documentation prepared by recipients under paragraph (1) of this subsection and of the Corporation's actions to assure compliance with eligibility requirements.

—Page 2, after line 12, insert the following new section:

SEC. 2. (a) The Legal Services Corporation Act (42 U.S.C. 2996 et seq.) is amended by redesignating sections 1012 through 1014 as sections 1013 through 1015 and by inserting after section 1011 the following new section:

"PENALTIES

"SEC. 1012. (a) Any officer or employee of the Corporation or of any recipient who violates any provision of this title shall be fined not more than $500 or imprisoned for not more than one year, or both.".

H.R. 6417

By Mr. SIMON:

—Page 24, strike out line 22 and all that follows through line 13 on page 26 and insert in lieu thereof the following:

"(d)(1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which ensures that no handicapped person is denied effective transportation services by a recipient and which—

"(A) provides that the recipient will provide transportation to handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that capacity exists so that no person who is eligible for a service under an approved program shall be excluded from using that service in accordance with that approved program;

"(C) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(D) provides that if the recipient charges a fare for transporting a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(E) provides that if the program is designed to provide for the transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than 24 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to eligible handicapped persons upon request in less than 8 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than 3 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(F) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(G) provides that, where feasible, the recipient shall also provide transportation, if requested by the handicapped person, to at least one person accompanying a handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(H) provides that the recipient will provide transportation to handicapped persons for at least the same time periods for which the recipient provides mass transportation to the general public;

"(I) provides that information concerning the availability of the transportation to be provided under the program will be widely and regularly disseminated;

"(J) provides that transportation will be provided to handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public; and

"(K) provides for accessibility of buses purchased to the extent required under paragraph (7) of this subsection.

"(3) Each program submitted under this subsection must provide that any new inaccessible buses, and after January 1, 1983, rail rolling stock purchased with Federal financial assistance will be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses and rail rolling stock accessible to and usable by handicapped persons. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(4) The Secretary shall not approve a program under this subsection unless (A) the program has been developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (B) the program has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(5) A recipient may amend a program

approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) such amendment was developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (C) the amendment has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Act of August 12, 1968 (P.L. 90-480), commonly known as the Architectural Barriers Act of 1968, and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation, and any private remedies available with respect to compliance with title V of the Rehabilitation Act of 1973 shall be available with respect to compliance with an approved program under this subsection. Any judicial remedy seeking to direct a Federal official to withhold financial assistance shall neither be available without prior resort to the Secretary, unless the complainant alleges and a court of competent jurisdiction finds that the exhaustion of the administrative procedure under this paragraph would be futile or would deny timely relief, nor shall any such remedy be available to a greater extent than provided for under this subsection. Nothing in this subsection shall be construed to prohibit the use of facilities and equipment by handicapped persons able to use such facilities and equipment.

"(7) In the case of an urbanized area with a population greater than 50,000, each program submitted under this subsection must provide that at least 50 percent of the buses purchased are accessible to and usable by handicapped persons, except that the Secretary shall approve a program meeting the requirements of paragraphs (2) and (3) of this subsection that provides for such lesser percentage of accessible buses as the Secretary finds the recipient has demonstrated has the substantial support of the community of handicapped persons residing in the recipient's service area. A recipient shall not be required to provide service which would duplicate accessible bus service. Each program submitted under this subsection for an urbanized area with a population greater than 50,000 which provides for the purchase of less than 50 percent accessible buses shall provide at least once every three years for the community of handicapped persons residing in the recipient's service area to reconsider whether that community's substantial support continues for the continued purchase of less than 50 percent accessible buses. In the event the community of handicapped persons withdraws its substantial support, the recipient shall amend its program to provide that 50 percent of the buses purchased thereafter or another percentage lower than 50 percent which has the substantial support of the community of handicapped persons residing in the recipient's service area shall be accessible to and usable by handicapped persons.

"(8)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 percent of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(10) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transportation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway or waterborne system constructed after the date of enactment of this Act;

"(B) to the extension of any fixed guideway or waterborne system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multi-year program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system in any case in which the Secretary determines that the replacement, major alteration, or major renovation of such segment (i) affects or could affect the accessibility of such segment, (ii) has sufficient independent utility for the transportation of handicapped persons, and (iii) can feasibly make such segment accessible or more accessible to handicapped persons.".

—Page 24, strike out line 22 and all that follows through line 13 on page 28 and insert in lieu thereof the following:

"(d)(1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities and equipment used by the recipient to provide mass transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which ensures that no handicapped person is denied effective transportation services by a recipient and which—

"(A) provides that the recipient will provide transportation to handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that capacity exists so that no person who is eligible for a service under an approved program shall be excluded from using that service in accordance with that approved program;

"(C) provides that any requirement for preregistration for a service shall neither place an undue burden on handicapped residents or handicapped visitors nor exclude handicapped visitors from using the service;

"(D) provides that if the recipient charges a fare for transporting a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(E) provides that if the program is designed to provide for the transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to eligible handicapped persons upon request in less than eight hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than three hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(F) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(G) provides that, where feasible, the recipient shall also provide transportation, if requested by the handicapped person, to at least one person accompanying a handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(H) provides that the recipient will provide transportation to handicapped persons for at least the same time periods for which the recipient provides mass transportation to the general public;

"(I) provides that information concerning the availability of the transportation to be provided under the program will be widely and regularly disseminated;

"(J) provides that transportation will be provided to handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public; and

"(K) provides for accessibility of buses purchased to the extent required under paragraph (7) of this subsection.

"(3) Each program submitted under this subsection must provide that any new inaccessible buses, and after January 1, 1983, rail rolling stock purchased with Federal financial assistance will be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses and rail rolling stock accessible to and usable by handicapped persons. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(4) The Secretary shall not approve a program under this subsection unless (A) the program has been developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (B) the program has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(5) A recipient may amend a program approved under this subsection if (A) the Secretary, in consultation with the Archi-

tectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) such amendment was developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (C) the amendment has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Act of August 12, 1968 (P.L. 90-480), commonly known as the Architectural Barriers Act of 1968, and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation, and any private remedies available with respect to compliance with title V of the Rehabilitation Act of 1973 shall be available with respect to compliance with an approved program under this subsection. Any judicial remedy seeking to direct a Federal official to withhold financial assistance shall neither be available without prior resort to the Secretary, unless the complainant alleges and a court of competent jurisdiction finds that the exhaustion of the administrative procedure under this paragraph would be futile or would deny timely relief, nor shall any such remedy be available to a greater extent than provided for under this subsection. Nothing in this subsection shall be construed to prohibit the use of facilities and equipment by handicapped persons able to use such facilities and equipment.

"(7) In the case of an urbanized area with a population greater than 50,000, each program submitted under this subsection must provide that at least 50 percent of the buses purchased are accessible to and usable by handicapped persons, except that the Secretary shall approve a program meeting the requirements of paragraphs (2) and (3) of this subsection that provides for such lesser percentage of accessible buses as the Secretary finds will ensure that the recipient's transportation program is meeting the transportation needs of the handicapped persons residing in the recipient's service area. Notwithstanding any other provision of this paragraph, in the case of an urbanized area with a population greater than 750,000, all buses purchased must be accessible to and usable by handicapped persons until at least 50 percent of the buses owned by the recipient are accessible to and usable by handicapped persons. A recipient shall not be required to provide service which would duplicate accessible bus service. Each program submitted under this subsection for an urbanized area with a population greater than 50,000 which provides for the purchase of less than 50 percent accessible buses shall provide at least once every three years for the community of handicapped persons residing in the recipient's service area to advise the Secretary whether the recipient's transportation program is meeting their needs. In the event the Secretary finds that the recipient's transportation program is not meeting the needs of the handicapped persons residing in the recipient's service area, the recipient shall amend its program to provide that 50 percent of the buses purchased thereafter or another percentage lower than 50 percent which the Secretary determines will meet the needs of handicapped persons residing in the recipient's service area shall be accessible to and usable by handicapped persons.

"(8)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 percent of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(10) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transportation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway or waterborne system constructed after the date of enactment of this Act;

"(B) to the extension of any fixed guideway or waterborne system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multi-year program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system in any case in which the Secretary determines that the replacement, major alteration, or major renovation of such segment (i) affects or could affect the accessibility of such segment, (ii) has sufficient independent utility for the transportation of handicapped persons, and (iii) can feasibly make such segment accessible or more accessible to handicapped persons.".

SENATE—*Friday, November 14, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, whose mercies are new every morning, we thank Thee for colleagues and friends who help us on life's way and who, in some small way, we may help. Thanks be to Thee for those who have given us guidance, counsel, and good example, for those whom it is a joy to be with and in whose company the hours pass all too quickly. We thank Thee for moments of success which inspire new endeavors and for times of failure which keep us humble and make us to remember how much we need Thee.

May Thy grace descend upon all who labor in this place that daily we may grow stronger, purer, kinder. Help us to shed old faults and to gain new virtues until, by Thy grace, life becomes altogether new and we are enabled to set forward Thy kingdom on Earth.

Hear this, our morning prayer, in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 14, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, from time to time when the budget is being debated and election campaigns are being waged, we hear talk of the "billion dollar Congress." The implication of this expression is that the workings of Congress cost the taxpayers a billion dollars a year. Of course, there is some legerdemain involved in this argument, for the billion dollar figure also includes appropriations for several support agencies, such as the Government Printing Office, General Accounting Office, and Library of Congress. These essential agencies provide valuable assistance to Congress, but they also perform services for the Executive and Judicial Branches, and for the general public.

Recently, in my continuing series of statements on the history and development of the Senate, I spoke at length about the Library of Congress, one of our most important supporting agencies. Today I would like to direct my colleagues' attention to the development of the Government Printing Office which was established more than a century ago in 1861.

Before discussing this agency, let me point out that there are several other significant support agencies of more recent vintage. The Office of Technology Assessment was established in 1972 to help us anticipate the long range effects of technology on the lives of Americans. It and the Congressional Budget Office, created six years ago, are familiar to all of us. As both agencies are relatively new, there is little by way of their history for me to recount. Accordingly, I shall pass them by, not out of want of appreciation for their fine work, but rather to allow a decent interval to pass so that their accomplishments can be seen in the fullest historical perspective.

THE GOVERNMENT PRINTING OFFICE

Mr. President, members of the public would be amazed at the amount of printed material that crosses a senator's desk each day. The *Congressional Record,* and *Federal Register,* the bills, the hearings, the calendars, the reports, are just a few of these items.

I am told by the Government Printing Office that congressional printing is still a slow and tedious process, notwithstanding the many and diversified technological improvements which have developed to facilitate the rapid production of our printed material. Few persons outside of the Government Printing Office, or those having daily business with the printers, have any idea of the numerous processes through which written matter must pass before it becomes a finished, printed, publication. Yet we have certainly come a long way in public printing since the early days of our Republic.

Printing has always been a necessity of our democratic government. The Continental Congress had its printing done by the publishers of newspapers in the states where sessions of Congress were held. In 1777, owing to the repeated changes in the seat of government, Congress found itself without the means of publishing its acts or printing its Journals. In October of that year a resolution was adopted authorizing the "Committee of Intelligence" to take speedy action for erecting a printing press in Yorktown, "for the purpose of conveying to the public the intelligence that Congress may from time to time receive."

A decade later, in 1787, when delegates from the states assembled in Philadelphia to draft our Constitution, James Wilson of Pennsylvania argued that "the people have a right to know what their Agents are doing or have done, and it should not be in the option of the Legislature to conceal their proceedings." From this declaration we date our belief that government business is public business, for "the people have a right to know."

The first mention of public printing in the *Annals of Congress* related to printing the laws. Early in the first session of the First Congress, Peter Silvester of New York introduced a resolution recommending that proposals be invited for "printing the laws and other proceedings" of Congress. The First Congress commenced doing its printing by permitting each bill or other document to be printed by special resolution passed by whichever House desired the printing. This was soon found impracticable and the subject was referred to a special joint committee. The following report of that committee was finally adopted by both Houses:

> That it would be proper that it should be left to the Secretary of the Senate and the Clerk of the House of Representatives to contract with such persons as shall engage to execute the printing and binding business on the most reasonable terms, the paper being furnished by the said Secretary and Clerk to such person at the public expense; that such person as they shall contract with shall be obligated to render a statement of his accounts quarterly.

Under the operation of this report the public printing of the First Congress was executed. The estimate for Senate printing, including stationery, printing, bookbinding, and all contingent and incidental expenses of the first session was $2,300. The *Senate Journal* of the first session made 172 folio pages, including the index, and was printed by Thomas Greenleaf, proprietor of the *Advertiser.*

In 1804, the Senate empowered its Secretary to advertise for proposals for

printing, stationery, and fuel for the next Congress, and to award the contract to the lowest bidder. This assumption, on the part of each expiring Congress, was acquiesced in, and so long as there was nothing in the state of political parties which might render the printers chosen by one Congress unacceptable to the next, no one complained. But before long this method became wholly impractical.

The system of giving the public printing to the lowest bidder prevailed until 1819. The work done under that system was unsatisfactory, and excited, from time to time, an endless amount of unfavorable criticism, especially over the delays and inaccuracies in the finished product. In 1819 a special joint committee made the first proposal for a national printing office, stating that public printing "might all be done here at much less expense were a national printing office established."

On the same day that the committee's proposal was enacted, Joseph Gales, Jr. and William W. Seaton were elected printers to the Senate and House. I have spoken of these two men, in their capacities as the publishers of the *National Intelligencer*, and as early stenographers of congressional proceedings, in my earlier remarks on the official reporters of debate. They held their position with the House through the late 1830's, but lost their posts as printers to the Senate in 1829, after a long and bitter fight, to Duff Green. The debates at that time show that public printing was regarded as patronage to be used by the party in power to support its favored news "organ".

The abuse of this patronage system became so flagrant that in 1828 the House ordered an investigation into the subject of public printing. This investigation exposed shocking conditions which led to reform. The report, for example, claimed that "Large documents are directed to be printed which in fact are altogether useless, and the evil is greatly increased when the numerous copies are ordered, which in many cases swell the profits of the printer without corresponding benefits to the country."

Despite these criticisms, public printing continued on a patronage basis for another thirty years. In 1831 the *Globe*, a semi-weekly newspaper owned by Francis P. Blair, began to report the debates of Congress. Blair had come to Washington from Kentucky at the invitation of President Andrew Jackson to publish a paper dedicated to the administration. Shortly afterwards, Jackson introduced Blair to John C. Rives, a Treasury clerk and also a Kentuckian.

Rives was a little larger than our current Sergeant at Arms in the Senate as far as height was concerned. Rives stood 7 feet tall and weighed 240 pounds. With his weight, he was a somewhat smaller man than our good Sergeant at Arms, Nordy Hoffman.

Rives was an excellent writer. The firm of Blair and Rives was formed and entered the field of reporting and publishing the proceedings of Congress in book form—a field which for years had been monopolized by Gales and Seaton.

On December 7, 1833, the first issue of the *Congressional Globe* made its appearance as a weekly with full reports of Senate and House activities. The firm of Blair and Rives, and its successors, remained in business as printers of the *Congressional Globe* until 1873, when the Government Printing Office assumed the printing of the CONGRESSIONAL RECORD.

By the 1840's and 1850's it became apparent that private enterprise was not working as a suitable medium for public printing. Congress became alarmed at the swollen profits and poor products of the private printers and began exploring means of reform. In 1852 a new law provided for a Superintendent of Public Printing to supervise the contracting of printing jobs. But, because the government's printing needs were growing rapidly, there was no single print shop in Washington capable of handling all the orders. As a result, work done in many different shops created a wide variety of styles in government documents. In 1856 Cornelius Wendell built a large private printing plant on H and North Capitol Streets, which somewhat relieved these problems—but Wendell was still competing with other printers for orders and could not be assured of the bulk of government contracts.

In 1860 the Congress debated the merits of establishing a government printing office. Proponents of the bill argued that it would produce public printing efficiently and economically without enriching private and often partisan printers. Opponents believed that the new government bureau would only add "great additional expenditure . . . and God only knows where it will end." But on June 23, 1860, Joint Resolution 25 was adopted, and on March 4, 1861, in one of his last official acts, President James Buchanan signed it, thus creating the Government Printing Office.

President Lincoln appointed John D. Defrees as Superintendent of Public Printing for the first Government Printing Office, and for $135,000 the government purchased Wendell's large printing plant on North Capitol Street. This was a neighborhood known as "Swampoodle." The Government Printing Office is still located at that address, just a few blocks from the Capitol, and many of us pass its red brick buildings on our way to work. It was with some amusement, therefore, that I read the following account of the site at the time the Government Printing Office moved in: "Making a straight way from Capitol Hill across Tiber Creek, which you will cross by stepping-stones deposited in its basin, and taking a footpath across lots where geese and pigs browse upon plentiful barrenness, you will reach the printing-house in 10 or 15 minutes, and hear the hum of its machinery."

Swampoodle, a corruption of "swamp puddle," then lacked such amenities as paved streets or street lighting, and was always in danger of flooding by the Tiber Creek (known as an "indescribable cesspool") until the creek was finally diverted into underground pipes in 1876. The new Government Printing Office also purchased one wagon and two horses for its delivery rounds.

Those first days were hectic as the Civil War began just a few weeks later. Government Printing Office printers set type day and night, and also drilled as soldiers to protect the city and the building. Government printing orders mushroomed; the cost of paper doubled and tripled until it became almost unobtainable at any price. The war created a scarcity of paper and printing ink, and paper makers issued frantic appeals for rags and other materials to turn into paper. As inflation hit the Civil War capital, the workers at the Government printing plant struck in 1863 for higher wages and a reduction of work hours. Settled amicably, this was the first and last strike at the Government Printing Office. A threatened strike in 1866, however, did win an eight hour day for the workers.

In 1873, as I mentioned earlier, the Government Printing Office took over printing the proceeding of Congress, and the first *Congressional Record* appeared on March 5, 1873. The Government Printing Office also established some stylistic reforms in the printing of the *Record*, which won widespread approval. Later in March, the *New York Times* carried the following report: "Those who have been accustomed to read the *Congressional Globe* in the form in which it was furnished during the sessions of Congress will remember how ungainly and inconvenient it was. The *Congressional Record* . . . is a great improvement . . . each page is divided into two broad columns; the type is clear and full; and the sheets are stitched together. The work is creditable to the Government Printing Office." The format of the 1873 *Record* is actually quite similar to that of the *Record* we know today, although now it is printed in three columns to a page rather than two.

During the nineteenth century the Government Printing Office steadily modernized, adding new linotype machines, larger presses, and, in 1882, electric power. By the turn of the century, newspapers were calling GPO the "World's Greatest Printing Office." At the same time the Government Printing Office was building new headquarters, that familiar red brick structure still in use today. Also in this period the Superintendent of Documents reported that his division had built a library of historical and contemporary government publications, which totaled some 82,000 documents and maps. Today that collection, many times increased, has been donated to the National Archives and is the core of its immensely rich and valuable Printed Records Division—containing a copy of nearly every document ever printed by the Government Printing Office.

The growth of both the federal government and the Government Printing

Office continued apace, and by 1929 it became necessary for Congress to authorize the Printing Office to purchase some printing from outside sources. At first this was limited to tabulating cards, maps, and other speciality work. This authority was later expanded to meet the tremendous needs of World War II. Commercial printers, who lost great amounts of their private work during the war time economy, appealed for a share of the public printing and the great expansion of military and civilian printing easily accommodated their demands. Just as one example of the emergency requirements on the Government Printing Office in those days, when American troops crossed the Rhine river, they built a bridge assembled from instructions in a manual which the Government Printing Office was given only ten days to produce.

The intense and rapid growth in the volume of government printing led to a tremendous increase in the amount of commercial printing procured by the Government Printing Office. This volume of commercial printing declined after World War II, but within a short time it increased again substantially. Over the last twenty years, the volume of government printing has increased more rapidly than the production capacity of the Government Printing Office. As a result of the commercial procurement program, the percentage of total government printing handled in-house by the Government Printing Office has declined even though its work for the Congress had increased.

In 1960, thirty-nine percent of the dollar volume of government printing was obtained commercially and sixty-one percent produced by the Government Printing Office. By the mid-1970's, that pattern was reversed. In 1974, sixty-four percent was procured commercially, with thirty-six percent done by the Government Printing Office. This trend of purchasing about two-thirds of the Government Printing Office's requirement has been in keeping with federal printing procurement policy that the government should not perform printing work that could be obtained commercially. The Joint Committee on Printing has also required that printing be done nearest the point of origin of the document, or where the product is to be distributed. This decentralization of printing has furthered the movement toward commercial printing of government documents.

Fourteen regional printing procurement offices are now operated by the Government Printing Office and the majority of agency printing is purchased from the private sector through these field offices and the central Washington office.

The workload of the Government Printing Office has also been facilitated by the introduction of electronic photocomposition and advanced electronic text processing systems. These new systems enable the Government Printing Office to turn out government documents at an incredible rate. Last year alone, the Superintendent of Documents shipped over 19,500,000 documents to the nationwide system of 1,329 depository libraries. In addition, the Government Printing Office operates twenty-five bookstores which, in 1978, sold publications worth more than six million dollars.

An average of 80,000 mail requests per week are received at the Government Printing Office's Pueblo, Colorado Distribution Center. In the fiscal year 1978, the Center mailed ten million catalogs of federal publications and 151,000 Spanish-language catalogs, primarily in response to written request. In addition, each member of Congress is allotted 35,000 consumer information catalogs for distribution to his or her constituency. Finally, the availability of these catalogs is advertised nationally to alert citizens.

I think it would be quite instructive to add here a list of the all-time best selling government publications still in the Government Printing Office's active sales inventory:

	Total sales
1. Infant Care	17,401,652
2. Prenatal Care	11,840,126
3. Your Child From 1 to 6	8,939,256
4. Your Child From 6 to 12	3,497,114
5. Rescue Breathing (wallet-size card)	2,902,648
6. Metric Conversion (wallet-size card)	2,594,900
7. Septic Tank Care	2,125,526
8. United States Postage Stamps	1,620,137
9. Federal Benefits for Veterans and Dependents	1,596,612
10. United States Government Manual	1,399,730
11. Adult Physical Fitness	1,351,024
12. Adolescent in Your Home	1,271,559
13. Removing Stains From Fabrics	1,240,292

Other frequently requested titles include:

Backyard Mechanic, Volume 1.
Backyard Mechanic, Volume 2.
Dictionary of Occupational Titles, 4th Edition.
Handbook of Mathematical Functions.
How to Identify and Resolve Radio-TV Interference.
In the Bank . . . Or Up the Chimney?
Occupational Outlook Handbook, 1980–81.
United States Industrial Outlook, 1980.
Citizens Band Radio Service Rules, Part 95, Subpart D.

Mr. President, I think these lists vividly illustrate that, while the Government Printing Office is considered a congressional support agency, it serves not only the Congress but the public as a whole.

But, certainly, the *Congressional Record* remains the Government Printing Office's most important product and its more remarkable service to the Congress and the nation. As one computer trade journal, the *Seybold Report*, commented on the *Congressional Record* in January of this year:

Not even the Sunday *New York Times* produces such a flow of words, and certainly is not called upon to do so every day of the week that Congress convenes—and with no foreknowledge of whether the proceedings will run a mere thirty-two pages, or a hefty 384 pages.

To give some idea of the demanding schedule that printing of the *Record* imposes, let me list the normal deadlines for each stage of production: by 7:00 p.m., all tabular material must be submitted to the Government Printing Office. Manuscript copy of so-called "straight material" is due by 9:00 p.m. Speech material must be received by midnight. By 1:15 a.m., typesetting is completed. By 2:30 a.m., proofreading is completed. By the way, there could be better proofreading in the Government Printing Office. By 3:30 a.m., page makeup is completed. By 4:45 a.m., the last plate goes to press. By 5:15 a.m., the first copies reach the collating and binding division. And by 6:00 a.m., the first delivery to Congress is ready.

Because of the demanding nature of overnight production, and the unpredictable size of each issue of the *Record*, the Government Printing Office still uses hot metal linotype presses, rather than computerized photocomposition. To date, only printing of the "Extension of Remarks" section of the *Congressional Record* has been automated. However, the Government Printing Office anticipates some rather significant changes in future production. Expanded use of the computer will speed production of the *Record* and result in a savings in cost, as the more than one hundred linotype machines are retired from service in the cavernous Government Printing Office building—still located at its "Swampoodle" address.

To keep abreast of the new technology, the Joint Committee on Printing, which oversees the operation of the Government Printing Office, has appointed an advisory committee on Automation and Standardization of Congressional Publications. This advisory committee, composed of staff members from the Senate Committee on Rules and Administration, the House Administration Committee, the Library of Congress, the Congressional Research Service, the Government Printing Office, and the Joint Committee on Printing, has since 1977 been studying ways of reducing costs and improving the timeliness of congressional documents. As a result of their studies, the Joint Committee has approved the acquisition of computers, phototypesetters, and other electronic composition equipment. The equipment is now installed and operational in the Government Printing Office.

Mr. President, the Government Printing Office today, under the direction of the Acting Public Printer Samuel Saylor, does a commendable job for the Senate. We are all indebted to the Government Printing Office for its usual promptness and proficiency, generally, in producing the daily *Congressional Record*, the published committee hearings, the reports, bills, and other documents which are the staple of our everyday reading here, on Capitol Hill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I thank the Chair. I have no requirement for my

time this morning; I have no request for time, and I yield it back.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business and Senators may speak therein, and that the period not exceed 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I believe the managers of the bill will be prepared to begin debate thereon at 10 o'clock today. As a matter of fact, under the order the time on the amendment by Mr. PRESSLER begins running at 10 o'clock.

So, unless the distinguished minority leader has other plans at the moment, I think I will ask unanimous consent that the Senate stand in recess until 10 o'clock this morning.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, at 9:34 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HEFLIN).

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the bill yield me 30 seconds?

Mr. HUDDLESTON. Yes, I yield.

ORDER OF PROCEDURE TODAY

Mr. ROBERT C. BYRD. Mr. President, to avoid the possibility that some Senators may be under the impression that the session will not be a long one today, we have plenty of work to do. We hope to complete action on all amendments to the Interior appropriations bill with the exception of the amendment that was carried over by Mr. BRADLEY until Monday. I anticipate that we shall be in session until that work is done if we can possibly achieve it. That means 5:30, 6, 6:30, or 7, whatever.

I hope that Senators will not come during the middle of the afternoon and say, "Well, I understood that there would be no more rollcall votes." I should like to put that to rest right at this moment.

I thank the Senator for yielding.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 7724, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2620

The PRESIDING OFFICER. The pending question is an amendment by the Senator from South Dakota (Mr. PRESSLER) on which there will be a 30-minute time limitation.

Who yields time?

Mr. PRESSLER. Mr. President, my amendment is at the desk. I might say I am cosponsoring this amendment with Senators BIDEN, STEWART, HEFLIN, RANDOLPH, PRYOR, MCGOVERN, DOLE, COCHRAN, WALLOP, DOMENICI, THURMOND, PELL, STENNIS, and SARBANES. We offer this amendment to the fiscal year 1981 Interior and related agencies appropriations bill in order to stop the trend toward elimination of the rural fire prevention and control program.

Mr. President, Senator STENNIS and Senator HEFLIN have joined in support of this amendment and will have statements to that effect.

The amendment adds $6.62 million for this program to the committee bill. That increment would put the total available for the program in fiscal year 1981 at the fiscal year 1979 level. Thus, we do not seek an expansion of the rural fire prevention and control program, as much as we feel that such an expansion would be warranted. We are budget realists.

Last year, the Senate adopted my amendment to add $15.56 million to the House-passed funding for this program. Unfortunately, the conferees then split the difference in the House's favor, leaving the fiscal year 1980 program with 22 percent less in actual dollars and about 40 percent less with inflation factored in.

If this program goes into conference with the Senate Committee's figure, and the conferees split the difference in the House's favor again, the program will end up with an enormous cut—not only from the fiscal year 1979 level, but also from the fiscal year 1980 level. This would be a mistake for several reasons.

First, 1980 has been a year of tremendous fire losses from coast to coast. The recordbreaking heat and drought conditions throughout the Nation brought about recordbreaking numbers of fires everywhere. In South Dakota alone, 90 percent of the State is listed under the disaster area designation. In several States, the incidence of fire on forest lands and wildlands has doubled over the previous year.

South Dakota has experienced wildfires and dollar losses from those fires at a level far above the average losses. To date this year, South Dakota has experienced 1,110 fires on forest and rangelands. This is almost double the average fire incidence level of 585 fires in normal years—42,500 acres have been burned this year, compared to the average of 19,600 acres burned in previous years. These losses translate into a minimum dollar loss of $10 million. One must wonder how many millions of dollars of fire losses could have been prevented if the rural fire prevention and control program had been adequately funded during 1980. Insurance premiums, too, are likely to increase if the States' ability to carry out fire protection decreases through a decline in support for the rural fire prevention and control program.

Second, hundreds of millions of acres of State and private forests and wildlands qualify for protection under this program. This year, the Federal funds in this program account for about 14 percent of all the funds spent to protect and to fight fires on these acres. But, in many States the percentage is much higher. Because of inflation and lower-than-expected revenues due to recession, these States are suffering an actual loss of fire protection and do not deserve a further reduction in the rural fire prevention and control program. South Dakota is a big State with about 26 million acres of land that qualify for protection under the program. Yet, we are a fairly sparsely populated State, and this makes fire protection a very costly and difficult effort. The same is true in many other States.

Mr. President, earlier this year, I joined with several other Senators in requesting that the President include $39 million for this program in his fiscal year 1981 budget request. But only $13.94 million was requested by the President, thus continuing the administration's plan to terminate the program. Their rationale for eliminating the program seems to be very weak. They say that the program has accomplished its purposes and should therefore be eliminated. With the distinct possibility that tens of millions of acres of valuable producing lands—which heretofore had been protected—would no longer be protected if this program ends, it is indeed strange reasoning to argue that the program has accomplished its purposes.

A third reason, Mr. President, for adopting this modest amendment is that there continues to be a strong national interest in having an effective cooperative relationship between the Federal Government and the States in providing protection against fire on the more than 800 million acres covered by the existing authority. Ever since the Weeks Act of 1911 first recognized a Federal responsibility in this area, cooperation between the two levels of government in this area has produced great benefits for both. To the extent that a reduction of this program—through inflation losses that are not made up by higher appropriations or an outright canceling of the program—reduces the ability of the States to protect State and private wildlands, that reduction also diminishes the capacity of the States to assist Federal fire authorities in protecting Federal forest and rangelands. Over the past 70 years, a very cooperative and mutually beneficial relationship has developed. It would be a tragedy if we permitted this sharing and cooperation in the protection of wildlands to end.

A fourth reason for maintaining and strengthening this program above the fiscal year 1980 level, but still below the fiscal year 1978 and 1979 levels, is to sup-

port the hundreds of thousands of volunteer fire personnel who provide the only firefighting and fire prevention available throughout rural and much of suburban America. These dedicated people work to protect their communities and surrounding wildlands at no pay—often risking their lives to protect the lives and property of others. These dedicated people set the highest possible democratic example as unpaid public servants, and they agree to be on call at all times no matter what their private duties and problems might be. Besides volunteering their time and their lives in what is often extremely dangerous work, they actively support fire protection and prevention by conducting fund-raising drives to raise the money needed for volunteer fire department operating expenses.

The Nation owes these people the minimal increase in support which we are asking through this amendment. These local fire departments depend heavily on rural fire prevention and control funds to equip and train volunteer fire personnel.

In conclusion, Mr. President, I ask unanimous consent that three items be printed in the RECORD immediately following my remarks. The first item is a fact sheet prepared by the South Dakota State Forestry Division Director, Mr. James D. Verville, explaining the great contribution of the rural fire prevention and control program during fiscal year 1980 in South Dakota.

The second and third items are articles from two leading weekly newspapers in South Dakota, describing the fierce struggles experienced this past summer in fighting fires in South Dakota. These articles were repeated in countless other daily and weekly papers throughout the State this year. I hope that the Senate will vote for, and protect through the conference process, the amount included in this amendment so that next year the people of South Dakota and rural and suburban America will not be reading the same horrible stories of severe fire destruction.

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

FISCAL YEAR 1980 UTILIZATION OF RURAL FIRE PREVENTION AND CONTROL FUNDS IN SOUTH DAKOTA

In FY '80 the Federal Rural Fire Prevention and Control funds were utilized to provide the following services:

1. Respond and take action on fifty (50) wildfires within the Black Hills.

2. The Fire Dispatch Center and one fire lookout tower were manned 7 days/week from April 1 to November 1, to assist local fire departments in the suppression of wildfires within the Black Hills.

3. Major repairs were made on one hundred and forty-two (142) of the three hundred and thirty-three (333) fire units located with local fire departments.

4. In the fire equipment program, we provided thirty-one (31) fire units to fire departments throughout the state to assist them in their rural fire suppression effort.

5. The Rangeland Fire Danger system was put into operation this year to assist in notifying the public in times of high fire danger.

6. Thirty-six (36) fire departments received two thousand seven hundred (2700) man-hours of basic wildfire training.

7. One hundred and twenty (120) inservice personnel received one thousand five hundred (1500) man-hours of advanced wildfire training.

8. Assistance was provided in the establishment of two (2) county fire advisory boards.

9. Twenty (20) fire departments received two hundred (200) man-hours of advanced wildfire training.

10. There were eighty thousand (80,000) pieces of fire prevention literature distributed to the public.

11. One hundred and thirty-eight (138) prevention program assists were given to local schools or in parades with the use of Smokey the Bear and the Puppet Show.

12. There were twenty-eight (28) news releases provided to the public during high fire danger time of the year.

13. Aerial detection was flown over the Black Hills during times of high potential fire starts.

14. There were one thousand two hundred (1200) acres of prescribed burning done within the Black Hills on privately owned lands.

15. Ninety-two (92) acres of fuel treatment were done on private land within the Black Hills. This consisted of piling hazardous fuels and constructing fuel breaks around areas of high resource value.

SOURCE: South Dakota Division of Forestry.

[Nation's Center News, Buffalo, S. Dak., July 17, 1980]

DROUGHT INCREASES FIRE DANGER: FIRE DEPARTMENTS KEPT BUSY WITH SEVERAL SMALL FIRES

(By Mrs. Bill Hollister)

FIRE!—that was the dreaded word in Harding County this past Thursday and Friday, and still is! Extreme heat, high winds, low humidity, and dry, dry conditions just right for fires—and when electrical storms pass through like the one this past Thursday—FIRE is the terrible result.

We had been home just a couple hours on Thursday when a severe storm came up creating much lightning and fires all over Harding County. We had our share here in the Redig area too! At about 3:30 p.m., smoke was spotted south southeast of our place and we left taking the Redig fire truck, to locate the fire. It was about two miles south of the Mike Fox ranch on the Bruggeman land now being leased by Gary Schmaltz. The small shower (.2 at the Junek Ranch) had doused it, but it wasn't long until high winds had fanned it and it was burning out of control! Bill, Jeanne, Mike Fox and I were not enough fighters, so I headed to the Mike Fox home and Roberta and I started calling in all directions, only to find that there were numerous fires all over Harding County. Despite this fact, response from all over was great! A fire truck from Buffalo was down here in record time and help came from every direction. The blaze was brought under control and we ate supper at Foxes about midnight, coming home about one a.m. to try to get some rest. At about 3 a.m. the phone rang and we got the word that the fire was raging out of control again! The wind was blowing a very strong gale. When we arrived at the fire it was traveling south quite rapidly and flames were shooting high into the air—a dangerous situation! People, fire trucks and pickups with sprayers were everywhere. It is really wonderful how people turn out to help at a time like that.

Bill, Mike and Doug Olson "baby-sat" the fire on Friday almost all day, putting out spot fires caused by smouldering cow chips and sage brush, fanned by the ever changing hot wind. We ladies took them lunch and dinner. About 4:30 p.m. we headed home to once again try to get some rest! The fire had covered somewhere between 200-250 acres of prairie and pasture land.

It was about two hours later at 6:30 p.m. when the phone again rang—the word was again, FIRE! This time it was a little farther south at the Doug Johnson ranch and was also lightning caused—this time in a hay corral. Lightning must have struck the hay on Thursday and smouldered until bursting into flames on Friday evening, nearly 24 hours later. It burned eleven of the so-called "bread-loaf" haystacks. It was a very hot fire and stack movers were brought from the neighbors to move the unburned hay. Cables and a Harding County road grader were used to pull the stacks apart. Fire fighters worked until well after midnight making a mighty long day for some of them. The wind became calm and the skies were free from thunder clouds so it was easier to relax, tho with the hot windy weather it is hard not to be just a little jumpy when that phone rings!

[From the Murdo (S. Dak.) Coyote, Aug. 7, 1980]

FIRES AND MORE FIRES

Fires, fires and more fires plagued the area over the weekend. Firemen would no sooner put out one fire, and another one would start almost instantly. The fires were a result of tinder-dry conditions throughout this area and a lightning storm which passed through on Friday afternoon.

Prairie fires were reported in all directions. More than 20 fires in the area burned thousands of acres of much needed pasture land. No estimate in dollars has yet been assessed. The rash of fires proved to be too much for one fire department and the call was put out to neighboring fire departments and local volunteers. Kennebec, Presho, Draper, Rosebud, Murdo, White River, Mission, Kadoka, Midland, Belvidere, Vivian and Ft. Pierre fire departments were all fighting fires in the area. On Friday afternoon, employees of the Okaton State Bank could count 11 fires burning south of Okaton. Fires reported to this office were on the following places: Frank Brost and Cal Smith, Leroy Stotts, Bud Manke, Ted Englands, Ollie Iwan, Jack Roghair, the old Dykstra place, Ted Richardsons, Bob Wilsons, Don Hight, Daum Brothers, and the Sletto and Seaman farms between Draper and Vivian—plus, many more places that were not reported to us.

The fire which started at the Seamans farm south of Draper burned all the way to Interstate 90. It also destroyed all of the buildings except for one shed at the Ray Volmer place, including a house and furniture. The fire was close to the Donald Volmer place, but a large dam prevented it from going further.

Greg Boyle who farms in that area, was on the way to help fight the fire and was injured when his pickup rolled over on a country road. He was taken to St. Mary's Hospital via ambulance and was reported to have broken ribs and back injuries.

The fire south of Stamford on the Iwan and England ranches burned east and almost reached the Bill Jensen place west of White River. It is an estimated 15 miles from Iwans to Jensens.

Changing winds hampered the fire fighting efforts. The fire-fighters would have a fire put out return to town and then changing winds would blow smoldering cactus or "cow chips" into the pasture and a full-scale fire would be blazing again. In Murdo, it was difficult to find any more men to fight the fires, as every available volunteer was already out someplace fighting. This reporter went out early Friday afternoon to take some pictures, and quickly discovered that volunteers were needed more than reporters. I returned to town and caught a passing pickup loaded with volunteers and headed for the Richardson ranch. It was the wee hours of the morning before any of us got to bed.

A story of this magnitude is difficult to report. We can only report that thousands of acres of land were burned and many farm-

ers are faced with the problem of what to do with their cattle. At todays prices, it is economically unfeasible to buy feed and so many face the prospect of selling herds that they have built-up over a long period of time. The federal government doesn't think that this area should be declared a disaster area. Many local people wish that they would come down from their "ivory palaces" in Washington, D.C. and see the conditions that many area farmers and ranchers are facing.

The saddest thing about the whole weekend, is that the thunder and lightning storms didn't bring any moisture to the parched prairie and high temperatures throughout the week only increase the fire danger in the area.

A grateful group of local ranchers and the local fire department wishes to thank all those neighboring fire departments and local volunteers who donated their time and equipment to help put out the fires. And also to the ladies who made sandwiches and furnished drinks to the hot and tired fire fighters. Times like these make us all proud to be living in such a community, where in times of trouble, people band together and help each other out.

In closing, we ask everyone to be especially careful. Be careful with fires, cigarettes and especially careful driving across the parched prairie. And, tonight before you go to sleep, pause and ask God to send the rain.

RURAL FIRE PREVENTION AND CONTROL PROGRAM

● Mr. STENNIS. Mr. President, I would like to urge my colleagues in the Senate to support this amendment which will provide funds for the rural fire prevention and control program. This program provides Federal assistance to the States for fighting and preventing fires on non-Federal, State, and private lands. The funds provided by this appropriation are used to provide fire control training courses for volunteer firemen, firefighting tools and equipment, and very importantly, it provides technical assistance in developing new and better ways to fight and control fires. Now for anyone who has lived around forests all their life the way I have, forest fires are a terrible thing. To see thousands and thousands of trees burned away and charred black over acres of land has a lasting impact.

This particular program, which concentrates on private lands and non-Federal lands, is very important and is an important supplement to the fire prevention and control program provided by the States and locally. The majority of our forest products come from private lands. These forest products provide us with hundreds of useful items that fill our daily lives—chemicals, soaps, paper, the wood in our homes, furniture. Literally hundreds of items come from our forests. Trees take decades to grow to maturity, and for me it has always been a heartbreak to see trees destroyed by the ravages of a forest fire. In my State of Mississippi there are 20 million acres of forest lands which are protected by this joint program. Under this joint protection, in 1978 fire destroyed only 123,000 acres of land. I am convinced that this good record was due to the joint efforts of the State and local programs as well as this rural fire prevention and control program, and my concern is that the level of funding which has been proposed in this legislation that is 45 percent below the fiscal year 1979 level and 38 percent below the fiscal year 1980 level falls to short of the requirement for proper protection. What is at stake here is a small program which is of great importance to the private and State forest lands of our Nation. Without proper fire control, we can expect a great increase in the loss of trees, private property, homes, and animal life. I urge that my colleagues support this program. I believe that it is of a high enough priority that the funding level requested by this amendment of $30.5 million is a small price to pay for a great return to our national economy.●

● Mr. HEFLIN. Mr. President, I speak in support of the amendment offered by the Senator from South Dakota relating to the rural fire prevention and control program. I am pleased to be a cosponsor of this important amendment.

Mr. President, I am deeply concerned about the future protection and management of our Nation's forest lands. This amendment will add $6.66 million to the program, bringing it up to its fiscal year 1979 funding level of $30.56 million. The House recommended only $13.9 million for rural fire protection and control. As you know, the Senate Appropriations Committee recommended $23.9 million. It is my belief that any reduction in funds for this important program would deal a crippling blow to my State of Alabama and to the entire Nation.

During 1979, over 3 million acres of land were burned by more than 163,000 forest fires across our Nation. To restore those lands, at today's rate of inflation, we would need $410 million.

Although forest fires were down by approximately 35 percent in my State, thanks to the dedicated efforts of Alabama firefighting personnel and firefighters from other States, the 5,000 fires that did occur resulted in a loss to the economy of Alabama of more than $45 million. This escalation of fire related costs, nationwide, makes it imperative for the Senate to pass an appropriation that will enable State and local authorities the opportunity to maintain services needed throughout each State.

Through cooperative programs with State and local governments, forest industries, and private landowners, the Forest Service helps to protect and manage 726 million acres of forest and associated watershed land. Technical and financial assistance is offered to improve fire, insect, and disease control; improve harvesting, processing, and monitoring of forest products; and to stimulate reforestation and timber stand improvement.

As has been pointed out by my colleague from South Dakota, Senator PRESSLER, over 90 percent of firefighting personnel in the United States are volunteers who receive no compensation for risking their lives to protect the lives and property of others.

To cut back funding for this program would, in my judgment, be a mistake. The States are simply not in a position to pick up the cost of running the rural fire protection program. Mr. President, I call on my colleagues today to approve this amendment and continue funding for this program at its current level, $30.56 million. This would be in our best interest and is absolutely necessary if we are to meet further demands for forest resources.

I submit two letters by Senator PRESSLER for the RECORD.

The letters follow:

U.S. SENATE,
Washington, D.C., September 22, 1980.

Re rural fire prevention and control.

DEAR COLLEAGUE: Last October, you joined us in successfully amending the FY 1980 Interior Appropriation bill to restore the appropriation for the Rural Fire Prevention and Control (RFPC) program to its FY 1979 funding level of $30.56 million. The conference agreement then set the program at $22.4 million for the current fiscal year—26 per cent below FY 1979 funding.

We appreciate your help last year and hope that you will support a similar amendment this year when the Senate considers H.R. 7724, the Interior Appropriations for FY 1981.

The House version of this bill contains only $13.9 million for Rural Fire Prevention and Control. The Senate Appropriation Subcommittee added $10 million, which would still leave the program funding 22 per cent below the level of two years ago. If inflation is factored in, the $23.9 million recommended by the Subcommittee is only 63 per cent of the amount available in FY 1979.

We will offer an amendment to add $6.66 million to the recommendation, thus restoring the program to the 1979 level. Fires caused by the severe heat and drought over most of the nation this year make it imperative that the Senate pass an appropriation which ensures that the conference committee leaves enough funding to facilitate state and local efforts to deal with their substantial increase in fire-related costs.

Over 90 per cent of firefighting personnel in the U.S. are volunteers who receive no compensation for risking their lives to protect the lives and property of others. At a time when state revenue sharing and other program cuts are hurting the essential services provided by those governments, Congress should show its support for volunteer fire control efforts by setting RFPC funding at $30.56 million for FY 1981.

We invite your cosponsorship of this amendment. Let us continue a program which has effectively contributed to fire protection and control on millions of acres of state and private forest lands.

Attached is a fact sheet on the Rural Fire Prevention and Control program. If additional information is needed, please contact Doug Miller of Senator Pressler's staff (4-1648) or Richard Nugent of Senator Biden's staff (5-5042).

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.
LARRY PRESSLER,
U.S. Senator.

RURAL FIRE PREVENTION AND CONTROL FACT SHEET

The existence of the Rural Fire Prevention and Control program can be traced back to the Weeks Act of 1911 which authorized the Secretary of Agriculture to enter into agreements with the states to "cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands" located upon a watershed of a navigable river.

RFPC is a proven and effective program. Funds distributed through state foresters have helped to strengthen local response capabilities, minimizing costly losses in acreage, property and human life.

The need for this program has not dimin-

lished. The language of Section 7 of the Cooperative Forestry Assistance Act of 1978 (PL 95-313) specifically addresses today's need:

(3) Notwithstanding the accomplishments and progress that have been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and material resources.

(4) The effective cooperative relationship between the Secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

It was this legislation which combined the Cooperation in Forest Fire Control Program and Rural Community Fire Prevention Program into the Rural Fire Prevention and Control Program. Unfortunately, the budget for the program has not matched the commitment expressed in the Cooperative Forestry Act; 1980 has been a year of unusually high fire destruction throughout the rural United States, brought about by severe heat and drought conditions. In South Dakota alone, wildfires this year are running over 50 percent above normal; over 6,000 acres have been destroyed at a loss of millions of dollars. Eastern states also have experienced fire conditions which have not existed for years.

Without the proposed $30.56 million funding level, there is a strong likelihood that the number of acres burned by wildfires in 1981 will exceed 1.8 million acres. The RFPC program is insurance to help protect the substantial federal interest in effective state and private forest management. National goals of ample food and fiber production, outdoor recreation, wildlife conservation and develpment, soil conservation, and stable water yields are all protected by this inexpensive program.

U.S. SENATE,
Washington, D.C., November 11, 1980.

Re: H.R. 7724—Interior appropriations "Rural Fire Prevention and Control."

DEAR COLLEAGUE: The recent recess may have reduced the visibility of the last "Dear Colleague" letter we sent out concerning the Rural Fire Prevention and Control (RFPC) program amendment which we will offer to the FY 1981 Interior Appropriations bill. Thus, this second letter is being sent as a reminder and an updating of the previous message.

During the past few weeks, the following Senators have been added as cosponsors of the amendment: Stewart, Heflin, Pryor, McGovern, Dole, Cochran, Wallop, and Domenici. A total of ten Senators now cosponsor the amendment, and the addition of your name as a cosponsor would be welcomed by all of us.

Last year the Senate approved—by a 55-38 vote (against tabling)—the same amount for the RFPC program which is included in the amendment being offered again this year. Unfortunately, conferees last year cut the Senate-passed funding for this program by 26 percent. This year the House bill proposes a further 38 percent cut from the FY 1980 level. The Senate committee bill provides $10 million more than the House version, but the proposed funding would still be a significant 45 percent below the FY 1979 level for this program with inflation factored in.

What is at stake here is the very survival of a small program which, despite its relatively small size, is extremely important to state and local governments in combating fire destruction on state and private forest lands. 1980 has been a year of great fire destruction throughout the United States. Many States have experienced a 30 to 40 percent increase in the number of wildfires, and similar percentage increases in the dollar value of property losses. These losses have been accompanied by dramatic increases to States and localities in the costs of fighting and preventing fires.

At a time when State revenue sharing and other program cuts are hurting the essential services provided by those governments, Congress should show its support for volunteer fire control efforts by setting RFPC funding for FY 1981 at $30.56 million.

Attached is a fact sheet on the rural fire prevention and control program. If additional information is needed, please contact Doug Miller of Senator Pressler's staff (4-1648) or Richard Nugent of Senator Biden's staff (4-5042).

Sincerely,

JOSEPH R. BIDEN, JR.,
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RFPC is a proven and effective program. Funds distributed through state foresters have helped to strengthen local response capabilities, minimizing costly losses in acreage, property and human life.

The need for this program has not diminished. The language of Section 7 of the Cooperative Forestry Assistance Act of 1978 (PL 95-313) specifically addresses today's need:

(3) Notwithstanding the accomplishments and progress that have been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and material resources.

(4) The effective cooperative relationships between the Secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

It was this legislation which combined the Cooperation in Forest Fire Control Program and Rural Community Fire Prevention Program into the Rural Fire Prevention and Control Program. Unfortunately, the budget for the program has not matched the commitment expressed in the Cooperative Forestry Act.

1980 has been a year of unusually high fire destruction throughout the rural United States, brought about by severe heat and drought conditions. In South Dakota alone, wildfires this year are running over 50 percent above normal; over 6,000 acres have been destroyed at a loss of millions of dollars. Eastern states also have experienced fire conditions which have not existed for years.

Without the proposed $30.56 million funding level, there is a strong likelihood that the number of acres burned by wildfires in 1981 will exceed 1.8 million acres. The RFPC program is insurance to help protect the substantial federal interest in effective state and private forest management. National goals of ample food and fiber production, outdoor recreation, wildlife conservation and development, soil conservation, and stable water yields are all protected by this inexpensive program.●

Mr. PRESSLER. Mr. President, Senator BIDEN wishes to speak. He is caught in traffic. Perhaps I might have the remainder of my time after the Senator from Kentucky finishes his statement, and that would be best.

Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor.

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

Mr. PRESSLER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes and twenty-seven seconds.

Mr. PRESSLER. I reserve that for Senator BIDEN when he comes.

Mr. HUDDLESTON. Mr. President, I yield myself 5 minutes.

Mr. President, the distinguished Senator from South Dakota has proposed to increase the funding level that has been provided in this bill for the rural fire control program by $6.6 million.

The subcommittee and the full Appropriations Committee are well aware of the importance of this program and they have been sympathetic to it. We had a budget request of $13.9 million presented to us. The House acted on that specific amount, and $13.9 million is what came to us from the House. The Senate committee added $10 million to that request, making our figure $23.9 million. Last year the expenditure was $22.4 million. So we are up $1.5 million over last year.

All of us would like to see all possible help provided for the various rural fire operations around this whole United States. But the distinguished Senator from South Dakota said he was a budget realist. He also has been one of the persistent advocates of a balanced budget, of restrained Federal spending.

If he is a realist, he knows we cannot restrain Federal spending and certainly cannot balance the budget if we continue add-on after add-on to every program that comes before us here in the U.S. Senate. The only way to cut Federal expenditures and the only way to balance the budget is to cut programs.

We are already at the allocation we have for outlays in the Interior bill that we are now considering. That is based on the anticipated second concurrent resolution outlay.

We have anticipated all of the additional requirements we will have in this area. In trying to accommodate the many interests that are reflected here in the Senate and accommodate our colleagues on valuable and essential programs, we have reached that limit. Every dollar we add will now exceed that allocation.

So the question is, very simply, not whether we like the rural fire program, not whether we support it. The question is whether we want the U.S. Government to have a more balanced budget, whether we are going on record as a Senate for restrained spending or for unlimited spending. While this program may be important to some Senators, there are other programs that are just as important to other Senators, and they are going to want those programs expanded.

When we accommodate everybody, then, of course, we will be totally out of control again, with no semblance of a balanced budget or of restrained spending.

I believe that the people of America indicated, and have been indicating for

a number of years, but certainly last week did so in a very certain and very emphatic way, that they believe the Federal Government is too big, that they believe it is spending too much of their money, and they want to cut back.

I do not know how we are going to cut back if we increase every program up to the level we think is desirable, even though we have already added $10 million over what the budget request was. We have to exercise, in my judgment, some fiscal restraint even on popular programs if there is going to be an effective effort to balance the budget.

So for that reason, have I to oppose the amendment. It is not easy for me to do. I am from a rural State. We have rural fire control districts in my State. Right at this very moment we have thousands of acres that are in flames.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HUDDLESTON. One more minute.

We have thousands of acres with firefighters right now trying to do something about it. If it does not rain this weekend, it will be worse in Kentucky and West Virginia. So I recognize that they can use all the help they can get.

But serving on the Appropriations Committee and serving on the Interior Subcommittee, I recognize, too, that we have an obligation to somehow bring this massive Federal Government into line fiscally so that we do not have the tremendous deficits we have been having.

This is the only way to do it. Any other way, continuing to add $6 million here, or $7 million there, or $40 billion here, which we will be confronted with throughout the day, just will not get that job done.

All these programs have been carefully considered by the subcommittee, the money placed on a priorty basis where the need is greatest. For that reason, we think we ought to stick with the figure the committee has.

Mr. President, the Senator from South Dakota expresses concern about what will happen in the conference. I, of course, cannot give any guarantee on what the conference action will be. But just looking from past history, this program is popular in the House, too, even though they agreed to a figure $10 million below the Senate figure. I think we have an excellent opportunity of holding the Senate figure in conference. Therefore, we will have a $23.9 million program. That is $1.5 million over last year.

Mr. President, I reserve the remainder of my time.

Mr. STEVENS. Will the Senator yield to me?

Mr. HUDDLESTON. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, it is with great reluctance that I oppose the amendment offered by my good friend from South Dakota.

We have, as the majority manager of the bill stated, provided more money than even the original request or the 1980 level, according to my figures. We had a request of $13.9 million. The House granted that, and we are, in this bill, $10 million over the House action and the budget request for 1981.

No one has a State with a greater problem in this regard than I. I wish we had money available to triple the amount.

But I do not see any way to do it without also going back to some 140 increases that were suggested in the committee and denied by us. This is a meritorious amendment, but it is an amendment we cannot take because of the floodgates it would open in terms of the requests for increase in the amounts we have provided in this bill through our subcommittee and committee efforts.

So I hope my good friend understands that, while probably my State would get a great deal more of this money, if it were added, than his State would, I cannot support the amendment.

Mr. HUDDLESTON. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. Fifty seconds and five minutes.

Mr. HUDDLESTON. Fifty seconds and five minutes?

The PRESIDING OFFICER. Forty-six seconds and five minutes.

Mr. HUDDLESTON. I am prepared to yield back our time. I think the Senator from South Dakota may want to wait.

Mr. PRESSLER. I am prepared to yield back my time. I believe the yeas and nays have been ordered, and there probably will be a motion to table.

Mr. BIDEN. Mr. President, the amendment which Senators PRESSLER, STEWART, RANDOLPH, DOMENICI, STENNIS, THURMOND, SARBANES, MCGOVERN, DOLE, HEFLIN, PRYOR, COCHRAN, WALLOP, and I now offer is an effort to stem the further erosion of Federal support for rural fire prevention and control.

While the creation of the U.S. Fire Administration in 1974 and the opening earlier this year of the national fire academy's campus point to a growing Federal recognition of its responsibility to participate in fire prevention activities, I am concerned by the Congress failure to adequately fund the rural fire prevention and control program. This program, administered by the U.S. Forest Service, has for quite some time successfully channeled both technical and financial assistance to rural fire companies through the forestry agencies of the individual States.

Unfortunately, over the last 2 years the effectiveness of the rural fire prevention and control program has been threatened by a substantial reduction in its appropriated spending levels, at just the time when inflation has been making serious inroads into its operating funds. Our amendment would reverse this trend and insure the continuing effectiveness of this program.

Its speedy adoption is especially important this year, when serious drought throughout the Nation has placed 1,801 counties in 34 States on the list of natural disaster areas, including all three counties in my own State of Delaware. This year's severe drought has significantly increased the likelihood of major wildland fire losses all over the country.

For instance, Pennsylvania is experiencing its second worst fire season on record. Losses in Indiana this year are the worst since 1973. The States of Arkansas, North Carolina, Florida, and Georgia are having similar crises, and the situation nationwide is getting worse. Last weekend 35,000 acres in Kentucky were destroyed—compared to a total of 39,000 acres during the entire year of 1978. I understand that right now, in both Tennessee and Kentucky, fires are burning uncombatted because the firefighting resources of these States have been exhausted. In West Virginia, 267 fires have destroyed a total of 24,000 acres—75 percent of the total acreage loss in 1978—in just the last 6 days.

And in my own State of Delaware, this year's acreage losses have already exceeded last year's by 147 percent—and incidents are up by 165 percent.

I want to emphasize, in these budget-conscious times, that our amendment does not expand the rural fire prevention program, it merely restores its funding to the fiscal year 1979 level of $30.56 million—the level voted by the Senate last year, but later reduced in conference. Because of inflation, even with the adoption of our amendment and the restoration of the $6.62 million, the program's real spending level will be 22 percent lower than in 1979. I would have preferred to see a higher appropriation than $30.56 million, but as a member of the Senate Budget Committee I am well aware that there are budgetary restraints that must be taken into account.

The rural fire prevention and control program provides for Federal participation in the cooperative efforts of State and local governments, rural fire companies and the private sector to prevent the outbreak of fires on non-Federal rural lands and to fight them when they do occur. Nationally, there are 868 million acres that qualify for protection under this program—from half a million acres in Rhode Island and Delaware to more than 50 million acres in Montana. Presently, 89 percent of these lands, or 774 million acres, are protected through this program.

In fiscal year 1978, the Federal share of this cooperative effort amounted to 14 percent of the total funds expended by both the public and the private sectors to protect these lands.

The rural fire prevention and control program enables the Forest Service to provide both technical and financial assistance to each State's forestry department. This aid covers data collection and reporting, as well as support of training programs for volunteer firemen, the development and acquisition of firefighting tools and equipment, and fire prevention activities with an emphasis on non-Federal forested lands.

The aid that this program provides is all the more vital because the companies that benefit are, in most cases, small volunteer companies. In my own State of Delaware, for example, there are 61 fire companies—but only the city of Wilmington has a paid, professional fire department.

The other 60 companies, that provide protection to every other town and community throughout the State, are staffed by volunteers. The fire department of the city of Wilmington pays 250 employees—but the small rural companies have a combined roll of 6,840 firefighters and none of them gets a cent for their hard and dangerous work. Every resident of the small cities and towns from Yorklyn to Fenwick Island has cause to be grateful to these volunteers many times over.

The rural fire prevention program is not a new one. Its beginnings can be traced back to the Weeks Act of 1911, which authorized the Secretary of Agriculture to enter into agreements with the States to "cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands" located on a watershed of a navigable river.

Neither is this an unproven program. The financial and technical support provided through this program has helped to strengthen local response capabilities, thus averting much more costly and tragic losses in acreage, developed property and human life. Statistics gathered by the U.S. Forest Service chart a steady reduction in State and private acreage losses over the past 30 years.

For instance, an average of 8 million acres a year were lost to fire in the 1950's; in the next decade, annual losses were reduced to 3.7 million acres; and in the 1970's the annual figure continued to drop, to an average of 2.3 million acres over the decade. This reduction has meant a savings in land, property and lives that far exceeds the program's financial costs.

More importantly, however, the need for this program has not diminished. The accomplishments I have just set forth can all too easily be reversed. Fire prevention activities must continually be maintained and strengthened. To suggest that the Federal Government's commitment to this cooperative effort can now be set aside because of past achievements is a short-sighted policy, providing monetary savings at best and having tremendous and tragic hidden costs.

The National Commission on Fire Prevention and Control identified the unique problems in providing fire protection to rural communities. Current statistics gathered by the National Fire Data Center continue to show rural fire losses exceeding the national average—which in itself is shockingly high. Estimates that as many as 20,000 rural communities lack dependable fire protection.

Not only does this lead to greater losses of life and property when fire does strike, but it also often translates into higher insurance rates for rural residents.

Congress has recognized our rural communities' problems with fire prevention and control. The Cooperative Forestry Assistance Act of 1978 (Public Law 95-313) included the following language in section 7, entitled "rural fire prevention and control":

(3) Notwithstanding the accomplishments and progress that has been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and natural resources:

(4) The effective cooperative relationships between the secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

Unfortunately, Federal spending has not matched this legislative commitment. In fiscal year 1979, the program's appropriation totaled $30.565 million, of which 90 percent or $27.595 million was directly allocated to the States.

Last year, the House-passed version of the fiscal year 1980 Interior appropriations bill provided a $15.5 million spending level—which would have cut the program's funding nearly in half. The Senate Appropriations Committee reported that bill to the Senate floor with the House-passed figure, and it took a 56-37 vote on the Senate floor to restore the program's funding to the 1979 level. The conference agreement compromised on $22.4 million—an increase over the House amount, but still a 22-percent reduction from 1979.

This year, the House version of the fiscal year 1981 Interior appropriations bill contained only $13.9 million for the rural fire prevention and control program. The Senate Appropriations Committee has recommended $23.9 million. This figure may represent a slight increase over the 1980 amount, but it still leaves the program with 22 percent less funding than it had just 2 years ago. And after inflation is factored in, the $23.9 million recommended by the Appropriations Committee is only 63 percent of the real amount available in fiscal year 1979.

Mr. President, the amendment we are offering today would add $6.66 million to the committee's recommendation. It would restore the funding level of the rural fire prevention and control program to its 1979 level—$30.56 million. It would reverse the disturbing trend toward reducing the Federal commitment to rural fire prevention and control efforts as envisioned just 2 years ago in the Cooperative Forestry Assistance Act of 1978.

At a time when the Federal Government has finally begun to recognize its responsibility to work with State and local governments to reduce the costly and tragic losses which occur from fire, we should not short-sightedly reduce this program's proven effectiveness.

In my own State of Delaware, I have seen at first hand how important this program can be to rural communities. Delawareans, like all other Americans, depend on their volunteer fire companies day, night and holidays. These men and women are highly trained firefighters, on call at any hour, and dedicated to the safety and security of their friends and neighbors. They have a fierce pride in their companies, their comrades and themselves.

But firefighters who are volunteers have an added burden. They must get the personnel, equipment and training they need to safely battle the fires that threaten land, property and lives in their community with only the resources that they themselves can raise. We have a responsibility to these men and women, who volunteer their work and their lives—and on whom the great majority of American communities depend.

This country's volunteer firefighters are in one sense ordinary people. They live among us, work among us, run the same risk of fire that we all do.

But they are also professionals of extraordinary dedication and community feeling. They go through rigorous training, on their own personal time, to master the techniques and the tools that our lives and property depend on. They must be prepared, every day, at work or at home, to drop their own concerns and answer to the alarm that signals danger for someone else. And they must do this, over and over, every day and every year, without any reward—except their own pride and the grateful thanks of their communities. Some of them will be injured, and some of them will die—and sometimes, despite their best efforts, they will lose a friend or a neighbor. But they keep fighting—and that keeps all of us safe.

More than this service, for which we cannot ever stop being grateful, there is the community role of the local fire company—working for fire prevention, educating the public about how to keep fire from starting or spreading. Not many realize that the mere presence of the local fire company saves the community hundreds or thousands of dollars a year in fire insurance premiums.

But almost everyone is aware of the fire company as an active leader in the life of their community—social, civic, political. I think the character of the local volunteer fire companies around the country accurately reflects the character of the men and women who make up those companies—dedicated, concerned, involved, unselfish. There is not an American who does not owe them more than we can pay. That is why the Federal commitment to the rural fire prevention and control program must be maintained.

I urge the Senate to adopt this amendment.

Mr. THURMOND. Mr. President, I am pleased today to rise in support of the amendment offered by my distinguished colleague from South Dakota.

The rural fire prevention and control program is of vital importance to local governments in combating forest wildfires. In my State of South Carolina alone, there are 13,289,000 acres of State and private forest lands which are protected by this program. In 1978, 41,196 acres of this land was destroyed by fire. Without the funding level provided for in this amendment, millions of acres of State and private forest lands may not receive the protection necessary to insure their continued survival and growth.

The only purpose of this amendment, which I am pleased to cosponsor, is to restore the program to its 1979 funding level, not to seek an increase. It is seldom that I seek additional funds for any bill, because I am a strong believer in the concept of fiscal restraint. However, this is a program which has worked and one which is worthy of continued funding.

Mr. President, I hope the Senate will adopt this amendment in order that our Nation's forestlands can continue to receive the protection they need.

Mr. BIDEN. Mr. President, I ask unanimous consent that a statement by Senator SARBANES be printed in the RECORD before the vote.

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

STATEMENT BY MR. SARBANES

I support the amendment offered by Senator Pressler and Senator Biden. As one who joined in supporting a similar amendment to the FY 1980 Interior Appropriations, I am pleased to have the opportunity to co-sponsor this proposal.

The Rural Fire Prevention and Control Act dates back to 1911. Since that time, the federal, state, and local governments have joined in a partnership to combat the threat of rural fires which ravage our natural resources. In 1978 the federal government renewed this commitment by enacting the Cooperative Forestry Assistance Act. In order to fulfill the terms of this commitment, it is our responsibility to provide sufficient funding to carry this program forward.

This amendment raises to $30.5 million the level of federal support for rural fire protection. This funding level is in part a recognition of the unusually severe degree of fire destruction during the past year. The additional funds secured by this amendment could save an estimated 1.8 million acres of land subject to wildfires during the coming year.

As one who is very familiar with the outstanding work of fire departments throughout the State of Maryland, I know that it is vital that sufficient resources be committed to assist these groups in their arduous tasks. I therefore urge the adoption of this very important amendment.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

Mr. PRESSLER. I yield back the remainder of my time.

Mr. HUDDLESTON. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. PRESSLER. The yeas and nays were ordered yesterday, and I ask for the yeas and nays on the motion to table, if necessary.

Mr. HUDDLESTON. Mr. President, have the yeas and nays been ordered on the motion to table?

The PRESIDING OFFICER. Is there a sufficient second on the request for the yeas and nays on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from South Dakota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. BRADLEY), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. WALLOP), and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 19, nays 55, as follows:

[Rollcall Vote No. 467 Leg.]

YEAS—19

Bentsen	Glenn	Proxmire
Bumpers	Hart	Sasser
Byrd, Harry F., Jr.	Huddleston	Stevens
	Johnston	Talmadge
Chafee	Metzenbaum	Tsongas
DeConcini	Morgan	Williams
Eagleton	Nelson	

NAYS—55

Armstrong	Hatch	Pressler
Baker	Hatfield	Pryor
Baucus	Hayakawa	Randolph
Biden	Heflin	Riegle
Boren	Heinz	Roth
Boschwitz	Helms	Schmitt
Burdick	Humphrey	Schweiker
Byrd, Robert C.	Jackson	Simpson
Cochran	Jepsen	Stafford
Cohen	Kennedy	Stewart
Culver	Levin	Stone
Danforth	Lugar	Thurmond
Dole	McClure	Tower
Domenici	Melcher	Warner
Durenberger	Mitchell	Weicker
Exon	Moynihan	Young
Ford	Nunn	Zorinsky
Garn	Packwood	
Goldwater	Pell	

NOT VOTING—26

Bayh	Hollings	Matsunaga
Bellmon	Inouye	McGovern
Bradley	Javits	Percy
Cannon	Kassebaum	Ribicoff
Chiles	Laxalt	Sarbanes
Church	Leahy	Stennis
Cranston	Long	Stevenson
Durkin	Magnuson	Wallop
Gravel	Mathias	

So the motion to lay on the table Mr. PRESSLER's amendment No. 2620 was rejected.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment by the Senator from South Dakota be vitiated.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2620) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I wish to express the hope that Senators who have amendments will be prepared to call them up. The leadership hopes that all action can be completed on all amendments to this bill, with the exception of the one amendment by Mr. BRADLEY which is being carried over until Monday. We do not have much time to waste. There are many amendments. It is 5 minutes until 11 o'clock. We have a long day ahead of us.

We will not be checking out at 2:30 today, or 3:30, or 4:30, or 5:30, unless we can finish our work.

Mr. HUDDLESTON. Mr. President, I thank the distinguished majority leader for that admonition. I hope that we will have those who have amendments ready to present them as rapidly as possible, bearing in mind that the committee feels very strongly about its responsibility to try to maintain the fiscal responsibility of this piece of legislation.

We recognize it is the only game in town right now, and many who have been expecting to get favored amendments on some piece of legislation may be looking at this particular vehicle. But we have to be very careful about the outlays and the budget allocation that we have.

Mr. President, I yield to the distinguished Senator from Michigan (Mr. LEVIN.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the committee's decision adding $7 million to the advanced gas turbine project which allows a third competitive contractor. While this amount is only half of what the other two contractors will receive, it does represent a commitment by the committee for a strong competitive program with three contractors.

Since budgetary restraints preclude comparable funding for the third contractor, the committee added language advising the Department of Energy to structure a program having the same development path as the other two contractors and to request the necessary supplemental funding.

I am afraid the startup delay and initial funding restraints impose severe difficulties on the third contractor pursuing the same development path as the other two contractors. Supplemental funding requests could easily inject additional uncertainties and delays.

Consequently, I urge the Senate conferees to support language in the conference report which instructs DOE to structure a program which maintains the overall goals of the project and to consider minor adjustments. A different development path would be structured but the final date and objectives would

be retained. Finally, the Department would prepare an estimate of total project cost based on the selected development approach and request appropriation funding in the annual report.

DOE and the third contractor are in agreement on this approach. I feel the language allows the third contractor to proceed expeditiously without a supplemental budget request. As a result, the goals of the gas turbine program can be met as scheduled by all three contractors.

Mr. HUDDLESTON. Mr. President, we welcome the suggestion of the Senator from Michigan. His proposal is in keeping with the committee recommendation and because it proposes fewer generations of turbine technology development, the overall cost of developing the third gas turbine engine may be reduced by 20 percent. We will be happy to support language of this kind during conference negotiations with the House.

Mr. LEVIN. Mr. President, the suggested conference committee wording is as follows:

The Committee recommends an increase of $7 million for continued development of a third gas turbine engine. In structuring such a program, the Department should maintain the overall goals of increased fuel economy, low emissions and multi-fuel capability consistent with the bill; however, in view of the reduced funding for the third contract in 1980 and 1981 as compared with the other two teams (a) the Department should give consideration to minor adjustments in numerical values of goals, a reduction in the number of generations of engines and a different development path so long as the final date and objectives are retained (b) the Department should prepare an estimate of total project cost based on the selected development approach and request appropriation funding in the Administration's annual submittal.

Mr. President, I thank my friend from Kentucky for his support and his work relative to this matter.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Michigan.

UP AMENDMENT NO. 1750

(Purpose: To increase Department of the Interior appropriations for the Boundary Waters Canoe Area Wilderness)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposed an unprinted amendment numbered 1750.

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

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

The amendment is as follows:

On page 38, line 21, strike "$872,114,000" and "$201,462,000" and insert "$873,864,000" and "$203,212,000".

On page 38, at the end of line 25, add the following new sentence: "Of the funds appropriated for reforestation not less than $1,990,000 shall be used for the Boundary Waters Canoe Area Wilderness.".

On page 39, line 4, strike "$354,336,000" and insert "$355,236,000".

On page 39, line 5, strike "$21,229,000" and insert "$22,629,000".

On page 39, line 6, after "facilities" and before the semicolon, add the following: "of which not less than $1,500,000 is to be used for road maintenance in the Boundary Waters Canoe Area Wilderness.".

Mr. BOSCHWITZ. Mr. President, this amendment adds $2.85 million to the fiscal year 1981 Interior appropriations bill for the purpose of carrying out the Federal commitments included in the Boundary Waters Canoe Area Act of 1978.

This amendment not only addresses the funding requirements necessary to modify the economic impact on the northern part of the State of Minnesota caused by the passage of the BWCA bill, but also will serve to restore some confidence and trust in the Federal Government in northern Minnesota.

It is hard to realize, without having actually experienced it, the intensity and bitterness of the debate which took place in Minnesota between residents, forestry interests, resort owners, and environmentalists during the consideration of the BWCA Act. However, Mr. President, to the credit of each of these groups, and the entire State of Minnesota, a compromise was worked out and the BWCA Authorization Act was signed into law on October 21, 1978.

The BWCA act designated 1,075,000 acres, which run along the Minnesota-Canadian border, as wilderness. The act established the BWCA as the largest unit of the National Wilderness Preservation System east of the Rocky Mountains, and the second largest unit in the entire system. It is our Nation's only lake-land canoe wilderness—a network of more than 1,000 lakes linked by hundreds of miles of streams and creeks which historically served as the highway of fur traders who followed water routes pioneered by Sioux and Chippewa Indians.

Mr. President, the act clearly defined the BWCA as a wilderness area. Mining and mineral exploration were prohibited within the wilderness area. All timber sales contracts were terminated as of October 21, 1979. Snowmobiling was prohibited within the wilderness area, except for two paths leading to Canada. Motorboating was to be reduced 50 percent by the end of 1983 and is generally prohibited, except in specified areas.

Mr. President, the agreement reached in the BWCA Wilderness Act was based on compensations and assistance to the timber, recreation, and resort interests of northern Minnesota, as specified in the provisions of the act. Without that clear intent stated in the bill, it is doubtful that a compromise would have been reached.

Since the passage of the Boundary Waters Canoe Area Wilderness Act, the fear of the Federal Government not upholding their end of the bargain has greatly increased. The citizens of northern Minnesota continuously ask whether we will keep our contract—whether we will act in "good faith."

To underscore the concern among the residents of northern Minnesota, let me read to you an excerpt from an editorial which appeared in the April 8, 1979 issue of the Duluth News Tribune:

What is happening in and around Ely, Minnesota, is the stuff from which revolutions are made. The situation might best be understood by using an example from medicine, like a heart transplant. In a way, the Federal Government is changing—or transplanting—the commercial heart of Ely and other communities near the Boundary Waters Canoe Area.

In a new Federal law enacted last October, Congress in effect took an old commercial heart out of northeastern Minnesota, with the promise that a new heart would be implanted, in the form of new financial aids to help the area adjust to the new legislation. In practical effect, however, the Federal Government has taken away the old heart without being in any hurry to bring in the new heart. So the commercial body of northeastern Minnesota is left on the operating table, gasping for air and staying alive on a wing and a prayer.

The new BWCA law is having an impact primarily on two commercial areas: logging and the resort-tourist industry. The law ended logging in the BWCA, with the promise of the State and Federal governments joining financial and land resources to establish new timber stands outside the BWCA. The law has affected the resort industry—and the general tourist industry directly related to resort use—by cutting back the number of lakes on which motorized boats may be used.

At the same time Federal legislation reduced motorized water travel in the BWCA, that same legislation carried a promise of the Federal government buying out any resort owner who decided to end his business.

This Federal legislation was supported by newspapers throughout the Nation, including these. That support was based on Congress' promise to compensate both the logging industry and resorters for their potential losses relating from this new law.

Government has some right—if serving the public interest—to take property from private citizens, or to put them out of business, given that the government offers compensating cash, property or privileges. For the moment, the BWCA law is only taking away people's rights to earn a living, without delivering any compensating pay-offs.

Can government do anything to make this situation fairer? Yes. Congress can move quickly to appropriate necessary money.

It's up to Congress and the Forest Service to determine whether what Congress has written is in fact a law, or only a license to steal.

Mr. President, the Durenberger-Boschwitz amendment attempts to address this problem by adding $2.85 million to the Senate Appropriations Committee recommendation of $11.4 million for the BWCA in 1981.

As my good friend, the senior Senator from Minnesota, has already stated, this additional money will be used to fund four areas:

First, $500,000 will be used by the Forest Service to meet the legal obligations to the resort owners, as established under the BWCA Wilderness Act of 1978.

Second, $1.75 million will be used for additional reforestation activity in the Superior and Chippewa National Forests. Mr. President, unless adequate funding is forthcoming from Congress, Federal forest lands in Minnesota will never reach the status required to replace the 40,000 acres of timberland that were

withdrawn from multiple use through passage of the BWCA Wilderness Act.

Third, an additional $400,000 would be appropriated for road maintenance in the Superior National Forest. After reviewing the road maintenance plan for the Superior National Forest, it is my opinion that the appropriation recommended by the committee will not provide adequate funding to maintain Superior's transportation system at a safe and efficient level. This additional $400,000 to the road maintenance appropriation would enable the Forest Service to repair some of the hazardous roads in the existing system.

Fourth, $200,000 will be included for a wide range of wilderness education and recreational construction programs. The committee recommended a funding level of $100,000 to be used for these programs. This level is clearly insufficient to meet the recreational provisions of the BWCA Act.

Mr. President, it is important that the Senate act on this amendment because the confidence in the Federal Government of residents of northeastern Minnesota is at stake. Without these additional funds, the citizens and business interests of northeastern Minnesota will truly feel that the Federal Government has broken its promise.

Mr. DURENBERGER. Mr. President, the Boundary Waters Canoe Area Wilderness Act, Public Law 95-45, passed in October of 1978. It was the result of hard fought negotiations on the part of the citizens of Minnesota from the boundary water area and those proposing wilderness designation of 400,000 acres of national forest lands then in multiple use.

The act represents the contract arrived at between the Federal Government and people of northern Minnesota. The funding provisions were the basis for agreement and I believe these provisions must be honored.

Of particular concern, as a result of the committee passed bill, is the level of funding for reforestation and timber stand improvement. The removal of over 400,000 acres from the commercial forest land base was particularly hard on the timber interests of the area which made plans and investments with the assurance and expectation that this forest resource would be available for timber production. When the bill was passed, an $8 million annual authorization was established to extend from 1980-90. The purpose of the authorization was to augment the budget of the Superior and Chippewa Forests to enable them to embark on a program of intensified forest management designed to replace the soft woods that were withdrawn from production by the BWCAWA.

I am requesting an increase of $1.7 million over the $1.3 million committee approved level for intensified forest management and reforestation in the Superior and Chippewa National Forests in Minnesota. This is clearly an investment in the future to insure renewal of a priceless resource and stability for the forest products economy which I believe will become increasingly important nationally. This, coupled with the basic contract the Congress made with the people and economy of the State of Minnesota requires that I bring this matter to the attention of the full Senate for resolution.

There are people in my State who still feel legally bound by a handshake, who believe in the integrity of an agreement—a contract. On behalf of the people of my State, I would be remiss if I did not urge the Senate to keep the commitment and honor the contract that was mutually agreed to.

Anything less erodes trust in government and the faith of the people in government under law—a government that has legal obligations as binding as those placed on individuals and organizations.

Following are the details of the increases requested:

FOREST SERVICE—THE BOUNDARY WATERS CANOE AREA WILDERNESS ACT

SECTION 5—THE RESORT BUYOUT PROVISION

The committee bill appropriates $3 million of the $3.5 million in the administration's first budget request for fiscal year 1981. The Minnesota congressional delegation supported the $3.5 million level of funding. The additional $500,000 is necessary to enable the Forest Service to meet the legal obligation established in Public Law 95-495 to the resort owners covered under section 5. Certainly this is a matter of deep concern to the affected resort owners whose future plans rest on the congressional appropriations for this section.

SECTION 6—REFORESTATION AND TIMBER STAND IMPROVEMENT

The committee included $1,240,000 for reforestation and timber stand improvement in the Superior and Chippewa National Forests according to information compiled by the Superior National Forest and the north central forest experiment station, this level is grossly inadequate and should be raised to a minimum figure of $3 million or an increase of $3.75 million.

On the Superior Forest alone there are 16,000 acres of upland high potential nonstocked commercial forest. Approximately 6,000 acres are harvested on the Superior each year. In addition, there are roughly 65,000 acres of poorly stocked upland high potential commercial forest on the Superior and Chippewa National Forests which are in need on intensified management to enable production of commercially suitable timber.

The appropriation passed by the committee would provide approximately $15.30 per acre for reforestation of these high quality back log acres. This is clearly inadequate. It costs approximately $210 per acre to replant nonstocked forest lands in the Superior National Forest, and approximately $200 per acre to regenerate poorly stocked forest lands. In limited cases where sacrifying and direct seeding are employed rather than planting, the cost is roughly $60 per acre. These costs are exclusive of administrative overhead which is itself a substantial cost factor.

In light of this information, a $3 million appropriation for reforestation would indeed be modest, and certainly is justified by need.

Unless adequate funding is forthcoming from Congress, Federal forest lands in Minnesota will never achieve the management status required to replace soft wood supplies withdrawn from production when over 400,000 acres were withdrawn from multiple use and designated as wilderness through passage of Public Law 95-495.

SECTION 6—ROAD CONSTRUCTION DESIGN AND MAINTENANCE

Under section 6(d)(1) the committee included $1,100,000 for road maintenance. This level should be raised to a minimum of $1,500,000.

After reviewing the road maintenance plan for the Superior National Forest, it is my view that the appropriation passed by the House will not provide adequate funding to maintain the Superior's transportation system at a level which will enable safe and efficient use by all types of forest road users, including loggers and recreation users. The road maintenance plan identifies 1,556 miles of roads in need of various maintenance at anticipated funding levels based on the House version. The addition of only $400,000 to the road maintenance appropriation would enable the Forest Service to repair some of the most glaring and potentially hazardous deficiencies in the existing road system.

The Forest Service indicated in August of 1980 that—

> The adequacy of road maintenance has been discussed at several meetings and we have agreed that more road maintenance is desirable . . . Because some of our roads are in desperate need of resurfacing and drainage as you have pointed out over the short run, we could spend greater amounts of maintenance funds in a surface replacement/reconstruction program.

SECTION 18—CAMPGROUNDS/TRAILS

Authorizes a wide range of programs for wilderness education and recreational construction. That construction has a priority in Public Law 95-495. However, fiscal year 1980 provided only $100,000 for recreational construction. The fiscal year 1981 committee passed bill is a substantial increase, but does not meet the needs for timely action on this essential component of the management of the BWCA. Therefore, I urge the Senate to add an additional $200,000 for construction of trails, campsites, boat landings and trail heads.

SUMMARY

	Committee report	Increase requested
Sec. 5: Resort buyout	$3,000,000	$500,000
Sec. 6(D)1: Timber stand improvement	1,240,000	1,750,000
Sec. 6(D)(1): Road maintenance	1,100,000	400,000
Sec. 18: Campgrounds/trails	420,000	200,000
Total additional appropriations requested by the Senator on behalf of the congressional delegation		2,850,000

BWCA LANGUAGE ADDITION REQUESTED IN THE COMMITTEE REPORT

SECTION 6—GRANTS TO THE STATE OF MINNESOTA FOR INTENSIFIED FOREST MANAGEMENT

I have requested that the following language be included in the committee report:

The Committee directs that, consistent with the Act—P.L. 95-495—funds appropri-

ated by Section 5(c)(2) should be distributed as an annual grant to the State of Minnesota, available until expended, conditioned only upon the State of Minnesota providing annual matching funds of $750,000.

In the past, the Forest Service has administered these funds through its Broemall, Pa., office, on a reimbursement basis under the provisions of Public Law 95-313, the Cooperative Forestry Assistance Act of 1978.

Further, although Public Law 95-495 authorizes Congress to appropriate funds until expended, the fiscal year 1980 appropriation act, Public Law 95-126 appropriated BWCA funds on an annual basis.

I reflect the opinion of the Minnesota congressional delegation which feels that administration of the BWCAWA in the foregoing manner is unduly oppressive to the State of Minnesota. The State's current fiscal policies and procedures effectively prohibit entering into contracts or incurring other expenses, unless funds are available in State accounts. Yet the current Federal procedures require the State to spend money it does not have before it can receive funds appropriated by Congress. Thus, the State is literally being prohibited from accomplishing the program objectives under the current funding arrangements. A letter of credit, suggested by the Forest Service, would require a special revision in Minnesota's fiscal situation and procedures.

For these reasons, I strongly urge the requested language be placed in the committee report.

SECTION 19—TECHNICAL/FINANCIAL ASSISTANCE TO THE COMMUNITIES/BUSINESSES ADJACENT TO THE BWCA

This section provides direct technical and financial assistance to the business and communities of the area. In order for the Forest Service to have the flexibility necessary to administer this section, we request the appropriation for section 19 not be specified to subsection 19(a) or subsection 19(b) but rather for section 19 as a total amount.

It is my understanding that the additional language pertaining to the administration of section 19 and section 6(c)(2) will be accommodated in the committee report and therefore is not part of the amendment. I want to thank the committee for addressing these very important points.

I strongly urge the Senate's favorable consideration of the $2.8 million increase in appropriations for the Boundary Waters Canoe Area Wilderness Act. Even in times when restraint on Government spending is of major importance, the Senate cannot overlook its legal obligations to the people of this country.

Mr. HUDDLESTON. Mr. President, will the Senator yield at this point?

Mr. BOSCHWITZ. I yield.

Mr. HUDDLESTON. Mr. President, as the Senator knows, the committee has provided an increase in this program, making a total of $1.24 million available for the coming year. Also included in the committee bill is a general increase of $10 million for reforestation in the Forest Service. I would think that within this amount $1 million more could be made available for the Boundary Waters Canoe Area, thus making a total of $2.2 million for the fiscal year 1981. Would the Senator agree with that?

Mr. BOSCHWITZ. I would. On that basis, Mr. President, I will withdraw my amendment, on the basis that an additional $1 million will be added for the purposes outlined.

Mr. HUDDLESTON. I feel certain that we can accommodate the Senator's need within the committee allowance. I appreciate the Senator withdrawing the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SCHMITT. Mr. President, would the distinguished manager of the bill allow me to engage in a colloquy on two items on which I believe we have reached agreement?

Mr. HUDDLESTON. Yes.

Mr. SCHMITT. Mr. President, the Department of Energy submitted a request for $2 million for advanced combustion technology under their fossil energy research and development program. I believe there has been some discussion concerning under what budget line this advanced combustion technology program should be funded.

It is my understanding that during the last budget cycle, the subcommittee requested that this program be funded under the energy conservation account. However, the Department of Energy continued to send up their request for this activity under the fossil energy research and development account.

The advanced combustion technology program will examine the internal combustion engine utilizing laser technology. This technique, which has never been used before, will help us understand the relationship between fuel, air, and the distribution of fuel inside the cylinder at the time of ignition.

The results of this program should be of tremendous value to our understanding of how the internal combustion works and what can be done to increase burning efficiency in this engine.

As I am sure our colleagues are aware, the key for efficiency is lean burning and uniform burning in these particular engines, and we have a very difficult time analyzing exactly what is going on in the system.

At a time when we are struggling to rebuild our injured automotive industry and make our American product competitive with those from other nations, we desperately need the research that is being done by this program.

To my knowledge the Subcommittee also recognizes the value of this program and the intent of the language in the bill was not to cut the program but rather place it under a different account. I hope to get the assurance from the chairman that the intent is to fully fund this valuable program at the administration's request of $2 million.

I also understand the difficulty in actually making this designation because of the confusion that has resulted from the Department of Energy's actions.

Mr. HUDDLESTON. Mr. President, the committee concurs with the Senator from New Mexico that the diesel research being managed at Sandia is a high priority effort. We believe, however, that the program should be funded within the committee allowance for diesel research in the conservation account. I might add that the committee has recommended nearly a three-fold increase for diesel research in this bill. With the Senator's agreement, I suggest that we direct the Department of Energy to provide for this research within available funds.

Mr. SCHMITT. Mr. President, that certainly meets the concerns of the Senator from New Mexico. I thank the committee for their cooperation in this matter.

Mr. President, both the Department of Energy and the U.S. Geological Survey are conducting work on offshore oil and gas drilling technology. Although it has been suggested that it is duplicative, I have looked into the roles of both the Department of Energy and the U.S. Geological Survey in these areas and do not find their activities duplicative but rather complementary.

The Department of Energy's activities in this area are directed toward providing geotechnical engineering research. This program involves the development of instrumentation for characterizing the seabed.

In contrast, the U.S. Geological Survey has the function of regulating offshore oil and gas drilling, production, safety, and environmental concerns. They do not have the capability to develop the technical equipment they would need to assist them in their analytical functions.

The committee bill does reduce the Department of Energy funding in this area of offshore technology development by $1.3 million because as the report says "the seismic studies proposed by the Department should be funded by the Geological Survey."

In actuality, the Department of Energy does not perform seismic studies but rather develops the instrumentation to measure seismic activity in the seabed in earthquake-prone regions where oil deposits may exist. This information will be of great value to the U.S. Geological Survey for the design of oil production platforms for which the U.S. Geological Survey sets the standards. Again, I stress that the U.S. Geological Survey has little capability to develop these intricate tools.

The following is a list of the work that would be funded under the Department of Energy's program:

SEAFLOOR EARTHQUAKE MEASUREMENT SYSTEM ($175K)

The Seafloor Earthquake Measurement System (SEMS) is a device for measuring the motion of soil during earthquakes. Three SEMS units have been fabricated. The $175K programmed for FY 81 was to allow for installation of the three units in the Santa Barbara (California) channel for a one year final test program. There has been intense industry and United States Geological Survey interest in this program. No other devices of this kind are available. It will have important application in the Arctic, West Coast and other earthquake prone areas of the world.

GEOTECHNICALLY INSTRUMENTED SEAFLOOR PROBE ($250K DOE; $50 USGS)

The Geotechnically Instrumented Seafloor Probe (GISP) is a pore pressure measurement device. The $300K would allow for the final construction of two prototypes and the installation and testing of these units in the Gulf of Mexico next spring. The United States Geological Survey has identified an area in the Gulf which has an extremely unstable (shifting) seafloor. The data gathered will be used to determine requirements for offshore drilling rig installations.

ACOUSTIC TELEMETRY ($220K)

The $220K budgeted for FY 81 would be used to extend the range of a Department of Energy previously developed acoustic telemetry system from its 600 foot transmission range through water capability to a 4000' range and increase its data instrumentation applications.

SHEAR/NORMAL FORCE GAUGE ($220K)

The shear/normal force gauge is a new concept for measuring soil strength in situ—applicable to deep water. The $220K would cover the costs of developing and testing a prototype instrument.

MARINE SEDIMENT PENETROMETER ($150K)

We have developed hardware for measuring shear strength of seafloor soils and have taken numerous sediment penetration readings. The $150K authorization will be used to model and perform detailed analysis of the data to determine shear measurement correlation data.

ADVANCED STUDIES ($135K)

$135K has been set aside to conduct advanced theoretical studies of fundamental soil behavior in marine environments. This activity will result in the identification of key parameters related to subsea soil characteristics.

ARCTIC TECHNOLOGY ($100K)

Due to estimated potential of up to 4 million barrels/day of oil production (versus 1.5 million barrels/day of current production) a program plan is being developed for R&D effort.

Mr. President, I understand the committee has further looked into this issue and has seen that the work the Department is doing is indeed part of the Department of Energy's function, and I hope the committee will consider this in the conference with the House on this issue, deferring to them in conference.

Mr. HUDDLESTON. Mr. President, the Senator from New Mexico is correct. Information provided by the Department subsequent to committee action has convinced us of the merits of this appropriation. We will be sympathetic with the House position during the conference negotiations. I thank the Senator from New Mexico for bringing this matter to the attention of the Senate.

Mr. SCHMITT. Mr. President, I thank the managers of the bill for their cooperation.

UP AMENDMENT NO. 1751

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

The PRESIDING OFFICER (Mr. PRYOR). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 1751.

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

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

The amendment is as follows:

At the appropriate place add the following: That the Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, is revised and modified to read as follows:

STATEMENT OF POLICY

Basic Principles

It is the policy of the United States—

(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation's well being, in an environmentally sound manner.

(2) the Nation's forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation's need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate and cooperate with the planning efforts of the States.

(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977, the Secretary of Agriculture shall assure that resource and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

Range Land Data Base and Its Improvement

The data on and understanding of the cover and condition of rangelands is less refined than the data on and understanding of commercial forest land. Rangelands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

General Acceptance of High-Bound Program

Congress generally accepts the "high-bound" program described on pages 7 through 18 of the 1980 Report to Congress on the Nation's Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the "high-bound" program may not be sufficient to accomplish the goals contained in this Statement, particularly in the areas of range and watershed resources, State and private forest cooperation and timber management.

State and Private Lands

States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The state and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

Funding the Goals

In order to accomplish the policy goals contained in this Statement by the year 2030, the Federal government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.

Mr. MELCHER. Mr. President, I am presenting for adoption, with the concurrence of the members of the Committee on Appropriations, a revised statement of policy to be used as a guide to formulating actions the Federal Government will be taking on programs for America's forest and rangelands. This is required by the Forest and Rangelands Renewable Resources Planning Act of 1974.

The reason for this action is that the President was several months late in meeting his statutory obligation to present a proposed statement of policy to the Congress. As soon as he did, the Committee on Agriculture held a hearing which produced overwhelming testimony from all segments of the conservation community that the President's statement was inadequate. In the intervening period, Congress has been in recess. The Senate Committee on Appropriations cited the failure of the President to submit his statement in time for consideration in the fiscal year 1981 appropriation bill. This is an additional reason that this bill is a reasonable one to use to assure that an updated statement of policy is adopted.

The proposed statement submitted by the President failed to describe a recommended program level. It sent us a range. It also failed to set any specific targets for forest and rangeland management that would guide Federal actions on the lands it manages, guide Federal programs that affect private lands and provide the private sector with a way to focus actions it proposes to undertake.

The statement of policy we have developed here in the Senate corrects these shortcomings while providing the President with flexibility over the next 4 years, while it is in effect, so that he can act with prudence.

I cite one example—the target or goal we have suggested be the guide to forest land productivity. Now our private and public forests are growing wood at barely 60 percent of their capacity. While this represents some improvement over the past, it is a level too low to meet future needs. We have set a target at a level

which will provide the community resources while also providing all of the vital noncommodity amenities. We gave careful consideration to what should be our objectives. We are the world's leading importer of wood. We import about 30 percent of the amount we use. We should be able to grow not only enough to meet our growing domestic demands but the fertility and productivity of our forest land is great enough that we should be able to grow enough wood so that we can be a net exporter. Our private and public forests can do this while also providing protection to our watersheds and soil; habitat for our wildlife; opportunities for wilderness; and an overall healthy forest land base contributing to a strong America. This is, in essence, the policy that we are recommending.

The President's statement of policy supports what we believe to be an inadequate program for management of Forest Service grazing lands.

There are 789 million acres of land within the contiguous United States that has high value for commercial grazing and wildlife habitat as well as important soil and watershed values. This rangeland acreage will undoubtedly bear the brunt of anticipated large demands for outputs of red meat in the future. Most of this land is in the West, and two-thirds of it is privately owned.

The demand for range grazing is expected to reach or exceed 300 million animal unit months by the year 2030. Based on the assessment, the capacity of rangeland to produce forage for livestock and wildlife is 365 million animal unit months. This figure is based on a mid-level demand projection.

Our concern now is that in putting together the 1980 program, the administration has said that the major share of the increased demand for range grazing will have to be satisfied by increases from private lands. At the present time, the National Forest System provides about 5 percent of the 213 million animal unit months of grazing calculated for the base year of 1976.

For the 5 years ending in 1985, the program for the Forest Service reflects a very minor increase at the high level and an equally minor increase by the year 2030. The assessment's medium level projection shows a 41-percent increase in the demand for range grazing by the year 2030, yet national forest grazing in the recommended program anticipates an increase of only about 8 percent by the year 2030.

I believe the Forest Service did less than an adequate job when it put together the short- and long-range program proposals for grazing on the National Forest System. Congress expects the National Forest System to meet its share of the increasing demand for range grazing and, therefore, its share of the range grazing targets provided for in the amended statement of policy.

Congress seriously questions the economic analysis used in evaluating the range grazing program for the national forests and some of the basic assumptions portrayed in the recommended program.

Some of the improvements expected in a reevaluation of the rangeland grazing program include more analysis of the livestock operators' dependency on National Forest System grazing permits on the western ranges.

In carrying out a more efficient economic analysis, more evaluation and credit should be given to the other multiple-use benefits that accrue from investments in range improvements. Adequate credit must be provided for investments grazing permittees put into financing and maintaining range improvements.

Finally, more effort and emphasis must be taken by the Forest Service in increasing grazing programs in the Eastern United States where production potential is high and current management direction is causing underutilization of this vital resource.

Under this statement of policy, the President will have a full opportunity to consider the fiscal and other actions that he desires to take each year in a way that permits him to focus on both short-run exigencies and long-run national needs.

This is a bipartisan statement, developed in full consultation with a wide range of people. It is germane to this bill, which funds so much of the conservation work that is performed by the Federal Government.

Mr. President, very simply this is an amendment which would revise the statement of policy for the resource program. It is necessary if we are going to move forward with better planning than was presented by the policy that was sent up to us a few months ago. I think it is a necessary change, and I hope the Senate will concur.

Mr. HUDDLESTON. Mr. President, does the Senator from Idaho wish to speak on this amendment?

Mr. McCLURE. Yes, Mr. President.

Mr. HUDDLESTON. I yield to the Senator.

Mr. McCLURE. Mr. President, first I want to congratulate the Senator from Montana (Mr. MELCHER) for bringing this sense of the Senate resolution about the RPA before us today. There have been problems with the RPA, and this moves us in the direction of a policy review that is going on, must continue to go on, and will go on throughout the next year. I support the amendment. I commend the Senator for having offered it.

Mr. President, I ask unanimous consent that I may be added as a cosponsor.

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

Mr. McCLURE. Mr. President, let me indicate very briefly, as I have, that this is not a change in law; it is a statement of the sense of the Senate. It will move us toward the review of the policies, which must be reviewed and will be reviewed in the next Congress, because this is not the end of a line by any means. I believe it does set us on an affirmative course and says to this administration and signals to the next one that the Senate is concerned and will remain concerned with what is done under the Resource Planning Act. I commend the Senator from Montana for presenting it.

Mr. President, I urge the adoption of this amendment.

Mr. HUDDLESTON. Mr. President, as floor manager of this bill, we are willing to accept this amendment and take it to conference. I think the record should be clear, however, that the committee itself has not reviewed this policy statement and may not necessarily agree with it. It is an Agriculture Committee proposal and I think we should recognize that and regard it as such. However, as I say, we are willing to accept it at this point. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1751) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GARN. Mr. President, I rise to comment on H.R. 7724, the Department of the Interior and related agencies appropriation bill for 1981. These comments address the health care needs of five bands of Paiute Indians in Utah.

Public Law 96-227 was signed on April 3, 1980. The purpose of this act is to restore to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah, to restore or confirm the Federal trust relationship, to restore to members of such bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationships, and for other purposes.

Health care is one of the Federal services furnished to American Indian tribes by reason of the Federal trust relationship; however, health care services are provided in two ways to such Indian tribes. These are first, through Indian Health Service and tribal health delivery system (direct care) and second, through contract health care provided by private physicians and health facilities. The Indian Health Service operates some 48 hospitals, 101 health centers and over 300 smaller health stations and satellite clinics. Tribes and tribal organizations operate 3 hospitals and 201 clinics and many other health stations such as mobile clinics and other small units delivering health care. Specialized health care and general health care in areas where no IHS or tribal delivery system is available are provided through contracts with private health providers.

The five newly restored bands of Paiutes in Utah may now receive health

care at IHS or tribal facilities, but there are no such facilities within 211 miles of either of the bands. The only viable health care option for these bands is contract health care. The problem arises in that contract health services cannot be provided until such time as appropriated funds are available for the Paiutes.

For this purpose, Mr. President, I have risen to enter into a colloquy which will establish that the Paiutes should have access to the funds appropriated in this bill for Indian contract health services. I am given to understand by staff that the Indian Health Services conclude that sufficient money is provided under this bill whereby contract health services could be initiated for the Paiutes.

It is clearly the case that this health care is needed. The Indian Health Service has documented the levels of deficiency for each eligible tribe and non-tribal-specific entity based on a comparison of total required resources and known available resources. The Utah Paiute Bands have been documented as level V, defined as 81 to 100 percent deficient in health services for their people. Given that the average per capita income for the Paiutes in 1979 was $1,968 while the estimated per capita income for Utah citizens in general was $7,004, I do not believe that individual Paiute citizens can pay for their own health care locally. Nor do I believe that they can find transportation to the existing IHS or tribal health facilities where they could now receive whatever services are available there. In effect, if some provision is not made in this appropriation bill for the Paiutes, they will be without health services until fiscal year 1982. At that time the IHS will include them in its budget estimate and the President will include them in his budget sent to Congress. It should be noted that the Interim Council of the Paiute Bands has made acquisition of health services the top tribal priority.

My inquiry to the floor manager, Mr. President, is summarized as follows: Since it has been determined sufficient funds are available under the Indian contract health services appropriation contained in this bill to initiate contract care for the Utah Bands of Paiute Indians, and since the Paiutes have recently been restored to Federal recognition (with health care being one of the services furnished to tribes by reason of the Federal trust relationship), and since the Paiutes clearly stand in urgent need of improved health care. Is it therefore the intent of the Senate that the Utah Paiute Indian Bands have claim to the designated funds appropriated in this bill in order to begin provision of contract health care services to their tribal members?

Mr. HUDDLESTON. Yes,' Mr. President. The committee has provided an equity fund to help establish adequate health care for all eligible Indians, and we certainly intend that sufficient funds should be available to the newly eligible Paiute tribes in Utah.

● Mr. HATCH. Mr. President, I rise to support the statement of my colleague from Utah regarding the necessity for health care services to be provided to the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah during fiscal year 1981.

I introduced S. 1273, the bill considered by this body this year which restored to these bands of Paiute Indians the Federal trust relationship and which restored to the members of the bands those Federal services and benefits furnished to American Indian tribes by reason of the trust relationship. Probably the Federal services most needed by the Paiutes are health care services. Certainly, the interim council, the current elected representative body for the bands, has indicated that the top priority is the acquisition of health services for their people.

Mr. President, Members of this body may wonder why we have to engage in a discussion of this matter on the Senate floor when S. 1273 and the public law it became (Public Law 96-227) restored Federal Indian health services to the Paiutes on April 3, 1980, when the bill was signed into law. However, the administration has indicated that provision of health care services under this act would be dependent on congressional action providing the necessary funds. The Indian Health Service has determined that no contract health services can be provided until such time as funds are appropriated. As indicated in Senator GARN'S statement, the only viable health care option for these people is contract health care.

Public Law 96-227 was signed into law after the President's budget had been sent to the Congress and after many, if not all, of the hearings had been held on the Interior and Related Agencies fiscal year 1981 budget. The health needs of the Utah Paiutes were not considered. However, I understand that there is sufficient money in the contract health care category of the IHS budget to initiate health services to the Paiutes. But because their needs had not been originally considered in the preparation of that budget, they cannot participate in contract health care services without this indication by the Congress that it indeed intends for contract health care dollars to be spent on the health needs of the Paiutes. Mr. President, it is imperative that the Senate give the Indian Health Service the authority to obligate some of its contract health service funds to assist these Bands of Paiute Indians.

If such authorization were not provided, it would be fiscal year 1982, when the Paiutes will be included in the budget sent to Congress, before any meaningful health services could be provided. No supplemental request by the Indian Health Service for additional moneys to initiate services for a newly recognized or newly restored tribe has cleared the Office of Management and Budget and come up to the Congress, so we cannot expect this need to surface in the fiscal year 1981 supplemental. I believe that now is the time to make it clear that if this body passes a law to restore Federal Indian services to a previously terminated tribe we also provide at our earliest opportunity the funding to actually provide such services.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 1752

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

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1752:

At the end of the bill add the following new section:

SEC. 313. None of the funds contained in this Act shall be used to demolish shelters erected on federal lands owned or managed by the federal government where no other shelter exists within a five mile radius.

Mr. STEVENS. Mr. President, this amendment would add a general provision to the bill which would prohibit the Department of the Interior or the Forest Service from carrying out efforts systematically to remove shelters and cabins from Federal lands in the West, and in Alaska particularly. Mr. President, this is not a frivolous amendment. In my State, particularly, these shelters can make the difference between life and death. Most are located in very remote areas and are used during the winter months by pilots forced to land or hunters or backpackers caught unexpectedly by bad weather. These shelters are even marked on the maps carried by pilots, and are used extensively.

In trying to reduce public use of Federal lands, many of these cabins have been demolished without regard to life and safety, or notice to the people involved. Should the Department develop a rational plan for these shelters and present it to the committee, I would be willing to delete this provision from next year's Interior appropriations bill, if the Senate will adopt this amendment now.

But, Mr. President, as I say, this is not frivolous. If someone in an aircraft is forced down in my State, and it happens every day, the first thing they do is look for the nearest shelter.

We are a State with 50 percent of the Federal lands in the United States. It is a vast area, one-fifth the size of the United States.

When a person is forced down, or runs into bad weather—they automatically go to the nearest shelter.

Unfortunately, the policy of destroying these shelters, without any notice to anybody, has left us in the position where people have been forced down, or forced to seek shelter, and they find the shelter is gone.

There is no reason for it. These shelters were built in Alaska during the days of the great use of dog teams, and some of them are cabins that have survived from the days of the great gold rush because of the policies and traditions of Alaska.

One such incident, if anyone cares to remember it, is noted in John McPhee's "Coming Into the Country" where a pilot forced down during World War II, used one of these shelters and felt compelled to go back and restock the shelter after the war so there would be food and provisions for anyone who would face the same situation in the future.

There is a great tradition in my State, if one ever uses something from a shelter, it is his problem to replace it for those in the future.

To have the Federal Government develop the attitude that those shelters and cabins should be removed because they are an incentive to use Federal lands is a misguided policy.

I hope the Senate will adopt this amendment. It will prohibit the systematic destruction of these shelters and cabins in the future, unless there is a rational plan, particularly a plan for notification to the public for the destruction. It would prevent the destruction of a cabin in any situation where there is no similar shelter within 5 miles.

Mr. HUDDLESTON. Mr. President, I think the distinguished Senator from Alaska has made the case for this particular amendment. We have had some advance notice of this and the committee has had time to review the policy change he is suggesting.

We concur with the Senator from Alaska. I would recommend from this side of the aisle that the amendment be accepted.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1752) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 1753

Mr. MELCHER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 1753.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following: "None of the funds provided in this act to the Bureau of Land Management may be expended to determine suitability or nonsuitability for wilderness or for any wilderness study area designation as directed in 43 USC, 1782 of the FLPMA Act of the lands withdrawn by the Executive Order No. 3767 of December 19, 1922 to be used by the United States Department of Agriculture for a sheep experiment station."

Mr. MELCHER. Mr. President, this amendment will settle a dispute between the Department of Agriculture and the Department of Interior regarding administration of certain lands on the Montana-Idaho border that are being used for a sheep experiment station run by the Science and Education Administration of USDA.

What we are going to do with the amendment is just freeze in place what is going on now in the sheep experiment station. I do not think we want to disturb that. This amendment will accomplish that.

The lands in question were withdrawn by Executive order of President Harding to be used for the sheep experiment station. The Bureau of Land Management now proposes to inventory and possibly study the lands as to suitability or nonsuitability for inclusion in the national wilderness system.

Any future decision to designate the lands as wilderness will require either substantial curtailment of the experiment station's work, or else generally undesirable exceptions to activities prohibited in wilderness elsewhere. No one argues that the land is being abused or endangered by the sheep experiment station's activities, so wilderness designation is not needed for protection of the lands.

That being the case, the BLM should be relieved of their perceived responsibility under FLPMA to inventory the lands, and possibly designate them as part of the Centennial Mountains Wilderness Study Area. Unless Congress wants to reverse its half-century record of support for the sheep experiment station, my amendment provides the simplest and most productive resolution of the conflict between the agencies.

I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent that I may be added as a cosponsor to the amendment.

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

Mr. McCLURE. Mr. President, the Senator from Montana is correct. There is a management dispute going on now between two Federal agencies that affects the sheep experiment station and the range that has been used in connection with that on the Idaho-Montana border.

This amendment would resolve that question and allow us to seek a resolution of it in a more orderly manner next year.

I support the amendment and urge its adoption.

Mr. HUDDLESTON. Mr. President, this again, of course, is legislation, and it is a matter which the committee has not reviewed and not considered. We are just not in a position to say whether this is the proper way to go, in all deference to our very esteemed colleagues.

However, I think we can accept this amendment with the understanding that between now and the conference time we will have a time to review this particular issue and be in a position to take the appropriate action at that time.

Mr. MELCHER. I thank the Senator.

Mr. McCLURE. I move adoption of the amendment.

The amendment (UP No. 1753) was agreed to.

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

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from North Carolina.

Mr. MORGAN. Mr. President, I have an amendment to this bill which I may or may not send up. I wish to make my statement with regard to it and then have a colloquy with the distinguished floor managers, and it may be that we can clear up this matter without the necessity of actually offering the amendment.

This amendment would add $3.1 million to the fossil energy research and development account for the initial design and engineering work on a peat project. This project, a demonstration electric generating plant fueled by the direct burning of solid peat, has already been authorized in the 1981 DOE authorization bill, which passed the Senate in late July.

It has long seemed to me that the United States should take a lesson from the Europeans about the direct burning of peat. Finland, Sweden, and Ireland have been producing electricity from peat for years. So has the Soviet Union. Peat is found in abundance in the eastern part of my State, yet North Carolina holds only 2 percent of the Nation's reserve. In fact, it has been estimated that the amount of peat in the United States holds the energy equivalent of up to 250 billion barrels of oil, or to put it in plainer language, the equivalent of Saudi Arabia's oil reserves. This resource must be developed in a careful manner, but I do believe that we have ignored this important energy source for too long. We especially need to cut back on our consumption of foreign oil.

A demonstration generating plant fueled by peat would provide our country with some important and essential information. It would both test the latest available equipment and measure the environmental effects of harvesting and burning peat. These environmental effects need to be fully documented, but the early signs are encouraging. For example, peat's sulfur content is even less than that of Western coal, and its burn is even cooler than coal, which suggests that other pollutants would be less of a problem. The land that peat would be harvested from can be reclaimed as productive farmland, based on the European experience. Also, the projected cost of producing electricity with peat, once the developmental costs are out of the way, is competitive with coal and nuclear energy.

It is the case that utilities are not rushing into the development of peat fueled plants on their own, and this seems largely because of the new equipment that will have to be developed in the United States. However, in my own State, the North Carolina Electric Membership Corp., representing 28 rural consumer-owned cooperatives, has invested time and money to study the feasibility of such a plant. Still, my amendment specifies neither the site nor the industry to receive Federal support. I want any award made strictly on a competitive basis.

In short, work has started, and there are many eager to move ahead with the direct burning of peat. It is time for the Federal Government to seize the initiative and put incentives in place to spur the use of this abundant fuel. We have authorized some $20 billion in the synthetic fuels bill to encourage the production of new fuels. My amendment would be a very small addition to that enterprise.

Mr. President, while the RECORD cannot reflect this, I do hold up to the Senate a map from a book entitled "Peat Prospectus" issued by the U.S. Department of Agriculture in July 1979, page 51, on which are shown in areas in blue the substantial portions of peat located around the country.

Having prepared this amendment and talked with the distinguished floor leader about offering it, I understand the difficulties and ramifications about adding a particular amendment to this bill at this late date in the session. I understand there are other amendments that will probably be offered. We are all trying to hold the budget down.

I do understand, and I would ask my distinguished colleague from Kentucky if he could join with me in trying to make this abundantly clear, that in passing the continuing resolution previously before we adjourned that the alternative fuel production provisions were enacted in such a way as to make combustible fuel projects, such as this peat project, eligible for competition with the funds that have already been appropriated.

Mr. HUDDLESTON. The Senator is correct. The language was devised in that manner and with that intention. We believe it has been enacted in such a way that it extends the eligibility for $30 million in feasibility studies and cooperative agreements in direct combustion projects, including peat combustion.

We feel that projects such as the one the Senator referred to are eligible. A solicitation has gone out, as a matter of fact, for competitive applications for direct combustion facilities, including peat. We think this kind of project is important, that it offers great promise, and that it can be handled within the existing program and within the existing funds that we have made available. That is our intention, and we will certainly join with the Senator from North Carolina in making sure that the authorities understand that that is the method by which we believe this project should proceed.

Mr. MORGAN. I thank my distinguished colleague. I think that would solve the problem and there would be no need for my amendment, which would add something over $3 million to it, and it would be superfluous.

Of course, we would be delighted to have more money. But even in my amendment we did not seek to designate for a North Carolina project.

Mr. HUDDLESTON. I understand.

Mr. MORGAN. But there had been or seemed to be in the Department of Energy from my information some question as to whether peat projects would be eligible to participate.

I think the Senator has made it abundantly clear that it was the intention of Congress that such projects as the very one I have spoken on would be eligible for competition.

Mr. HUDDLESTON. The Senator is correct.

Mr. MORGAN. I thank my distinguished colleague.

In light of that, Mr. President, I will not offer the amendment which I had prepared. So that the record will not be vague as to what I was talking about, I will simply say the amendment which I was planning to offer, had proposed to offer, would simply have increased the appropriation on page 46, line 5, from $639,300,000 to $692,400,000.

I will not offer that amendment. I think the record is clear, and I think the project in my State is a good one, and if it is, as I have been led to believe that it is, we ought to be able to compete and obtain the kind of money that is necessary to build a pilot project.

I thank my colleague.

Mr. HUDDLESTON. I thank the Senator for withdrawing his amendment.

The PRESIDING OFFICER. What is the will of the Senate?

DEPARTMENT OF THE INTERIOR'S FISH AND WILDLIFE SERVICE LABORATORY IN HILO

Mr. INOUYE. Mr. President, during markup of the Interior appropriations bill by the full Senate Appropriations Committee, I did not raise the issue of funding for the Animal Damage Control Field Station in the State of Hawaii because I had been led to believe by the Department of the Interior that the funding level for the station in Hawaii would be adequate to maintain existing programs.

The field station in Hilo, Hawaii has made a valuable contribution to Hawaii's important sugar cane and macadamia nut industry. Without this station's assistance large sums of money would have been lost by these two industries due to crop damage.

Unfortunately, it has today been brought to my attention, that continued success of the Hawaii program lies in jeopardy due to inadequate funding.

Given our strong desire to bring greater fiscal restraint into our budget, I do not want to suggest an add-on to the budget. Instead I would request that the Department of the Interior find additional funding within its approved budget to insure continuation of programs already underway at the Hilo station. I think this is a modest request.

Mr. HUDDLESTON. I certainly understand your frustration in not being given a clear picture of the impact this year's funding level would have on the animal damage control program in the State of Hawaii. The Senate Interior Appropriations Subcommittee does not review the station-by-station funding of the animal damage control program. Given the fact that there is to be a continuation of level funding of the animal damage control program it was the committee's understanding that existing programs, such as those at the Hilo station would be maintained. I think your request is a reasonable one that should be granted.

Mr. INOUYE. Thank you for your consideration and support on this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 1754

(Purpose: To provide for the prudent and equitable management of the Colorado River within the Grand Canyon National Park and other purposes)

Mr. HATCH. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH), for himself, Mr. GOLDWATER and Mr. GARN, proposes an unprinted amendment numbered 1754.

On page 37 of the act, add the following new section:

SEC. 112 (a) None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within the Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.

(b) for the purposes of this section "preferred use period" denotes the period May 1 through September 30, inclusive.

Mr. HATCH. Mr. President, a recent decision of the U.S. Park Service has seriously jeopardized the availability of one of the highest quality and rewarding outdoor experiences available today.

I am referring to provisions on the new Colorado River Management Plan for the Grand Canyon National Park which will eliminate motorized white-water excursions through the canyon by 1985.

Until this plan was adopted over 80 percent of the approximately 12,000 people who make the river trip annually have chosen the motorized option. In a large raft steered by a 20-horsepower outboard motor, a citizen can enjoy a 4- or 5-day river trip at relatively modest cost, in the range of $500. When the Colorado River Management Plan is in full effect (1985) and all available excursions are by oar, it will be almost impossible for the average American to

make the Colorado River trip in less than 10 or 12 days; and at a cost of 60 to 70 percent more. And, I might add, under more dangerous circumstances. At today's price, under the new management plan, it would cost a family of four close to $3,000 in 1985.

The Park Service, whose decision to phase out motorized boats is being implemented this year, has characterized the Colorado River whitewater trip as the epitome of a wilderness experience on a river in America.

They have repeatedly asserted that all they are trying to do is "provide the public with a high-quality whitewater experience at a reasonable price." What they are in fact doing with this management plan is imposing their own personal idea of a "high-quality" experience on an unwilling and often unknowing public without regard to the cost. The result of the plan will certainly be to deprive all but the hardy, young, wealthy elite of any hope of ever sharing the awesome grandeur of the canyon from inside the gorge.

The only justification that the Service has proffered for this unfortunate decision is that "it seeks to perpetuate a wilderness river-running experience in which the natural sounds and silence of the canyon can be experienced, relaxed conversation is possible, and the river experienced on its own terms." While we might agree with the thrust of the objective, the decision to eliminate motorized trips is hardly necessary to meet it. I ask my colleagues to consider the following:

First, At the present time, 80 percent of the trips through Grand Canyon are motorized.

Second. Government studies clearly establish that no measurable environmental impact is caused by motors.

Let me repeat that. Government studies clearly establish that no measurable environmental impact is caused by motors.

Third. Ninety-one percent of all river travelers currently define their trip as a wilderness experience and most do not perceive the canyon as crowded.

Fourth. The present use patterns of the river result in visitor satisfaction with 85 percent of the visitors rating their experience as "excellent" or "perfect."

Clearly, Mr. President, the problem which the Park Service seeks to resolve with this action is mostly a figment of the imaginations of National Park Service personnel. Moreover, it is my belief that the proposed solution constitutes an improper imposition of largely subjective value judgments onto the public which are purely the values of Park Service policymakers and an extremely limited number of "wilderness activists" outside government. I find no justification for this action in law or in reason. I find no reasonable justification for removing the obvious public preference from availability. The public has the right to a choice anytime that the alternatives do not portend some overwhelmingly negative consequence. In one of the most reprehensible public statements that I have ever heard attributed to a senior public official, Mr. William Whalen, former director of the Service, explained the Service's sentiments with regard to the public's right to choose their preference. He said:

> I resent a little bit your terms, "freedom of choice," sort of like the choice between democracy and communism. They (the public) will have the choice to go down the river (without motors) or not to go down the river.

Quite simply, Mr. President, my amendment would restore the public's "freedom to choose" and hopefully send a message to the U.S. Park Service that the Congress does not recognize this kind of rationale as an appropriate interpretation of their lawful mandate.

It is not my intent to rescind the whole river management plan with this amendment. I will acknowledge that other aspects of the plan related to whitewater recreation have merit and clearly contribute to the preservation of the river environment and the quality of the recreation experiences available on it.

I am simply asking—or should I say we, because Senator GOLDWATER, the distinguished Senator from Arizona, Senator GARN, my distinguished senior Senator from Utah, and I are cosponsors of this amendment—we are simply asking the Senate to concur in curtailing one offensive aspect of that particular river management plan.

Beyond the question of providing for motorized access, the only other effect which this amendment would have on the current way that the river is managed involves the maximum level of use that the river environment can sustain without significant negative effects. The amendment restores both the pattern and level of use which was available in 1978. I consider this a necessary step because the current management plan seeks to functionally reduce total access to the river below the figure which the analysis in the management planning effort supported.

Specifically, the total number of user-days which NPS analysis deemed appropriate for the river annually, was originally determined assuming a preferred use period between May 1 and September 30, as provided in my amendment. In the final management plan, however, the National Park Service has spread that number of users over an unrealistically extended summer season. Few visitors want to take a river trip in April or October, often chilly months with unpredictable weather and hazardously low river flow. The fact that the service has arbitarily assigned a significant number of the annual allotments to these unseasonable times will reduce the actual utilization of the river to well below the figures indicated appropriate in the planning analysis.

In this light, I would like to point out that the demand for trips has exceeded availability by 12,000 interested and willing patrons per year for the last couple of years. This unnecessary cutback in use will cause an even larger number of disappointments among our constituents.

Beyond that, Mr. President, let us look at the actual scenario which the current plan will create. Under the plan 16 rowing rigs will be launched per day with six passengers each plus a guide equalling 192 small boats on the river 12 days after the plan is put into effect. This works out to 1.2 boats per mile throughout the 225-mile stretch between Lees Ferry and Diamond Creek, creating serious congestion and impossible camping conditions. Boats will bunch up in the lower end of the canyon, creating a veritable traffic jam because they do not have the motorized capability of making adjustments up-stream, which are absolutely necessary due to unpredictable river flow and different rates of travel.

With the level and pattern of use in 1978 five to seven motorized rafts launchings per day were able to carry the same number of passengers per day and adjust to occasional overcrowding and maintain overall trip flexibility.

On top of that, I add again that this is not considered an environmental hazard, risk, or even impact, of any consequence by the people at the Park Service themselves.

In summary Mr. President, I ask that in the interest of precisely the motive expressed by the Park Service, to provide the public with an economical, high-quality experience on the river, that the Senate adopt our amendment. I ask that my colleagues concur with us that it is the right of the user-public to determine just what a "high-quality, economical experience" is by exercising their judgment through free choices rather than its being the prerogative of Federal bureaucrats to define those choices and impose these choices upon them against their expressed wishes.

I am deeply grateful to have one of the people who has worked very hard throughout our area, throughout the Colorado experiences through much of this century, my fellow Senator, Senator GOLDWATER, and, of course, Senator GARN, working with us on this amendment. I hope our colleagues will give us consideration and vote with us on this because it is a travesty if we allow it to be any other way.

Mr. President, I yield the floor to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank my good friend from Utah for yielding. I thank him also for introducing this now badly needed amendment.

I would hope that the chairman of the full committee would pay some attention because I am going to speak more from the standpoint of an environmentalist than from any practical position. I do this because I have always said if I had a mistress in this life, it would be the Grand Canyon. I doubt that there is a living person who knows the canyon as I do, who has been through every trail as often as I have, or has been up and down that river so many times. So I have more than just a passing interest in keeping that Grand Canyon a beautiful thing. I want to keep everything beautiful. But in this particular effort, I do not think environmentalism enters into it at all, and I think I can prove it as I go along.

Mr. President, it is a very interesting thing to note that the Colorado River

system drains one-twelfth of the entire United States. It was first traveled in 1869 by a one-armed Civil War veteran named John Wesley Powell, who later became the first director of the Smithsonian Institute. He went down these waters with no knowledge of what he would run into. There were reports of tremendous waterfalls, of water going through tunnels. Not even the Indians would go near the river because they were superstitious of it, except for the Hopi Indians who went then and go now to a particular point from which they obtain the salt they use in their religious ceremonies.

Mr. President, it was a very strange thing. From 1869 until 1940 is around 70 years. In 1940, I made my first trip through the Grand Canyon on the Colorado River and I was the 70th person to ever make that trip. So it was not an extremely popular trip at that time, mainly because boats were not adequate, boats were not available. In fact, we made our own wooden boats to make the trip.

Then following the end of World War II, the neoprene boats that we had constructed for beach landings became available and these boats in varying sizes, being able to accommodate from 6 up to 50 persons, began to appear on the river. Aided with motors to steer them and to help them avoid rapids and large rocks, the trip became increasingly and increasingly popular until it reached the point that we were taking as many as 16,000 people a year through either the complete trip, which takes now about 10 days to go 250-odd miles, or 3 days, to go the 90 miles from Lee's Ferry to Phantom Ranch, which many Americans have seen or have been to at the bottom of the canyon, at the bottom of Bright Angel Canyon, going right down from the hotel.

Mr. President, let me say that for all the years that the Grand Canyon National Park has been endeavoring to get some kind of a formula to allow all types of boats and craft to be used that would be safe, I have leaned toward helping the Grand Canyon. I have stood beside Mr. Stitt when he was head of the Grand Canyon National Park. I attempted to fight his battles, trying to bring the two sides together, the motorized and the nonmotorized groups. We were constantly promised by the National Park Service, "We are studying this. We are going to come up with a solution."

Well, Mr. President, when the final solution came down just a few months ago that motors were going to be disallowed within a few years, this was without any adequate consultation with anybody interested in the river, other than a study that I have yet to see that was supposedly done by the University of Arizona.

Mr. President, I got mad about that. I got mad because a Government agency had been telling me lies. I do not like to be lied to, particularly by my Government. I was perfectly willing to go to bat for these people. I wanted to see an amicable agreement reached whereby the people who wanted to go down the river but could not afford the oar trip—which would probably run, even today, as much as $2,000 a trip—but could afford the $400, $500, or $800 to be paid for going through on rubber boats, could choose that means. If we restrict travel to nothing but oar-powered boats—which, I have to say, is a delightful way to go through, because it is quiet, you do not have the smell of gasoline, you do not have the roar of outboard motors—we restrict the number of people who are allowed to go through and see this beautiful country.

Mr. President, I think of other rivers in this country, like the middle fork of the Salmon River in Idaho, which I have gone through on maybe six different trips, without any motors. It was wonderful. It was wonderful before the Government got their hands on it and started this environmental business. If there is a faster way to destroy a beautiful piece of scenery than to make a wildlife preservation out of it or to get an environmentalist group into it. I do not know what it could be. But that is beside the point of the Grand Canyon.

On this environmental business, Mr. President, I have made it a practice for about the last 12 years, more or less, every year, at a time when I could, to fly a helicopter to the bottom of the canyon, and take a picture where I had taken one back in 1940, find the exact spot from which I took that picture, and take another picture of the same scene; then go back, develop the picture, and, microscopically, try to see what the difference might be. Mr. President, outside of the fact that when we completed the construction of Glen Canyon Dam, it substantially stopped the big floods of the Colorado River and resulted in fewer beaches being replenished every year, there has been no change in the bottom of that river.

Frankly, I would have preferred not to see that Glen Canyon Dam. I voted for it, but all my life I shall probably carry a little bit of regret for it, because it did dam up a beautiful part of that beautiful stream. But we could depend, Mr. President, on floods—this is hard to believe—as high as 350,000 second-feet. That means that every second, 350,000 cubic feet of water—each cubic foot has 60 gallons—would pass a certain point. I have seen one rock up in Marble Canyon that stands 60 feet above the river. I have passed that several times when there would be driftwood piled on top of it. That means that the waters at one time reached 60 feet there. We, of course, would delight in climbing up that rock and setting fire to the driftwood. That was part of the sport of going down the river. To try to keep the river clean, we would burn all the driftwood we could. But because of Glen Canyon Dam, we do not have much driftwood anymore, but we do have a very stable flow in the river.

I remember going down that river one time. We got as low as 6,000 second-feet. That makes it almost impossible to take any boat through any kind of rapid. Now the average flow is around 24,000 second-feet, controlled by the need for electricity developed by Glen Canyon Dam. That is about the ideal amount of water for anybody, as we say, to shoot the river with.

It goes up and it goes down, but the river is no longer filled with driftwood and it no longer brings down new silt and new sand to replenish the beaches that we once depended upon for camping. What we find, Mr. President, is about 16 good campsites left where you can depend on camping. When I first went through that river, you could literally stop any place the boat would touch the shore and put your bedrolls down and establish camp; 16 campsites require some regulation. It requires complete cooperation between the various companies that operate these river trips, and they do a beautiful job on this, a beautiful job.

Let me remind my colleagues that the Colorado River is now cutting through the oldest rocks known to man, the rock that we call the metamorphic schist. At one time, these rocks were the base of a mountain chain higher than the present Alps. But that old river is sawing this range down there. This rock is so hard that you cannot drill holes in it. You cannot dig what we commonly call cesspools to dispose of human waste. But what has to be done? Whether we like it or not—and we do not like it—human waste has to be carried through on each trip. And it is done and the river is kept clean. I have to tell you when I went through, we did not carry anything with us.

As to garbage that is caused as a result of food, there is no place to put it so it has to be carried through the entire trip. We have talked about using helicopters to make daily clean-ups of the campsites, but that expense would be prohibitive, both to the Government and to the users themselves.

Mr. President, I can say without any hesitancy that there has been no environmental change in the bottom of the Grand Canyon as the result of thousands and thousands of Americans having gone down that river. I wish Americans would keep every campsite and every beautiful spot in this country as clean as they have kept that very, very remote, inaccessible part of the United States. I think we can give the operators of the system, those who operate both motor boats and oar-driven boats, the whole credit for this, because they have voluntarily taken on the job of keeping that canyon clean. And I can say that they have done a wonderful, wonderful job.

Mr. President, I shall continue to examine the bottom of the canyon each year by helicopter. My practice is to take a different picture each year, come home, and see if I can honestly say there has been a change.

The only change I have been able to detect, as I have said before, is the fact that some campsites that we used to call quite lush—that is, we could sleep on the sand instead of sleeping on rocks and scorpions and, once in a while, a nice tender rattlesnake—have not been replenished to the extent we would like to have them replenished.

Mr. President, I think this amendment is a very vitally needed thing. As I said at the outset, I have been trying my best,

through years and years of effort, to help them reach an agreement, to force them into an agreement. As I say, I have finally had enough of it. I finally ended my patience with the parks department. As much as I hate to see the Federal Government meddle with this kind of thing, I think it has to be done. Because here is another thing we have not talked about: This will have a disastrous economic impact on about 50 different groups—it may be a few more or a few less—those groups who operate the boats and take the people through on trips. They do not know what to do. They do not know if they can plan for next year. They do not know when to plan.

The Park Service has acted as if the temperature at the bottom of the Grand Canyon is the delightful temperature of Phoenix, Ariz., all year round. Let me say, it is not. I have seen ice on that river in the middle of the winter, and I have been down there when the Sun temperature reached 150. So there is no particular time to go down it and find it extremely comfortable. But the scenery, I have to tell you, Mr. President, is unequalled in the many parts of the world I have visited.

Mr. President, I have no more to say at this time. I know the argument is going to be made that we cannot allow this to happen: It will dirty up the place. I can say, as one who probably knows more about that river and the bottom of the canyon than any living person, "it just ain't so." I hope my colleagues will support this amendment.

Mr. HUDDLESTON. Mr. President, I believe there are some other Members in the Chamber who want to comment on this amendment. Without commenting on the merits of it, I say, as floor manager of this bill, that here again we are confronted with legislation on this appropriations bill that more appropriately should have been considered by the authorizing committee.

As I say, this is not unusual as far as the Senate of the United States is concerned. It does give us complications when we go to conference on some of these particular issues. But that is a major consideration of our attitude toward this particular amendment and how it should be disposed of.

Does the Senator from Oregon wish to be heard at this particular time?

Mr. HATFIELD. Yes.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I must oppose the amendment offered by the Senator from Utah (Mr. HATCH) because its effect could stop the implementation of the National Park Service's river management plan for the Colorado River in the Grand Canyon National Park and I do not think the Utah and Arizona delegation mean to do that.

The problem is that portions of the plan are essential to protect the resource and to provide for visitor enjoyment on that river. The implementation of the sanitation and environmental requirements is necessary on a public health and safety basis. It takes personnel and money to guarantee that these goals be met.

The issue of whether there should be all rowing trips and no motors in the canyon is not connected to the environmental and public health issues. The commercial use of the river by the concessioners should be and is regulated by law by the National Park Service.

It is my understanding that in a meeting held in the last few days, nearly all of the concessioners object to the present plan, on the basis of a planned phase-out of motors on the Colorado River.

Mr. President, my concern is that if motors versus oars is an issue, that money and personnel remain intact for the enivornmental and public safety provisions of the plan. The amendment, as proposed, and if subject to a point of order, could result in a denial of funds for the implementation of any management plan for the Colorado River in the Grand Canyon National Park.

I recognize there is also honest disagreement over the carrying capacity of the river and I would like to see these issues reconciled. But the fact remains that both commercial and private use is increasing and we cannot risk the denial of funds for what is really not controversial in the river management program. I would hope that the sponsors of the amendment would consider modification of the amendment to assure appropriation for essential protection of the river. I would also suggest that the issue be addressed in the committee of proper jurisdiction—the Energy and Natural Resources Committee. I would assure the sponsors of the amendment that I would do what I can to bring this issue to a successful resolution in the 97th Congress.

Mr. President, I rise to oppose the amendment offered at this point, not because the amendment is without merit, there is merit in the amendment. But, rather, I would like to suggest a procedure that I think can accomplish the same purpose as the amendment and, at the same time, provide the Senate with an opportunity to move on to other matters.

I would like to suggest, and the Senator from Utah (Mr. HATCH) has very legitimately expressed the concerns here of the people of his State, as well as the Senator from Arizona having expressed the concerns of the people of his State, and the people of the region, generally, that the Committee on Parks, or the subcommittee of the Energy and Natural Resources Committee chaired by the Senator from Arkansas (Mr. BUMPERS), on which I serve as the ranking minority member at this present moment, that we assure the Senators from Utah and Arizona that we will hold hearings on this whole question that has been raised in this amendment.

The committee has not had a chance, as the Senator knows, to go over these matters. I feel very strongly that any of these management programs should have the input of Members of Congress, should have the prospective and dimension of our interests in those programs. Therefore, we would assure the Senators of this hearing very quickly after the organization of the new Senate in the next session.

In the meantime, I discussed the matter with my colleague on the Appropriations Committee. I am privileged to serve with Senator HUDDLESTON on that Appropriations subcommittee.

If we accept the amendment it is as a basic signal to the agency downtown that we have accepted this amendment as one body of the Congress and we will discuss it with our colleagues in the House when we go to conference. But more especially, and whether it survives that or not, the fact that we will hold hearings, and by accepting the amendment we are sending a signal to them, to the agency downtown. I think that could, perhaps, get us out of this situation and move us on to other issues.

Mr. HATCH. If the distinguished Senator will yield, I am very grateful to the distinguished Senator from Oregon and also to the Senator from Arkansas and my good friend from Kentucky. I think this may be a reasonable way of resolving the problem because, to us who love the Colorado River, to the motorized companies who have developed the system, and those who are descendants, primarily, from pioneer families who explored and opened up the river, this is an important issue.

To have the Senator's commitment to conduct hearings, whether or not this amendment is held in conference, is a tremendous and wonderful concession on the Senator's part.

It means a great deal to our party in the Colorado River area. I am, personally, very grateful to the Senator.

Mr. HATFIELD. Will the Senator yield?

Mr. HATCH. Yes.

Mr. HATFIELD. For the record, let us be fully clear that the Senator's concern is on the motorized vehicles on this river and this would not in any way attempt to estop the other program management activities that would proceed.

Mr. HATCH. There are questions about acceptable volume, as well. But we believe the Colorado River plan has much merit in other respects, and, other than those two areas, our amendment applies to those two areas.

In the hearings, I think a good case can be made for our side on this matter.

Mr. HATFIELD. But we would be moving on the basis of the Senator's basic concern on the motorized question, or the question of the motorized vehicle.

Mr. HATCH. That is correct, and I hope it would include the volume, as well, which automatically would, I am sure, be part of it.

Mr. HATFIELD. I offer that as a suggestion. I am not attempting to commit any other Senator on the floor. But I have discussed the matter with each of the chairmen, the chairman of our Appropriations subcommittee and the chairman of our Energy and Natural Resources subcommittee on Parks (Mr. BUMPERS and Mr. HUDDLESTON).

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. HATFIELD. Yes.

Mr. GOLDWATER. I have to admit that the germaneness of this amendment might be questioned. But I want to point out the reason for offering this amendment did not exist 2 months ago.

We were under the complete assurance of the Grand Canyon National Park people that this problem would be resolved, and it would be resolved fairly. We are not talking so much about whether we will have motors or oars or rubber boats. We are talking about user days and how those days will be allocated.

As a result of the Grand Canyon people doing a complete switch and being dishonest with us, we were faced with the necessity of getting some kind of legislative expression because they are now meeting in Flagstaff, Ariz., hopefully, to reach some decision that would alleviate the problem facing the river trip managers.

Briefly, I can say that these trips are planned. I have one planned for my 10 grandchildren that will probably take place 5 years from now. I have had to make my reservation that far ahead. But that particular man cannot tell me now that I can take my 10 grandchildren down the river when the youngest one learns how to swim because he does not know whether he will have the allocation of the day.

Mr. HATFIELD. The Senator might have 20 by that time.

Mr. GOLDWATER. No, I will not have 20. I have a bunch of inactive children. I think the fact that they are Republican makes them nonproductive, but I do not know.

I am so grateful that my friend from Oregon recognizes this problem, because it is not something we like to do in the way we have been forced to do it. We would much prefer to have had the Grand Canyon National Park authorities reach an agreement with the operators in an honest way and come up with a formula that they could say, "Look, boys, we have talked to you, we have talked to both sides, we have talked to the public, we know what is happening on the river, we know how many people it will handle, and this is our answer."

But the only answer they come up with is that there will be no boats on that river with a motor on it after 1985. As much as I like the quiet of that river and love to row a boat, I do not want to see American people denied the opportunity to see that part any more than my friend from Oregon would want to see the Rogue River denied to those who enjoy it, including my grandchildren, who have been down it.

So I think the proposition the Senator makes, if he is willing to word it strongly enough so that the present people meeting in Arizona can get the message that they either do it now or they are going to do it next year, whether they like it or not, I think that is the best thing we can do.

Mr. HATFIELD. I think the Senator makes his point well.

One of the parts of this proposal is that we, in accepting this amendment today, at the time they are meeting, does give them about the strongest signal we could give them. It may not be possible to survive in the committee on this very point of germaneness with the House conferees, but the point is that today they are going to get a very strong message. I think that will be helpful, followed by the hearing in the next session.

Mr. GOLDWATER. I join my colleague in that.

Mr. HATCH. Mr. President, I again express my gratitude to all Senators in the Chamber for the consideration of our problems and the consideration of our needs in this matter and the kindness which has been shown today.

Mr. BUMPERS. Mr. President, I just wish to make a couple of comments on this matter.

First, the Senator from Oregon already has made it clear that this amendment will go only to the prohibition of implementing that part of the plan that deals with the prohibition against motorized craft on the river. The Senator from Arizona has said that there is a great deal of merit in the plan itself. The amendment of the Senator from Utah was not quite as crystal clear on that point as I would like, but he said in his opening statement what I believe I am stating now.

Is that correct?

Mr. HATCH. I believe that is true.

Mr. BUMPERS. Second, I am very happy with this arrangement. I intended originally to oppose it and to ask for the yeas and nays. But we will have hearings as soon after the first of the year as we can. We will bring the Park Service in and let them justify this.

I hope there might be some happy meeting of the minds on the combination of rowed craft and motorized craft. We had a situation in Arkansas, on the Buffalo River, where there was nothing but canoeing; but there is a great economic interest by the people who control those concessions. Finally, after 3 years of meetings, where people of goodwill and good intentions met, we resolved that program, and I believe everybody down there is happy now.

A similar situation, as the Senator will recall, existed in the Boundary Water Canoe area of Minnesota, one of the most controversial problems we have ever faced—that is, whether we are going to allow motorized boats on the lakes in that area. We worked that out by compromise. Now they are both there and can accommodate each other, and I believe the same thing can be done here.

I just wanted to make the point that I was a little concerned about just a carte blanche prohibition of the implementation of this plan, with no hearings before my committee, no advance warning of this. Of course, this is legislation on an appropriation bill, and I believe everybody recognizes that. I always have some strong reservations about that—unless it is my amendment. [Laughter.]

Having said that, I want the record to be clear that we have a meeting of the minds now as to where we are headed with respect to this amendment.

Mr. HATCH. Just to make it clear, we are not really approaching any other aspects of the plan, other than the motorized question, the volume on the river, which is part of the motorized question; and I have raised in my statement our concerns about the time they are allocating for people to come down, some of which is in the wrong part of the year and really takes away from the people the opportunity for utilization.

Mr. BUMPERS. One of the things the Senator from Utah said in his opening statement which leads me to believe that an absolute prohibition is not in order is that only the wealthiest and the sturdiest of us can row a canoe, particularly down a river that is often very rapid, such as the Colorado. There are many people who cannot do that and who deserve the right to enjoy the fruits of an esthetic experience such as that.

So it occurs to me that, regardless of how any of us feel, some motorized craft will have to be used there to accommodate those people.

● Mr. CANNON. Mr. President, I wish to associate myself with the remarks of Senators HATCH and GOLDWATER on this amendment to preserve the motorized raft trip option on the Colorado River.

The Park Service proposal to eliminate motorized raft trips will impose an unnecessary burden on many of my constituents and others throughout the Nation who simply do not have adequate time and resources to take the longer, more expensive nonmotorized trips. The Park Service has proposed to extend the season to provide more of these nonmotorized trips but that will not eliminate the increased costs or provide the trips during the more favorable rafting months.

I hope the Senate will approve this amendment of the Senator from Utah.●

Mr. HATCH. Mr. President, if it is all right with the manager of the bill, I move the adoption of the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1754) was agreed to.

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

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1755

(Purpose: To provide $2,000,000 for the migratory bird conservation account)

Mr. PRYOR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself and Mr. BUMPERS, proposes an unprinted amendment numbered 1755:

On page 12, after line 16 add the following new section:

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act

of October 4, 1971, as amended (16 U.S.C. 715k 3, 5), $2,000,000, to remain available until expended."

Mr. PRYOR. Mr. President, this amendment to the appropriations bill for the Department of the Interior for fiscal 1981 is a simple amendment affecting only the migratory bird conservation account in the budget for the U.S. Fish and Wildlife Service. It is cosponsored by my distinguished colleague from Arkansas, Senator BUMPERS.

At this time, I am completing my first year as an appointed member of the Migratory Bird Conservation Commission. In my year on the Commission, I have come to understand to a much greater degree the serious problems that this country faces annually in protecting and preserving our valuable natural resources and wildlife habitat.

The migratory bird conservation account is a nonoperational account which is used to advance money to the Fish and Wildlife Service for the purpose of acquisition of land for refuges. The money is then repaid through revenue generated by the sale of duck stamps to hunters in later years. It is, of course, impossible to project accurately just how much money will be generated in any given year by the sale of duck stamps, and this account serves to balance out any shortfalls that may occur, and, thereby, keep our acquisition program on a level track.

The administration originally proposed $10,000,000 for fiscal year 1981 for this account, and that was a decrease of $5,000,000 over fiscal year 1980. Then, in his revised budget this past spring, the President proposed deleting all of the money for this purpose. According to Department of the Interior estimates, this would leave only $16,500,000 from expected receipts to continue the important work of this refuge program. Mr. President, this amount of money simply will not permit the Department to pursue very many of the backlogged approved refuge projects which the Commission has acted on in the last couple of years.

The House has acted to provide $2,000,000 in its version of this bill, and my amendment would merely place the Senate in agreement with the House, and, thereby, insure a minimum level of funding for a program that I think is worthwhile. I know many of my colleagues come from States where wildlife habitat is important, and, of course, many States have ongoing acquisition projects underway now. I hope that we will have one in every State before this work is done. My amendment keeps the level of this program to less than one-third of what it was last year.

I urge my colleagues to agree with me, and vote for my amendment. I yield now to any questions or comments that the distinguished floor manager and majority leader may have.

Mr. BUMPERS. Mr. President, I am pleased to support the amendment offered by my colleague from Arkansas (Mr. PRYOR) to the fiscal year 1981 Department of Interior and Related Agencies appropriation bill. The proposed $2 million increase in the Migratory Bird Conservation account will provide a fiscal year 1981 funding level of $18.5 million when the $16.5 million duck stamp receipts are added. This money is extremely important in purchasing and preserving rapidly diminishing habitat for our waterfowl.

Mr. President, over the past few decades, bottomland hardwood forests have been cleared at an average rate of some 165,000 acres per year as a result of more and more acres being cleared to be placed into agricultural production. Estimates have shown that by 1985, less than 5 million of the Lower Mississippi River Delta's original 24 million forested acres will still be in existence. This habitat loss is extremely alarming to me and preservation of our existing resources must be one of our highest priorities.

Recently, the Migratory Bird Conservation Commission approved a wildlife habitat refuge in my State of Arkansas called Overflow Bottoms. This refuge, to be located in southeast Arkansas, will contain in excess of 10,000 acres and will be the winter home of some 20,000 waterfowl. This area will be very important to many of the residents of my State as well as other States who enjoy hunting, fishing, and other outdoor activities. Therefore, Mr. President, I am pleased to support the amendment.

Mr. HUDDLESTON. Mr. President, here, again, we have a case in which the committee has tried to exercise some fiscal restraint.

We understand that $19 million to $20 million will be available for this purpose through the duck stamp program that is in effect. The House has appropriated $2 million for this purpose. I hope that the Senator from Arkansas will allow us to maintain our present position and go to the conference with a sympathetic view, perhaps, toward the House figure and give us time to solidify our position on this issue.

Mr. PRYOR. Mr. President, I first say how much I appreciate the understanding of this challenge that we have and especially by that of my colleague from Kentucky, Senator HUDDLESTON.

I also remind my colleagues that this is a loan that is to be repaid through the sale of duck stamps. It is an advance and it will enable the Department of the Interior, through the actions of this Commission, to continue forward in some of the commitments that we feel that we have made.

But in view of private conversations with the distinguished Senator from Kentucky, the handler of this legislation, I will ask at this time that my amendment be withdrawn and with the understanding that those who deal with the other body on this issue will be sympathetic to this cause.

Mr. President, I ask that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Arkansas.

UP AMENDMENT NO. 1756

(Purpose: To provide that appropriations for maintenance and improvement of roads within the Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States)

Mr. HUDDLESTON. Mr. President, I send to the desk on behalf of the Senator from Indiana (Mr. BAYH) an amendment and ask for its consideration at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) for Mr. BAYH proposes an unprinted amendment numbered 1756:

On page 15, line 8, delete the period (.), and insert the following: ": *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore, as provided herein shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States.".

Mr. HUDDLESTON. Mr. President, this amendment reaffirms what the Senate has already done. It is within existing funds and has no additional dollars connected with it. It has been cleared all around, and I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1756) was agreed to.

Mr. McCLURE. Mr. President, I believe during the 97th Congress one of the central issues the Energy and Natural Resource Committee should focus upon is the need for development of a balanced public land policy. I also believe that it would be necessary to consider the impact of such legislation on the individuals and communities involved. I bring this to the attention of my colleagues here today because of my awareness of possible administrative designations of five California rivers to the National Wild and Scenic Rivers System.

Under the Wild and Scenic Rivers Act, rivers may be added to the national system by Federal legislation and by the Secretary of the Interior for State-protected rivers. This latter process of administrative designation has not been widely used. However, last July Governor Brown of California asked the Secretary of the Interior for inclusion of five California rivers in the national system. A majority of the members of the California Legislature, 72 percent, have stated their opposition to the proposed designation.

The Forest Service projected a 22.5 million board feet adverse impact on the potential yield of the Six Rivers National Forest alone if the State's proposal is approved. At current bid rates this would result in a loss of revenue of almost $10 million, of which about $2 million would be the 25-percent share returned to the counties. Also, the inclusion of approximately 460,000 acres

of privately owned timberland containing over 8 billion board feet of timber has not been adequately studied. Certainly the estimated impact on timber harvest of at least 20,000 board feet annually is a questionable estimate and one that needs to be assessed in depth.

The cumulative impacts of land disposition actions taken or proposed to be taken in the area affect not only the stability of the timber industry but also the local and State economy as well. The north coast area has already lost nearly 2,300 jobs as a result of the Redwood Park expansion.

Time for review and assessment is essential. The normal time frame for completing an impact study on areas affecting five rivers with 4,000 miles of shoreline and adjacent lands of public and private ownership is 18 months. The study for this proposal was done in 3 months.

Unemployment, loss of tax base, loss of funds to counties from timber sales, location of potential strategic minerals, timber supply availability and local community stability are all at stake. The impact of these losses to the local and State economies and the impact to ultimately the Nation, are issues that need to be addressed carefully at the Federal level before any further administrative decisions are made or excutive actions taken. I hope that during the present administration's term, precipitate action would not be taken. I repeat that this is an issue which must be carefully reviewed. We cannot afford to let piecemeal legislative and administrative actions diminish this country's ability to balance all uses of our natural resources.

Mr. President, I do not seek legislative action at this time on this bill, but I do want by this means to call attention to the problem in the hope that the administration will withhold precipitate action and will give it the kind of study that it does require to come to a balanced and reasonable conclusion to the issues which are raised by the proposal.

Mr. President, I am happy to yield to the Senator from California (Mr. HAYAKAWA).

Mr. HAYAKAWA. Mr. President, I fully agree with the distinguished Senator from Idaho in his assessment of the severe economic hardship that would result from the inclusion of five California rivers in the National Wild and Scenic Rivers System.

Gov. Jerry Brown's proposal simply has not been subject to the extensive review that a proposal of this nature requires.

The Senator from Idaho is, as usual, eminently correct in his analysis of the cumulative impact of land disposition actions such as, for example, the Redwood Park expansion and the designation of wilderness areas in the north coast region. These have impacted seriously upon the areas around Eureka, Crescent City, Arcata. All that northern coastal area of California has suffered disastrous economic consequences as a result of this, shall I say, greedy expansion of Redwood Park and wilderness areas that were the economic basis of that region.

By reducing the timber industry's land base, these actions have resulted in a loss of jobs that will only be exacerbated by the inclusion of even more land in the National Wild and Scenic Rivers System.

Unemployment in that area, which is already soaring high above the national average, is not the only consequence and only hardship forced upon the north coast region. The loss of tax base and county revenues from timber sales are other impacts to be considered.

I, too, hope the present administration will help set the stage for a more balanced public land policy by resisting the temptation to lock up even more of our Nation's resources in the next few weeks. We desperately need the type of land policy review that has been prescribed by the distinguished Senator from Idaho.

I wish to associate myself with his remarks and his point of view.

I thank the Chair.

Mr. McCLURE. Mr. President, I thank the Senator from California.

As I said in my initial remarks, our purpose of bringing this matter to the floor today is to attempt through this means to focus attention on the problem in the expectation that the administration will take note that there is a problem, that there are numbers of us here who are concerned with the decision that may be made and have the confident expectation that having done it in this manner, without attempting to legislate, will at least indicate to them that we think they should move slowly and make sure that the foundation of their actions is based upon adequate information.

I thank the Senator from California for his concern as well as supporting my own.

UP AMENDMENT NO. 1757

(Purpose: To provide $1 million for the commemoration of the 200th anniversary of the battle of Yorktown)

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

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an unprinted amendment numbered 1757:

On page 15, line 8, insert after "purposes": ": *Provided further*, That not to exceed $1,000,000 shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial National Historical Park.".

Mr. WARNER. Mr. President, I have discussed this proposed amendment with the respective managers of the bill, and it is my understanding that they are prepared to accept it.

In substance, the amendment which I offer will insure another appropriate and fitting chapter in our Nation's bicentennial observances.

The American victory at Yorktown on October 19, 1781, signaled the end of our military struggle for independence.

Through the years succeeding generations of Americans have found it important to renew their faith in honoring the great victory at Yorktown.

The first major national celebration of the victory came in 1824 when General Lafayette made a pilgrimage to the battlefield for ceremonies attended by 15,000 people.

At the centennial observance in 1881, which included a naval review of American and French warships, President Chester A. Arthur was the main speaker.

The sesquicentennial celebration in 1931 was a 4-day program highlighted by a speech by President Herbert Hoover, with a military and naval review observed by General Pershing and Marshal Petain. Even though our Nation was gripped by an economic depression, Congress courageously appropriated nearly a half million dollars to insure a dignified fitting commemoration.

Each time Congress has provided the funds needed to insure the success of these historic commemorations.

The proposed 1981 commemoration is planned to be comparable to the celebration in 1931.

The program at Yorktown during the 4-day commemoration period next October will hopefully include such activities as:

A major address by the President of the United States;

Participation by the heads of state of France and other countries that assisted our struggle for independence;

Military and naval reviews, concerts, reenactment of the siege, and bicentennial fair exhibits; and

An encampment of period military units specializing in living history.

At the 1931 observance 300,000 visitors attended; at least that many are expected to attend in 1981.

The State of Virginia and national volunteer groups are raising supplemental funds to help finance the program. The funds requested of Congress will be used to rehabilitate and improve the interpretive exhibits at the national park, to provide facilities for visitors at the park during the program, and to permit other agencies and departments of the Federal Government to assist and take part in the program.

I believe this Nation will want to commemorate this victory which concluded our fight for independence in a manner befitting the debt we all owe those gallant men and women who gave the last full measure of devotion, that we might stand here today as a continuing symbol to all mankind of the strength and dignity of the individual and his desire to live in freedom.

It is imperative that Congress act now, as a part of the fiscal 1981 budget for the Park Service, and appropriate the sum requested in my amendment so that the Federal planning can be started now. To delay funding would jeopardize Federal participation since the commemoration is less than 1 year away. The sum requested represents only one-half of the preliminary estimate submitted by the Department of the Interior.

Mr. President, I ask unanimous consent to have printed in the RECORD a

table of the Department of the Interior estimates for bicentennial expenditures.

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

DEPARTMENT OF INTERIOR ESTIMATES FOR BICENTENNIAL EXPENDITURES

Interpretation:	
Interpretive Literature, etc	$18,000
Information Centers (extra staffing and overtime)	23,200
Interpretive Signs	12,500
Wayside Exhibits	20,000
Museum-Rehabilitation	50,000
Nelson House	49,100
Radios	3,000
Total	175,800
Protection:	
Rangers from other parks, overtime	88,000
Supplies, Fuel, etc	20,000
Transportation of rangers from other parks	24,000
Per Diem for Rangers	20,000
	152,000
Maintenance:	
Field preparation	59,000
Road Surrender Field	41,000
Parking area preparation	4,000
Chair Rental	2,000
Grandstand (25,000 × 20)	500,000
Breakers, control panels, etc	6,000
Stages	6,200
Von Steuben's Field turn-a-round	1,500
Drainage Von Steuben's Field Camp	5,000
Trash pick-up	10,000
Waterline to Von Steuben Field	3,600
Recreated Military Units Encampment	8,000
Total	646,300
Additional Cost Factors:	
Chemical Toilets	200,000
C & P Telephone Company	50,000
VEPCO	75,000
Press Facilities (Trailers)	10,000
Concessions	10,000
Fireworks (NPS share)	25,000
	370,000
Sub-Total	1,516,900
Inflation Factor—30 percent of all totals (15% × 2 years)	455,070
Total	1,971,970

Mr. HUDDLESTON. Mr. President, we have reviewed the amendment by the Senator from Virginia. We recognize that this is a one-time proposition or at least one time within the next 100 years or so and that it can be handled within the existing funds available.

We recommend that the amendment be agreed to.

Mr. McCLURE. Mr. President, I concur in the remarks of the Senator from Kentucky. I think the Park Service has made no analysis of what their plans will be. They have not arrived at a dollar figure. I think that the Senator from Virginia has done us a service and certainly the commemoration will be focused upon in a better way because of his attention to this detail.

By the time we get to the conference the Park Service may have developed a better figure if indeed a better figure is needed, but at least a more concrete figure.

We are happy at this time to accept the amendment with the assurance to the Senator from Virginia that we will work with him in making certain that enough of these funds are available and are used for that purpose.

Mr. WARNER. Mr. President, I thank my distinguished colleagues from Kentucky and Idaho.

As stated by Senator McCLURE, by the time of the conference they will have the preliminary estimates needed.

Action is needed now so that planning can go forward early in calendar year 1981 so as to assure that Federal participation is in place by October of that year.

The PRESIDING OFFICER. Is there further discussion on the amendment? The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (UP No. 1757) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. MITCHELL assumed the chair.)

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

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

Mr. ROBERT C. BYRD. Mr. President, I understand that further action on the bill will be delayed for about 30 minutes while the managers take a bit of time for other duties.

That being the case, I will proceed with my 26th statement in a series of statements on the U.S. Senate. If any Senator wishes recognition, I will be glad to yield him time, because I will not utilize the time for this purpose while business can be transacted or while other Senators wish to speak.

(The remarks of Mr. ROBERT C. BYRD at this point in connection with the U.S. Senate are printed earlier in today's RECORD, by unanimous consent.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Mr. President, I wish to express my concern regarding a decision by the Senate Appropriations Committee to reduce funding for the high Btu coal gasification demonstration plant program contained in the Department of Energy's fossil energy research and development provision in the fiscal year 1981 Interior appropriations.

The committee reduced the funding in fiscal year 1981 for the high Btu coal gasification demonstration project under the designation 76-1-b from the President's budget request of $55 million to $2 million. The committee believes this figure to be adequate because of the decision by the Department of Energy to continue the competition between the two competing proposals until July 1981, a decision by the Department that I disagree with very strongly. Moreover, the committee, in its report accompanying the bill endorsed the continuation of the project competition.

I strongly disagree with the committee's decision to advocate the continuation of the current DOE high Btu coal gasification competition, and I urge the Senate conferees to recede to the House position which proposes an end of the competition. The House Appropriations Committee stated in its report accompanying the fiscal year 1981 Interior appropriations bill that—

> It recommends that the Department [of Energy] proceed to construct both of the competing high Btu gasification demonstration plants . . . Testimony has confirmed that both processes are technically feasible, and that a choice between them is likely to be only on financial grounds and not on clear technological superiority . . . [T]he Committee believes that continuing to support a selection of only one process will result in endless delays.

Mr. President, I agree very strongly with that statement from the House Appropriations Committee.

In order to fund both projects, the Senate Appropriations Committee reduced the figure for project designation 76-1-b by $53 million and allocated that amount to the other high Btu coal gasification project designation 77-1-b. I believe the House action to be the preferred course.

The two competing proposals presently under consideration include one offered by the Conoco Coal Development Co. and one offered by the Illinois Coal Gasification Group (ICGG). The Conoco proposal is to build a 1,200-ton-per-day high Btu coal gasification plant in Noble County, Ohio, utilizing the slagging British Gas/Lurgi gasification process. The ICGG proposal is to build a 2,200-ton-per-day plant in Perry County, Ill., utilizing the fluidized bed Cogas gasification process. Both processes show considerable promise in successfully demonstrating the gasification of high-sulfur eastern coals.

I stress that point because we have abundant coal reserves in the Appalachian area, but too many are high sulfur in nature, which has limited use. This is one way we can use that high sulfur coal.

Funding both proposals would not involve a duplication of effort because they are designed to demonstrate substantially different technologies. Rather than selecting one or the other proposal, we should encourage the development of diverse promising technologies. That philosophy was central to the formulation of the Synthetic Fuels Corporation.

Construction of both plants could provide enormous benefits to Ohio and Illinois. As we all agree, we must reduce our dependence upon foreign sources of energy as quickly as possible. In order to achieve this goal, we must rely more

heavily on our abundant coal resources such as deposits in the Appalachian area. High Btu coal gasification technology promises to be one of the most effective means of utilizing high sulfur eastern coal in an environmentally safe way while producing natural gas which could be utilized to displace oil and thus help to reduce imports. Locating the plants in Ohio and Illinois could assist in making both States more energy self-sufficient. This can help to stimulate badly needed industrial growth by contributing to more stable sources of energy. It can also provide direct economic stimulation of the coal mining industry and put coal miners back to work.

There are substantial energy, environmental and economic benefits which would result if both projects are constructed. Continuing the competition at this point is not serving a useful purpose and the unnecessary delay will only add to the costs. Both projects should be given the go-ahead and the schedules accelerated. That would have the beneficial effect of saving the taxpayers money and getting the plants operational at the earliest possible time.

Mr. President, I add to that statement that I think that one area in the whole energy field where we have been deficient, both in the Congress and the current administration itself, is that of not putting nearly enough money into research into alternative fuels that can supplement our dwindling supplies of oil and gas—not only here, but around the world—and make us less dependent on importing oil from overseas.

Compared to the problem, we have spent a mere pittance on research that could possibly give us energy independence 5, 8, or 10 years down the road.

This coal gasification demonstration plant program fits directly in that mold. We have not done nearly enough. Instead of the Department of Energy quibbling over whether we will have one or two gasification plants, or trying to select one process over the other, it is my opinion we should have two or three plants using each process, so we could prove out the technology, and assess the difficulties or advantages just as rapidly as we possibly can.

Unfortunately, we have taken the other approach, that is, that until one or the other is proven, we will not fund either.

Compared to the energy problems we face in this country, it seems to me that is a ridiculous approach to take to this situation. So I hope the committee can see fit to agree with the House in their efforts in this regard.

I call once again, as I have in the past, for the Department of Energy not to wait until July 1981 to make a decision, but to get going and let us have more than one plant on each process, so we can prove out the technology as fast as we possibly can.

HIGH-BTU DEMONSTRATION PROJECT COMPETITION

Mr. HUDDLESTON. Mr. President, the Department of Energy has been conducting a design competition for the high Btu demonstration project for the last 3 years. Two proposals are being considered, one from the Continental Oil Co. and the second from the Illinois Coal Gasification Group. The Department requested $55 million to continue this competition until a selection could be made in March of 1981. The House has recommended that the Department drop the competition and proceed to build both projects at the present time. The House added no money for the immediate construction of both projects because substantial unobligated funds exist from prior years. The committee recommendation was that the Department continue design competition. However, the committee reduced the request by $53 million because DOE now indicates that a selection would not be made until July and therefore long lead procurement money would not be necessary.

It should be noted that while the House added no money to the President's budget request, its decision to construct both plants will require an additional $500 million to be expended over the next 3 years. It should also be recognized that the Senate committee recommendation does not preclude the option to build both plants at some later date. It simply does not make the decision to do so at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Mr. President, I wish to express my disagreement with the Senate Appropriations Committee's decision to eliminate $10 million from the House version of this bill for the Department of Energy's (DOE's) fossil energy research and development combustion systems activity for fiscal year 1981. As a result of this action, a program of cost-shared industrial demonstrations of atmospheric fluidized bed technology has been placed in limbo. This technology offers us a tremendous opportunity to substitute our abundant domestic coal resources for imported oil.

Fluidized bed combustion (FBC) technology provides a potentially economic, efficient, and environmentally sound alternative to the conventional methods of burning coal. The General Accounting Office (GAO), in a report issued this past November, cited no less than five major advantages of fluidized bed combustion of coal over conventional coal combustion with scrubbers:

First. There is a much higher potential for using the waste product. The FBC process gives off a dry waste product that can probably be used as a soil conditioner, building material; soil stabilizer for road beds, and as a stable land fill.

Second. The FBC process results in much lower emissions of nitric oxides because of the lower combustion temperatures—temperatures below the melting point of ash. This also means that high-ash coal can be used since the ash will not melt and plug and scale the boiler as in a conventional system.

Third. FBC offers the ability to use a wide variety of fuels; everything from anthracite to high-sulfur coal to municipal refuse can be used without major boiler modifications.

Fourth. FBC systems do not use water to control sulfur emissions as do conventional systems. This can result in water savings of 7 to 10 percent.

Fifth. FBC should result in lower operating and maintenance costs. For example, the Tennessee Valley Authority estimates that up to 50 additional trained personnel are required to operate and maintain a scrubber. In addition, scrubbers can consume as much as 5 percent of the power generated so that additional generating capacity has to be installed to compensate for the loss.

GAO declared that FBC's "basic concept is sound and it works. Small scale units have been operating successfully for years. But in order to commercialize the technology, its reliability under industrial and utility loads must be demonstrated." This program will provide for the demonstration of industrial feasibility, a demonstration which I believe is a logical and prudent next step.

FBC technology provides the opportunity for industry and utilities to substitute coal for oil and natural gas for many applications. The potential for oil savings is huge. Direct oil consumption by industry and utilities has averaged about 5.1 million barrels per day for the first 5 months of this year—about 1.2 million barrels per day for utilities and 3.9 million barrels per day for industry. This amount of oil represents nearly 73 percent of the approximately 7 million barrels of oil we are importing each day and, in addition, represents an oil import bill of over $60 billion.

Mr. President, the statistics I have just cited show that industry uses over three times the amount of oil that utilities consume, yet it seems as though this target of opportunity for oil savings has been rejected.

Just this past June 24, the Senate, by a vote of 86 to 7, passed S. 2074, the Powerplant Fuels Conservation Act of 1980. This act, which I was proud to cosponsor with so many of my colleagues, authorizes $3.6 billion to assist 80 utility powerplants to convert from oil to coal. In addition, $600 million was provided to help nonconverting powerplants control sulfur emissions resulting from the increased use of high sulfur coal. This legislation, which I hope will be enacted this session of Congress, will enable us to save 250,000 to 300,000 barrels of oil per day—savings in the range of 25 percent of current utility oil consumption. If we could achieve comparable savings in industry, we could save nearly an additional 1 million barrels of oil per day—savings which could reduce our oil import bill by over $12 billion annually at today's prices. I believe that such savings are possible by speeding the industrial utilization of fluidized bed combustion technology, which is what this program will accomplish.

Mr. President, this is a program which

has been carefully developed by the Department of Energy; a program which had its genesis in the cogeneration technology alternatives study (CTAS). CTAS, began in fiscal year 1977 under the Energy Research and Development Administration, studied six major industries representing almost 80 percent of industrial energy consumption. Nine potential energy conversion systems were examined from the standpoint of energy savings, economics and environmental quality. The atmospheric fluidized bed combustor coupled to a steam or gas turbine emerged as the most attractive industrial cogeneration option, having the potential for saving up to 50 percent more energy than current cogeneration techniques.

Based upon the CTAS and other study results, the DOE developed a cost-shared, industrial demonstration program to achieve industrial acceptance of FBC as a reliable technique. Congress appropriated $4.3 million for this program in fiscal year 1980, anticipating a total funding of about $25 million over 3 fiscal years as the Government's share of the cost of up to four industrial FBC boiler plants.

As a result of this funding, in March 1979, DOE issued a competitive solicitation for industrial participation on a true cost-sharing basis. This solicitation drew a considerable number of outstanding proposals. The Department's plan was to select the winners this past December so that the paperwork could have been completed by March of this year and the projects launched. Unfortunately the Office of Management and Budget denied DOE's request of $10 million for fiscal year 1981 for the program; funds which were restored by the House in their version of this appropriation bill and very wisely so, I think.

Unfortunately, the Senate Appropriations Committee has decided not to follow the House's lead with regard to this program, while noting the House action and stating that—

> While the Committee favors demonstrations of this technology, no additional funds are recommended here since language is recommended to make these projects eligible for funding under the Alternative Fuels account.

Indeed, the continuing resolution, (H.J. Res. 610) passed on September 30, provided $30 million for "* * * energy feasibility studies and cooperative agreements for direct combustion * * *." However, there is no guarantee that this particular program will be funded and, in any event, initiation of individual projects could well be delayed.

Mr. President, I think that the recent events in the Middle East should serve to remind us yet once again of our extreme vulnerability to oil imports. We simply do not have the luxury of dallying for months in launching our efforts. I urge the Senate conferees to recede to the House's position which provides $10 million for this program of cost-shared industrial demonstrations of atmospheric fluidized bed technology. This program will help to demonstrate a new oil-saving technology at a relatively modest cost.

Mr. President, I reiterate once again that this is one technology that will let us use high sulfur eastern coal. Ohio, West Virginia, and Kentucky have abundant coal of this type. We do have problems with EPA and with EPA requirements as far as using that coal. We already have suits filed against our State of Ohio by New York and Pennsylvania regarding the acid rain problem, and that stems back to the high sulfur coal that they charge is causing some of the acid rain. But the fluidized bed technology is one way that we can use that high sulfur coal. I think it may be penny wise and pound foolish to think that we are saving money in the long run when we set out to establish a $20 billion or so synfuels program and then not do the relatively inexpensive things on technology and with regard to development of new alternate energy sources that we should be doing in this country.

Electrical energy storage is another area needing more emphasis. But electrical energy storage technology and fluidized bed technology and coal gasification technology, that I spoke about earlier today, are things that we are not funding adequately. These have great potential of letting us use our existing energy sources and cutting our imports of oil.

So I hope the committee can see fit to make every effort to recede to the House in conference so we can get this $10 million and get on with the fluidized bed technology demonstrations.

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

Mr. GLENN. I yield.

Mr. HUDDLESTON. Mr. President, I commend the Senator from Ohio for his excellent presentation on this particular technology.

Being from the Nation's No. 1 coal-producing State, I have a great appreciation for and a great interest in facilitating the direct use of coal and what it means to the energy needs of this country at this particular time.

We have embarked upon a great synthetic fuels program, and I think it offers great promise to us. But in the short term, the greatest usable asset that we have, is coal directly burned. These kinds of processes that enable coal to be used without the pollution problem that is attendant to it certainly would facilitate a greater use.

We have been very interested in all of the processes that involve the use of coal both in direct burning and conversion to oil and to gas, as the Senator from Ohio has. He has correctly pointed out a great percentage of the coal reserves in this country are the high ash coal that was referred to by the Senator and any process that can utilize that type of coal becomes particularly significant at this time.

Our committee has not been blind to these needs, and I think we have demonstrated a sufficient amount of interest in trying to move ahead as rapidly as we can.

The Senator from Ohio is correct that the House of Representatives added $10 million back in July for these particular processes. But then we came along in September and led the way to an appropriation of $30 million through the Department of Energy for the direct combustion applications under the alternative fuels program which this category falls under and which they are eligible for.

So we have provided an opportunity to move in this direction very aggressively with the money that has been made available to them.

As has already been pointed out, our committee is right up against our ceilings from the concurrent budget resolution as far as our outlays are concerned.

I can assure the Senator from Ohio that we look very favorably on this proposal. If we are given the leeway in the next concurrent resolution or if we have within the conference itself the maneuvering room to accept the House position on this, the Senator can be assured that we will make every effort to accomplish that.

Mr. GLENN. Mr. President, I hope that in the conference, there will be a careful survey of the longer term, multi-billion programs to see if we cannot find the additional $10 million required for this program.

We have the mines sitting there, some of them vacant and not operating right now, as the distinguished Senator from Kentucky knows—I am not telling him anything new because he has mines not working now and miners unemployed just as we do in the southeastern part of my State of Ohio. They are ready to go, ready to produce energy. All we need is the means to let us use high sulfur coal, and this is one way of doing it. For lack of $10 million, I would hate to see fluidized bed combustion demonstrations held up for an indefinite period of time.

I appreciate that another $30 million was provided for direct combustion under the alternate fuels account, and we hope some of that can go to fluidized bed projects. However, when the Senator gets to conference on this, I think the interests of the Nation could be well served by looking very closely at some of these many billion dollar accounts that will be dealt with there to find the very paltry $10 million needed for this program—a program that could be life or death for fluidized bed technology demonstrations for some time to come.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator and I assure him we will be trying to achieve that objective.

UP AMENDMENT NO. 1758

I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BAUCUS). The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 1758.

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

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

The amendment is as follows:

On page 45, strike lines 14 through 21.

Mr. HUDDLESTON. Mr. President, this is part of the committee amendments we adopted yesterday. There was some confusion yesterday apparently existing over this part of it. This amendment simply deletes a paragraph from the committee bill that has already been enacted in the continuing resolution. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I support the amendment.

The PRESIDING OFFICER The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1758) was agreed to.

UP AMENDMENT NO. 1759

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an unprinted amendment numbered 1759.

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

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

The amendment is as follows:

On page 14, line 14, strike "440,328,000" and insert in lieu thereof "$440,743,000."

Mr. KENNEDY. Mr. President, I am offering an amendment to the 1981 Department of Interior appropriations bill to add $415,000 for the National Park Service to acquire the Frederick Law Olmsted archival collection. This acquisition was authorized last year in Public Law 96-87 which established the Frederick Law Olmsted National Historic Site.

When I first introduced legislation to establish the Frederick Law Olmsted National Historic Site in 1973, we were celebrating the 150th anniversary of Olmsted's birth. Since that time we have seen a renewed interest in preserving the record of his work for all future generations of Americans. And we have gone far in accomplishing this goal. Last year we were successful in designating the Olmsted home and office as a National Historic Site, and work has already begun to restore the property.

Now, we must begin the task of preserving the extraordinary archival collection which contains Olmsted's prints, drawings and photographs. Already thousands of drawings have been destroyed and unless we act now additional portions of this priceless collection will be lost forever.

If this were to occur, it would represent a significant loss for all Americans. Frederick Law Olmsted played an outstanding role in improving the quality of life in our urban centers. As the "Father of Landscape Architecture," Olmsted is remembered across the United States as the creator of many of our Nation's most beautiful urban parks. In Boston, we know him as the designer of the Emerald Necklace. New York knows him as the planner of Central Park. And here in the District of Columbia, the Capitol Grounds provide an example of his genius. None of these places would be the same without the beauty of the green space Olmsted left us.

Perhaps the most important component of the Olmsted legacy is the archival collection, housed in Brookline, Mass. In addition to its value as a record of Olmsted's great achievements, the collection has significant practical value. It can be used as a reference by States, municipalities, and institutions for rehabilitating their existing landscapes. And it is an invaluable educational resource for students of architecture who seek a better understanding of landscape architecture and urban park planning. In its 1978 study of the Frederick Law Olmsted home and office, the National Park Service noted the importance of the collection in referring to it as "one of the single most important sources of information on the history of environmental design today."

Mr. President, we cannot wait any longer to begin the process of preserving and restoring this national treasure.

Recently, the Park Service used approximately $98,500 in discretionary funds to purchase a number of items because they were in urgent need of attention. However, additional funds must be made available if the remaining items are to receive adequate protection.

In 1979, Congress authorized $514,500 for the National Park Service to purchase the archival collection, representing the appraised value of the items. As I mentioned, $98,500 has recently been spent for this purpose. Therefore, $415,000 needs to be appropriated in order to complete the purchase and begin the work necessary to preserve the remainder of the collection.

Mr. President, Frederick Law Olmsted brought to this Nation the gift of natural landscapes within our cities. Each day, millions of Americans enjoy the simple beauty of the parks which Olmsted designed. Now, we have the opportunity to insure that future generations have the chance to gain insight into Olmsted's extraordinary genius, embodied in his archival collection. I urge my colleagues to suport me in this effort.

Mr. HUDDLESTON. Mr. President, we appreciate the Senator from Massachusetts bringing this matter to our attention in a timely manner.

There is a question of time involved here because of the special circumstances concerning some archives, if you call them that, which would be very valuable to us for all future generations.

We are agreeable on this side to accepting this amendment and we urge its adoption.

Mr. STEVENS. We accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (UP No. 1759) was agreed to.

AMENDMENT NO. 2618

Mr. PRESSLER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is the Senator referring to amendment No. 2618?

Mr. PRESSLER. Yes, 2618.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) for himself and Mr. MCGOVERN proposes an amendment numbered 2618.

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

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

The amendment is as follows:

On page 8, after line 2, insert the following:

RURAL WATER TREATMENT AND DISTRIBUTION SYSTEM

For expenses for initial planning and construction of a rural water treatment and distribution system pursuant to section 9 of the Rural Development and Policy Act of 1980, $1,900,000.

The PRESIDING OFFICER. Under the previous order, there is a time agreement on this amendment.

Mr. PRESSLER. Mr. President, I am seeking a $1.9 million appropriation for the purpose of beginning work on the WEB water pipeline in South Dakota.

Had the South Dakota congressional delegation been able to get a firm expression of support from the Secretary before the passage of the energy and water development appropriations measure, we would have sought funds for WEB under that bill. However, we now have the full support of the Secretary of the Interior for this small amount of money which will go toward improving the quality and supply of water to South Dakota towns.

Although a new administration may change the Department of the Interior's agreement with the South Dakota congressional delegation to seek alternatives to the Oahe unit, which was placed on President Carter's water project "hit list" 4 years ago, I am sure support and commitment to the WEB pipeline project will continue.

The South Dakota congressional delegation has received a commitment from the Secretary of the Interior to support initial fiscal year 1981 funding for the WEB project. This amendment is offered based on the Secretary's commitment to us to give up the previous authorization.

I have a letter from the U.S. Department of the Interior, which letter is dated November 14, 1980, which indicates the Department's support for this particular project, which is in pursuance of the agreement that we would deauthorize the existing Oahe project in exchange for other projects. That letter came over today at our request, but we had had previous correspondence and previous letters with the Interior Department, which has sought a deauthorization of Oahe, the large irrigation project.

Mr. President, I ask unanimous consent to have printed in the RECORD this

letter of support from Daniel Beard, Acting Assistant Secretary, addressed to me.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 14, 1980.

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: You have requested clarification of the Administration's position on the amendment to the Interior Appropriations bill to provide first year construction funding for the WEB pipeline project. WEB is a rural drinking water treatment and distribution system of the type normally funded by the Farmers Home Administration. However, pursuant to legislation authorizing WEB, the project is to be financed through funds transferred from the Department of the Interior.

This is to notify you that the Administration would support an amendment providing $1.9 million in FY 1981 for the project.

Sincerely,

DANIEL BEARD,
Acting Assistant Secretary.

Mr. PRESSLER. The proposed WEB project would supply domestic water to over 30,000 persons in an area covering portions of 10 counties in north-central South Dakota, comprising 8 percent of the State's land area. The development of the WEB project would improve domestic water supplies in an area plagued with poor quality water supplies. Components of the domestic water system include an intake at Lake Oahe, a treatment plant, a network of underground pipelines and appurtenances.

Water quality data available for 34 out of 51 municipal systems to be served by WEB indicates that certain chemical properties in these existing public water sources exceed the maximum contaminant level (MCL) of the interim primary and secondary water quality regulations promulgated pursuant to the Safe Drinking Water Act. Violations of the primary MCL for fluoride are found in 12 systems, serving 5,841 persons (33 percent of the population within these systems). The MCL's for chloride, manganese sulfate and total dissolved solids are exceeded in a number of instances. Excessive hardness and sodium are also common undesirable characteristics found in existing supplies. All 34 community supplies surveyed to date have at least three and a majority have more of these undesirable constituents in their existing water supplies.

The $1.9 million being requested will be used for final construction design and construction of facilities, including land purchases, borings and aerial photogrammetry. The WEB board has considered construction of advanced features of the project, such as storage that would supplement already critical water supplies of communities waiting for WEB water. These features could aid towns like Groton, Redfield, and Hoven in temporarily meeting water supply problems until the pipeline can be constructed. These structures would be designed as part of the WEB system and would serve rural residents in addition to these towns after the pipeline is completed.

So, Mr. President, in conclusion, we are not asking for money to construct a massive project. We simply seek the funds promised to us by the Secretary of the Interior to finish the final design work on the project and to assist towns in the area with their critical water supply and quality problems.

I would ask my colleagues to adopt this amendment.

In addition, Mr. President, I ask unanimous consent to have printed a statement by Senator MCGOVERN.

STATEMENT BY SENATOR MCGOVERN

I offer this amendment to H.R. 7724 in an effort to keep South Dakota water resource development "on track." While I realize the committee is not interested in initiating "new starts" under this proposed budget, I hasten to point out the authorization for this project is not of a traditional sort and as such does not represent the kind of new start to which the committee may be opposed.

This appropriation deals with the WEB Water Development Association pipeline in South Dakota. The WEB pipeline involves transportation of Missouri River water eastward in northcentral South Dakota to serve people living on farms, in small rural communities and in larger municipalities. 30,000 South Dakotans would be served by the project.

In essence, the WEB pipeline is a rural water system "main trunk line" off of which smaller rural and domestic water systems will feed. That is why this amendment makes reference to Section 9 of the Rural Development Policy Act of 1980.

Under arrangements made with the Office of the Secretary of the Interior and with the approval of the Office of Management and Budget, $1.9-million of the President's proposed Interior appropriation could be reprogramed for this purpose. I have chosen—along with my colleague from South Dakota (Mr. PRESSLER) to instead offer this amendment for a line-item appropriation.

The WEB authorization—which has already been approved by this body and the House of Representatives—allows for a first-year appropriation of this kind on the condition that the congressionally-authorized Initial Stage, Oahe Unit be deauthorized by September 30, 1981. If for any reason Oahe is not deauthorized, the authorization for the WEB pipeline will automatically lapse. So this, Mr. President, is not a "traditional" new start.

WEB's authorization is different in other ways as well. The Department of the Interior will not be directly involved in the construction of the pipeline. Rather, the Department will divert funds to the U.S. Department of Agriculture's Farmers Home Administration for the purpose of being directed to the WEB Association. This is taking place at the request of local project sponsors and to capitalize upon their "special relationship" with the Department of the Interior due to the untimely decision to stop construction of South Dakota's major water development effort until the time the Carter Administration made that decision—and Congress concurred—the Initial Stage, Oahe Unit.

We in South Dakota believe the WEB project to tbe worthwhile as partial settlement of the outstanding debt we are owed for Oahe's demise. That is what this effort is all about. If we can find a package of water project authorizations and project feasibility studies which will help meet our needs in the decades to come, we will agree to Oahe's deauthorization, thus allowing us to regain our water development momentum.

It is precisely because we recognize the Administration and Congress' objection to continued work on Oahe that we have linked the future of WEB and South Dakota water development to Oahe's eventual deauthorization.

It may be argued that this $1.9-million investment in our water development efforts may not be successfully used to continue further development of the project. That well may be. But, I regard this as a very modest investment in our water development future—especially when one recognizes we have sacrificed a $370-million project to get to this point in asking for about 5 percent of that entitlement.

I request favorable consideration of this amendment from my colleagues.

Mr. PRESSLER. Mr. President, I have completed my presentation of the argument, and if I have time remaining I may have some additional responses to questions.

Mr. HUDDLESTON. Mr. President, this is a rather unique kind of project and a unique way of funding. At first blush, our judgment was that it was not proper in our particular bill. Normally, this kind of project would be financed through the Farmers Home Administration through the Department of Agriculture appropriations, and that may still be the most proper way to do it.

The Senator from South Dakota has explained how he and Senator MCGOVERN and the other members of the congressional delegation from that State have worked with the Department of Interior and the Department of Agriculture in developing this particular plan of financing.

As I said, we have not had appropriations hearings on this particular project or this plan. Hearings, presumably, were held in the authorizing committee and it has been authorized.

But we are taking the position that while we can accept this $1.9 million expenditure, we do not think it ought to be included within the limits that are allocated for our particular committee and its functions. We can go to conference with this particular figure and do the best we can there, after looking into it further from the standpoint of its appropriateness.

I suggest to the Senator from South Dakota that staff counsel suggests that this might better be inserted on page 33 of the bill, after line 15, rather than at the place it is indicated at the present time.

Would the Senator take a look at that suggestion and see whether or not we should make that modification?

Mr. PRESSLER. Mr. President, I thank the Senator from Kentucky for his remarks. That would be agreeable to us. Would that fall under the chapter Youth Conservation Corps?

Mr. HUDDLESTON. Actually, it is under the office of the Secretary. It would be just under that paragraph.

Mr. PRESSLER. Yes, I see.

Mr. President, I thank the Senator and his staff for that very appropriate change.

The PRESIDING OFFICER. Does the Senator wish to modify his amendment? If he does, it would require unanimous consent.

Mr. PRESSLER. Mr. President, I wish to modify the amendment to that effect.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER Do the Senators yield back their time?

Mr. HUDDLESTON. Yes, I yield back my time.

Mr. PRESSLER. Mr. President, did I understand the Senator to say that he is prepared to accept it or shall I ask for the yeas and nays?

Mr. HUDDLESTON. We will accept it.

Mr. PRESSLER. Mr. President, I yield back the remainder of my time. I thank the Senator from Kentucky and the Senator from Alaska and their respective staffs for their support and consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2618) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 1760

(Purpose: To provide $45,000,000 to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. HATFIELD, Mr. WILLIAMS, Mr. HEINZ, and Mr. MOYNIHAN, proposes an unprinted amendment numbered 1760:

On page 8, after line 8 add the following new section:

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title X of Public Law 95-625), $45,000,000, to remain available until expended.

Mr. METZENBAUM. Mr. President, this amendment relates to the entire question of the continuation of the urban parks program. It would provide the same amount of funding as that which is presently contained in the House bill. The whole urban parks concept has been a development of recent years. Original legislation which I authored in the Senate was signed into law by President Ford, and appropriately so because it had been a subject to which he had addressed himself and indicated strong support.

In the early 1970's, Congress, led by Senator JACKSON, instructed Interior to do a major study of "the needs, problems, and opportunities associated with urban recreation in highly populated regions."

That study, which was completed in 1978, was the predecessor of this legislation. When it was enacted into law it was cosponsored by Senators HATFIELD, WEICKER, CRANSTON, WILLIAMS, JAVITS, RIBICOFF, KENNEDY, CHAFEE, CULVER, RIEGLE, HEINZ, MOYNIHAN, STONE, MATHIAS, SARBANES, and BAYH.

The bill at that time had the support of 34 major organizations including the National Governors Conference, the League of Cities, the Conference of Mayors, the National Association of Counties, the National Urban League, the National Urban Coalition, and the National Parks and Recreation Association.

This amendment which I have sent to the desk is cosponsored by Senators HATFIELD, WILLIAMS, HEINZ, and MOYNIHAN.

The original bill also had strong support—and I have not inquired of them but I am certain that the amendment would have support of such groups as the national board of the YMCA, Girl Scouts of the U.S.A., Boys Clubs of America, Children's Foundation, and the League of Women Voters.

WHY URBAN PARKS?

Seventy percent of Americans live in cities.

Unemployment up to 60 percent for minority youth in some cities. Too many live in hopelessness.

This gives them some opportunity to be involved, to participate in parks and recreation programs.

In June 1978, I chaired an urban parks hearing of the Subcommittee on Parks and Recreation. Two of our witnesses were Willie Mays and Wes Unseld, great athletes who have devoted their time to working with young people in the cities.

Wes Unseld had this to say about his own work in the city of Baltimore in connection with this program:

I have been involved in programs in that area. I worked extensively with one called the Neighborhood Basketball League, which I think is now in 13 or 15 different cities across the country. We can see we have 30,000 or 40,000 young men and women involved in sports during the summer. We know even though it is barely financed, it is there. Also, being involved in this program I get a chance to go out and talk to people. If I can relate one thing to this committee which I think will summarize what I am trying to say, it is that I talked to the principal of a junior high school one summer. I think it was 6 or 7 o'clock at night, must have been 98° and we had 3 or 4 games going on the asphalt outside, and he told me one thing that stayed with me all along. I guess it has kept my involvement in this program.

He said: "For the first time in this school's history, they will not have to replace the windows in the school because the kids in the neighborhood had something else to do that summer." I would hope if anything this would bring the point across for the need for this bill. Thank you. Thanks for letting me be here. If I can help—if there is anything else I can do, let me do it.

That was Wes Unseld speaking, that was he addressing himself to the issue of the kids on our streets.

But it is not just a matter of keeping the kids off the streets. As one writer has so aptly put it:

Recreation is an expression of man's need for man. It is not a panacea for all social ills; it is not a substitute for jobs with decent pay or safe and sanitary housing, or a relevant educational system, or a meaningful role for the elderly in society. But it is an important way to learn democratic human relations, leisure skills and interests, creative expression, and to promote physical, mental and social growth. These are not inconsequential benefits.

Surveys have shown beyond doubt that urban residents want and value the benefits of a creative, functioning and well-rounded recreational program. The urban parks program, which will die unless this amendment is adopted, has funded 254 projects in 41 States.

The number 254 represents just half of the cities that want to participate. Over 500 have prepared action plans. And this year, cities have requested six times the money that is available.

The program has involved people. All over the country the adopt a park program has brought in community volunteers—church programs, neighborhood residents, community organizations—to repair and refurbish existing recreational facilities.

Programs in Florida, Mississippi, New York, and Maine have been developed specially for the elderly and the handicapped.

Illinois, New Jersey, North Carolina, California, and Washington have land recycling programs.

As a matter of fact, I have before me a list of the States in which these programs are presently working. It is my understanding it includes all 50 States of the Union.

Many programs are phased developments. To cut off the Federal share, as this bill would do, could waste millions and leave projects unfinished.

Finally, let us not forget that park programs are cost effective.

In Boston, it has been estimated that for every person using two major downtown parks, the cost of overall maintenance and equipment is approximately $1 per person. And that is a dollar no matter how many times a given individual comes back.

And parks can and do make a difference. The city of Detroit spent $10 million a few years ago to upgrade Belle Isle Park. A spokesman for Mayor Coleman Young said this about the impact:

Previously, the park had been poorly maintained for an 8-10 year period. Attendance dropped dramtically and Belle Isle became known as a "poor folks park." Now, large numbers of people representing every ethnic and income group from ADC mothers to corporate presidents can be found enjoying this beautiful island.

The authorization bill provides for $150 million. I am not asking for $150 million. I am asking only for $45 million, the same figure that the House has in its legislation. Although the argument may be made that there is still some money left from a previous year's appropriation, on that basis I suppose we ought to eliminate any further funding in almost any department of Government, including the Department of Defense. But nobody would be so absurd as to suggest that. There is probably an-

other $20 million that is unexpended of $45 million that still remains in this program from a previous appropriation.

I would say, Mr. President, that I appreciate the difficulties that the chairman of this committee has in connection with this amendment. I appreciate the fact that he, himself, has been a supporter of this program. But I would urge as strongly as I know how that I think that this is the kind of program that the American people want their money spent on and that we should not cut back this $45 million. We should not go to the conference committee with a zero figure to offer them. I think this is needed and I hope that the acting chairman of the Appropriations Committee can see fit to accept this amendment in its present form.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HUDDLESTON. Mr. President, I certainly do not dispute anything that the Senator from Ohio said relating to the value of urban parks and urban recreation facilities to the well being of citizens in this country.

We are confronted here, as we have been, with many valuable and worthwhile programs, with a simple position of whether we are going to exercise fiscal restraint, whether we are going to respond to the very emphatic and obvious statement by the people of this country that we ought to exercise some fiscal restraint and achieve something close to a balanced budget or at least live within the budget allocations that are assigned to each of our committees and subcommittees of the Senate.

This particular program, as the Senator has mentioned, does have some $45 million available to it for this fiscal year. The budget request was zero. Congress had to rescind $15 million of the fiscal year 1980 appropriation and defer another $45 million. So it seems to me that the program is continuing with the deferred $45 million. It would be fiscally unwise now to appropriate another large sum of money and come up again next year with a need to pull back funding when we are confronted with other budget constraints and again have to face a rescission or a deferral message which may very well come to us from the President.

Mr. President, our subcommittee does recognize this program as one of some value. When we get to conference we do have some maneuvering room with the House since they have included an appropriation. We will know by then, of course, what the second concurrent resolution will prescribe specifically for this committee. We will be in a much better position to weigh all of these factors against the other budget and spending requirements that we have, making the necessary judgment as to where the priorities ought to be.

I say again, Mr. President, that no matter how good our intentions are as far as fiscal restraint and a balanced budget are concerned we shall accomplish nothing until we are willing to bite the bullet on programs that we consider to be very good programs and very valuable programs, because there is no other way to eliminate the deficit. We cannot wish it away, we cannot hope that it will disappear. It will not happen until we are able in this body, by a majority vote, to reduce programs that we believe to be very good programs.

This undoubtedly falls into that category with most of our Members here. But in the interest of holding the line on expenditures and exercising appropriate fiscal restraint, we oppose, at this time, adding the appropriation that is suggested in the amendment by the Senator from Ohio.

Mr. President, I yield to my colleague from Alaska.

Mr. STEVENS. Mr. President, I share the feeling of the Senator from Kentucky. Despite my firm support for this program, I feel that we cannot take amendments like this. The House bill has the $45 million in it and that matter will be in conference. We do have some items in our bill that are not in the House bill which will also be subject to negotiation.

We added $78 million to the State grant portion of the land and water conservation fund. That was, in our opinion, of a higher priority than this program. It is something that was very much sought after by many Members of the Senate. The figure is $78,745,000 over the budget.

If the amendment of the Senator from Ohio is not tabled, I shall feel constrained to offer an amendment to reduce that add-on by $45 million, as we are currently slightly above our present outlay ceiling.

Mr. President, I join the Senator from Kentucky in urging the Senate to table this amendment. I do so with full knowledge that, in terms of the programs that we thought had the highest priority, the Senate selected the land and water conservation fund rather than the urban parks area. We actually added $78 million which does overlap in some way with the urban parks program.

Mr. HUDDLESTON. Mr. President, if the Senator will yield, he is making a good point there. He did not go quite far enough.

While all of these programs that the Senator from Ohio indicated are, I think, important, this particular program is not the only one which is available for cities for developing recreational facilities. As a matter of fact, this is a very new program. It has only been funded 1 year. If you are looking down the road and trying to head off growing expenditures, this is a pretty good time to direct your attention to this particular program.

The Land and Water Conservation Fund that the Senator from Alaska has referred to also provides substantial financing available to cities for developing recreational facilities. The Department of Housing and Urban Development also has a considerable amount of funding available that is used by the cities in developing recreational facilities of the nature that we have been referring to. And there are others. So, Mr. President, we are not cutting off Federal participation in the development of recreational facilities and parks within the cities of our country at all by this particular move. We do, as the Senator from Alaska said, have our budgetary restraints that we have to take into account and we simply have to make judgments and set priorities as to how we distribute that money that is available to us.

Mr. METZENBAUM. Mr. President, I should like to point out to both my friend from Alaska and my friend from Kentucky that there is $394 million in the Land and Water Conservation Fund and, although it may be possible to use those funds for urban recreation and parks programs, it is my understanding that, as a matter of practice, it is not done.

The bill also contains $225 million for the Fish and Wildlife Service. I do not rise to challenge the $225 million for Fish and Wildlife Service, but I think that if we can spend five times the amount of my amendment for fish and wildlife, we can spend $45 million for the kids we need to take off the streets before they wreak havoc in American cities.

Mr. President, this is not a problem or program that is localized; it is a program that has been used throughout the Nation. I am as concerned as any Member of the Senate about exercising fiscal restraint, but I feel that economies can be effected in other parts of the budget when we are talking about a sum which is certainly not a munificent one, $45 million.

Mr. President, my friend from Alaska says that if the motion to table is not agreed to, he would be inclined to offer an amendment thereafter to reduce the figure. Let me say to the distinguished assistant minority leader—soon to be assistant majority leader; I had to get that correct—that, rather than do that, the Senator from Ohio would be receptive to learning from the Senator from Alaska what the lower figure is that he would be inclined to use from the standpoint of an amendment. I should like to see if there could not be some way of effectuating a compromise before we take the matter to a vote.

Mr. STEVENS. Mr. President, with due appreciation for the ability of my friend to put a tough question, I think we have the bottom line in the bill now—at least until after the motion to table.

Mr. METZENBAUM. Mr. President, I am ready for the motion to table unless Senator HATFIELD, Senator HEINZ, or Senator MOYNIHAN, as indicated, are ready to come to the floor. If not, I am prepared to vote.

Mr. HUDDLESTON. Mr. President, I move to lay the amendment on the table.

Mr. METZENBAUM. I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 54, nays 26—as follows:

[Rollcall Vote No. 468 Leg.]

YEAS—54

Armstrong	Ford	Nunn
Baker	Garn	Packwood
Baucus	Glenn	Proxmire
Bentsen	Goldwater	Pryor
Boschwitz	Hart	Randolph
Bumpers	Hatch	Roth
Byrd, Harry F., Jr.	Hayakawa	Schmitt
Byrd, Robert C.	Heflin	Schweiker
Cannon	Helms	Simpson
Cochran	Huddleston	Stafford
Cohen	Humphrey	Stevens
Cranston	Inouye	Talmadge
Danforth	Jepsen	Thurmond
DeConcini	Johnston	Tower
Dole	Laxalt	Warner
Domenici	Long	Young
Eagleton	Lugar	Zorinsky
Exon	McClure	
	Mitchell	

NAYS—26

Biden	Levin	Riegle
Burdick	Matsunaga	Sarbanes
Chafee	Melcher	Sasser
Culver	Metzenbaum	Stewart
Durenberger	Morgan	Stone
Durkin	Moynihan	Tsongas
Hatfield	Nelson	Weicker
Heinz	Pell	Williams
Jackson	Pressler	

NOT VOTING—20

Bayh	Hollings	McGovern
Bellmon	Javits	Percy
Boren	Kassebaum	Ribicoff
Bradley	Kennedy	Stennis
Chiles	Leahy	Stevenson
Church	Magnuson	Wallop
Gravel	Mathias	

So the motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, at this time I yield to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I wish to inquire of the distinguished floor manager his understanding of the intent of the Senate report language concerning contract health care as administered by the Indian Health Service Department of Health and Human Service.

The Senate report No. 96-985 indicates on page 85:

The addition of $2 million to provide increased services to Arizona Indians.

Is it the understanding of the floor manager that this amendment includes sufficient funds for the development of an adequate health service plan for the Pasqua Yaqui Indians of Arizona?

Mr. HUDDLESTON. Mr. President, the Senator is correct. Our answer is affirmative to that. It is our understanding and our expectation.

Mr. DECONCINI. I thank the chairman very much.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky.

The 1981 budget for forestry research reflected an acceleration of research as envisioned by the Resources Planning Act.

It was a program budget developed in consultation with nearly 1,000 users of forest and range resources, representing a broad range of interests.

The budget reflected the view that research was one of the most important strategies for increasing the supply of goods and services from our natural resources, and also reflected the view the research can reduce the conflicts surrounding the use of those resources.

Mr. MELCHER. I would agree with that. Unfortunately, while the House supported this approach, the Senate bill recommends a reduction in the research budget of the Forest Service of $4.4 million. In addition, specific project earmarking in the bill distorts carefully arrived at research priorities. This earmarking creates both a program distortion and a regional imbalance in Forest Service research activities.

Mr. COCHRAN. That is a good point. I do not question the committee's decision concerning the amount of money to be appropriated. That can be worked out in the conference. But it is clear that if the Resources Planning Act is to be successful, the priorities established in it for research by scientists and other users of research should not be rearranged at this point. I hope that in conference the Senate conferees will follow the lead of the House in sticking to the RPA priorities for forest and range research.

Mr. MELCHER. I am in total agreement with my colleague.

UP AMENDMENT NO. 1761

(Purpose: To insure air safety, no funds shall be used for implementation or enforcement of a noise abatement plan at Jackson Hole Airport, Wyoming, prior to construction of an air traffic control tower)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) for himself and Mr. WALLOP, proposes an unprinted amendment numbered 1761.

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

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

The amendment is as follows:

On page 16, line 22, strike the period and insert in lieu thereof the following: ": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport, to include any adjustment of landing or takeoff patterns, prior to the construction and operation of the planned permanent air traffic control tower at said airport facility."

Mr. SIMPSON. Mr. President, I join my colleague Mr. WALLOP in the introduction of UP amendment No. 1761 to H.R. 7724, the Interior appropriations bill.

Mr. President, the amendment seeks to preclude a very extremely dangerous air traffic situation from developing in the vicinity of Jackson Hole, Wyo.

The Jackson Hole Airport, located within the boundaries of Grand Teton National Park, operates under the authority granted in a special use permit from the Department of the Interior. The permit is valid until 1995. On last renewal of that permit, it was specified that the Jackson Hole Airport board, in conjunction with the National Park Service, would prepare and implement a noise abatement plan which would be designed to minimize the noise impact of aircraft movements in that area of western Wyoming.

During preparation of the plan a disagreement developed between the airport board and the National Park Service regarding the maximum noise levels that might be produced by any particular aircraft, and as a result of that disagreement the Interior Department now seeks to forcefully implement its version of the plan.

Any implementation of this plan—or any type of plan like that—within the next 11 months would create a most dangerous situation for the following reason: A provision of this plan requires, weather permitting, that aircraft landings and takeoffs be made from the south to avoid overflight of Grand Teton Park on the north. That requirement alone would set up a very dangerous "head on" movement of traffic separation. The plan also calls for the completion of construction of an FAA control tower to safely separate those movements of aircraft operating in this otherwise dangerous manner. According to the FAA, construction of the control tower is not scheduled before October 1981 at the earliest. Therefore, implementation of this noise abatement plan prior to the construction of the control tower—which the Department of Interior is attempting to do—would obviously endanger the flying public.

Mr. President, it is obvious that the Department of Interior is in a hellbent rush to implement this noise abatement

plan because it would effectively ban most commercial, private, and general aviation jets from the airport at Jackson, which has been a stated goal of that Department regardless of congressional intent. The noise abatement plan also seeks to establish operating procedures which are in direct violation of established Federal Aviation Administration (FAA) operating procedures, but for the purpose of debate today in the briefest form I am not here to argue the clearly arbitrary nature of the noise limitation imposed by this plan—or even to illustrate the tremendous inconvenience and the economic impact that implementation of this plan would have on the traveling public and the economy of this part of the country, or even to cry "foul" as the Department of the Interior attempts to implement the plan without any concurrence by the airport operator if the Senators can believe that. The airport's proprietor, which is the Jackson Hole Airport board of directors, does not even have the courtesy of input, and I will not even argue that there is not a need to operate that airport in the most environmentally acceptable manner possible. That is important. But I am here to say that the excessive zeal, arrogant, and arbitrary rulemaking—without benefit of public comment—on the part of Park Service and the Department of Interior in their mad, enthused, and punitive push to implement this plan before the proper safeguards are in place will only set up a situation whereby commercial and private aviation pilots and passengers will be placed in an extremely dangerous and unnecessary situation.

This amendment then will delay implementation only until a control tower is present to carry out whatever rules that might be promulgated by the agencies.

I ask for adoption of the amendment.

Mr. HUDDLESTON. Mr. President, while the committee has not had any opportunity to conduct any sort of hearing on this particular problem, we do recognize that the problems exist as indicated by the distinguished Senator from Wyoming.

We think that we can accept this amendment with the understanding we will have time to look into the matter further and be in a position to take an appropriate position during the conference session between the House of Representatives and the Senate on this bill.

Mr. SIMPSON. Mr. President, I thank the floor manager of the legislation. I think it will be determined that this waiting period will not be detrimental, and that certainly no regulation should be in place until a control tower is there to administer the traffic pattern. That is what I am seeking through this amendment.

Mr. HUDDLESTON. I understand.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 1761) was agreed to.

UP AMENDMENT NO. 1762

Mr. SIMPSON. Mr. President, I send to the desk another amendment and request that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), for himself, and Mr. WALLOP, proposes an unprinted amendment numbered 1762.

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

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

The amendment is as follows:

On page 11, line 23, strike: "$225,224,000" and insert in lieu thereof, "$225,424,000".

Mr. SIMPSON. Mr. President, this amendment that we are introducing provides $200,000 for the Fish and Wildlife Service to undertake a detailed study of the endangered Colorado River fishes in the Yampa River.

These studies will, I hope, help facilitate the construction of the Cheyenne Water Supply project (CWSP) in Wyoming. The project, which is the second phase of a 3-phase project, involves the transmission of up to 27,500 acre-feet of water from the Little Snake River drainage, a portion of the Colorado River Basin, across the Continental Divide into the North Platte River drainage. This water would be used as replacement water for up to 27,500 acre-feet of water which would be taken from Douglas Creek—we call that "crick" and not "creek" in Wyoming, I want you to know—in the North Platte River Basin and transported to Cheyenne, Wyo., through a pipeline and Middle Crow Creek. When completed, the CWSP will supply water for approximately 60,000 residents of Cheyenne and its environs.

Because the pipeline will cross lands of the Medicine Bow National Forest, a permit from the Forest Service is required. It appears, however, that the project may impact three endangered fishes, the Colorado River Squawfish, the humpback chub, and the bonytail chub—interesting species in themselves, at least by nomenclature. While the CWSP would not result in large water depletions compared to average flows, even these low level depletions may be significant for required fishery habitat. Therefore, the Endangered Species Act provides that the Forest Service may not issue the permit until the Fish and Wildlife Service can determine that the project is not likely to jeopardize the continued existence of these fish.

Unfortunately—and here the problem lies—there is an absolute dearth of information concerning the habitat needs of these fish, particularly in terms of what flows are needed to maintain the essential habitats utilized in the Yampa. Furthermore, their critical habitat has not even been defined.

In order to develop this information, which will be critical in determining impacts of the CWSP on the fish, the Fish and Wildlife Service is proposing to initiate immediately a field study in the Yampa. This would be an expansion of an ongoing study of these fishes in the Green and Colorado Rivers. The results of this study could be used not only in the case of the Cheyenne project, but also for other projects located on the Yampa River and Upper Green River.

In order to determine the significance of the river habitat at the various life stages of the fishes, a 1-year study must be conducted. The Service would like to have begun gathering field data last October, with the full field effort to commence in April 1981 and to be completed by October 1981. A final report would be issued by December 15, 1981.

The Service proposed initiating the study in October so as to minimize delay in the construction of the Cheyenne project. However, the Service's budget to Congress does not contain the necessary $200,000 because the need for this study has only recently been identified, ever since the budget process has come about.

To wait until the next budget cycle or for a reprograming or supplemental action to provide the necessary funds would further delay initiation of the studies and consequently further delay construction on the CWSP, which has been on the drawing board for over 10 years.

Therefore, I urge my colleagues to support this addition to the Service's requirements.

Mr. HUDDLESTON. Mr. President, we have examined the proposal of the Senator from Wyoming and it is essentially as he has indicated. The budget for this particular agency is very tight. They could not perform the services without this additional funding. It is not that substantial an amount, so we are prepared to accept the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 1762) was agreed to.

Mr. METZENBAUM. Mr. President, I send to the desk an amendment and ask that it be stated.

Mr. SIMPSON. Mr. President, if my good colleague from Ohio will yield, I have one additional colloquy on behalf of my colleague from Wyoming and myself, and I will then conclude.

Mr. METZENBAUM. Without losing my right to the floor I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

SHERIDAN FIELD STATION, SHERIDAN, WYO.

Mr. SIMPSON. In a very few weeks I will do that with dispatch on our side, I assure the Senator.

The Sheridan Field Station, which is part of the Denver Wildlife Research Center, has been working jointly for the last 5 years with coal companies, State game and fish departments, and other Federal agencies to evaluate the significance of coal development on important wildlife species in northern Wyoming and southeastern Montana. Biologists have tagged deer, antelope, and birds of prey

includ'ng endangered species to measure the effects of coal mining on the animals' behavior and to determine appropriate relocation and mitigation measures. This information is shared with the Wyoming Office of Surface Mining, the Montana Department of State Lands, BLM, and private industry for use in the coal leasing program and in developing suitable reclamation plans.

Research at the Sheridan Fish and Wildlife unit was scheduled to be completed in fiscal year 1980, and the Carter administration requested no funding for it in the fiscal year 1981 budget. This is most unfortunate, as closure of this facility will terminate the only Federal research into the effects of coal development on wildlife species in this Nation. The Powder River Basin in Wyoming and Montana contains 40 percent of the United State's surface mineable coal reserves, and is slated for intensive coal development as well as possible synfuels and other energy growth. The Federal Government has in the Surface Mining Control and Reclamation Act, the Clean Water Act, the Bald and Golden Eagle Protection Act, the Endangered Species Act, NEPA, and other Federal laws and policies set out stringent requirements for protecting the environment and wildlife species and for energy production, and it is therefore incumbent on the Federal Government to assess mining-wildlife impacts and help determine proper mitigation measures. However, the ability to provide this information cannot be accomplished by temporary visits by Federal personnel. Familiarity with the Powder River Basin, together with ongoing research and interaction with other private and government parties involved, is crucial to provide the necessary combination of expertise. Especially at a time when dealing with the complex Federal and State regulatory maze has become a nightmare, the Sheridan Field Station has been lauded by industry and State and Federal agencies as a valuable, accessible, on-the-ground asset in satisfying the rigorous requirements of current environmental law and regulation.

Mr. President in response to a number of questions and problems which have surfaced during the last 5 years of research, the Sheridan Field Station has prepared a prospectus proposing to expand its work in a broader geographic region. This expanded research would continue to study energy development and reclamation effects on wildlife species, provide recommendations for development of BTCA (best technology currently available) to minimize harm to wildlife, and develop the ability to predict impact to wildlife populations on other areas being considered for coal development.

In the past funding for this project was provided under the U.S. Fish and Wildlife Service biological services and then transferred to the Sheridan Field Station. Funding was supposed to amount to $165,000 annually for the last 5 years, but actually fell short of that goal during the first and fifth years. The Senate should know that when the station only received $35,000 in fiscal year 1980, a number of coal companies contributed substantial amounts to the station for these cooperative studies. We think this shows an admirable spirit of industry-Government cooperation which should be commended.

This year the House has added $855,000 to the Fish and Wildlife Service budget for its coal program. One would assume that funds from this addition could be used for the Sheridan Station, but the coal program money does not go toward active field research. It goes two places, to a western and to an eastern energy and land use team, which each use their funds for computer mapping and modeling based on existing research work and literature.

We suggest, Mr. President, that apparently there are some folks in the Fish and Wildlife Service who do not think there is any further need for field research because they have gathered all the information they need and the Fish and Wildlife Service should not be research-oriented. We disagree, and so do the Fish and Wildlife Service regional directors and many other professional biologists. It is obvious that we need to continue doing at least some active research as coal extraction increases, and we would ask the distinguished floor managers of the bill if they would support the inclusion of language in the conference report in the fiscal year 1981 Interior appropriations bill which would direct the U.S. Fish and Wildlife Service to make $165,000 available to the Sheridan Field Station to continue its research efforts and handle the matter on that basis with the inclusion within the conference report.

Mr. HUDDLESTON. Mr. President, I respond to the Senator from Wyoming that we are willing to seek the language that he indicates in conference. We believe this funding can be made available within existing funds and we think it is an important avenue of operation.

Mr. SIMPSON. Mr. President, I appreciate the cooperation of the floor manager. I appreciate his courtesies and attention.

I yield the floor to my colleague from Ohio, Senator METZENBAUM.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Ohio, Mr. METZENBAUM.

UP AMENDMENT NO. 1763

(Purpose: To provide $8,000,000 for the Cuyahoga Valley National Recreation area)

Mr. METZENBAUM. Mr. President, I call up an amendment that I have sent to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an unprinted amendment numbered 1763.

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

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

The amendment is as follows:

On page 8, line 25, strike "$351,368,000" and insert "$354,368,000".

On page 9, line 7, strike "$59,421,000" and insert "$62,421,000".

On page 9, line 8, after "service" and before the colon insert "of which $7,000,000 shall be available for the Cuyahoga Valley National Recreation Area".

Mr. METZENBAUM. Mr. President, the purpose of this amendment is to increase from $5 million to $7 million the amount appropriated for the Cuyahoga Valley Recreation Area. The House has already approved $7 mill'on.

These funds are needed because rising property values have substantially increased the cost of acquiring land for the park.

Already, the National Park Service has entered into purchase agreements that total nearly $10 million, or twice what we recommended in the committee bill. The $8 million figure that I propose, a figure that remains below the ceiling authorized for Cuyahoga in 1981, is a realistic adjustment that will permit the Park Service to hold to its land acquisition and management plan.

Mr. President, Cuyahoga is a truly unique national recreation area. Unlike most of our national parks, Cuyahoga is located in a heavily urbanized region that includes the cities of Cleveland, Akron, and Canton. It is a natural area in the midst of one of America's great centers of industry—nearly 5 million people live within an hour's drive.

By any standard, Cuyahoga has been a smashing success. Public use of the park has increased significantly each year since the Congress created the park in 1974. In 1981 at least 5 million visitors are expected to use Cuyahoga's facilities.

Cuyahoga serves a real public need. It is a place close to home where families can spend a quiet afternoon in the countryside, it is an idea that works.

And I should also note, Mr. President, that the land acquisition plan for Cuyahoga has been developed with broad public support and after numerous public hearings.

For the past 6 years, over 86 civic organizations have actively supported the program. They have worked to carry out the intent of Congress to preserve and protect the historic, natural, and recreational realities and potentials of the valley. The $2 million in additional funds that I am proposing today is a recognition of what the House has already recognized—namely, that a small Federal investment can make a big difference in the lives of millions of Americans. Opportunities like this are rare—and we should seize them when we have the chance.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio (Mr. METZENBAUM).

Mr. STEVENS. Mr. President, I did have an indication that one of the Sen-

ators on this side wanted to address this question.

I would ask the Senator from Oregon for what purpose he seeks the floor. Is it on another amendment?

Mr. HATFIELD. Yes; I have an amendment.

Mr. STEVENS. Mr. President, may I ask my friend from Ohio—I do not know for certain that there will be an opposition, but there was an indication that one Senator wanted to speak on this amendment and he is not present. Would the Senator from Ohio consent to temporarily set aside his amendment so the Senator from Oregon may commence?

Mr. METZENBAUM. Mr. President, I am trying to catch a 4:50 plane. Mr. President, I ask unanimous consent that my amendment be set aside for not in excess of 10 minutes and I will yield the floor to the Senator from Oregon for 10 minutes.

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

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, does the Senator from Montana wish me to yield?

Mr. MELCHER. Will the Senator yield for 1 minute?

Mr. HATFIELD. Mr. President, I am under a time limitation, but I will be happy to yield part of my time to the Senator.

Mr. MELCHER. Mr. President, I will take only about 15 seconds:

Mr. President, in this bill, the Indian health manpower for fiscal year 1981 is below the amount that has been recommended by the House. It is $2 million below. I would like to ask the chairman of the subcommittee, the manager of the bill, if he feels that during conference we can reach a $6,688,000 figure that is the approximate amount for the program that is expected to be funded under the House-passed version?

Mr. HUDDLESTON. Mr. President, I would certainly be very sympathetic as we go to conference. We are still waiting to see what the second concurrent resolution will do to our budget allotment. I say to the Senator that if we have the room to maneuver in that direction, we may be able to accomplish his purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, has the Senator completed?

Mr. MELCHER. Mr. President, it is my understanding that the Senator from Kentucky believes it is likely that the $2 million difference will be made up in conference?

Mr. HUDDLESTON. The Senator believes it is possible, depending on the allocations that we are finally saddled with from the second concurrent resolution.

Mr. MELCHER. Mr. President, I thank the Senator and I thank the Senator from Oregon for yielding.

Mr. HATFIELD. Mr. President, I would like to address a question to the floor managers of the bill regarding the energy extension service in the Department of Energy.

Does it remain the committee's intent to request a 25 percent State match for participation in the EES (Energy Extension Service) program for fiscal year 1981? It has come to my attention that at this late date only three States, Alaska, Wyoming, and Virginia, could secure a cash match and that only 11 States could obtain an in-kind match. The net effect of the match requirement would be to halt the entire EES program in 36 States until next fiscal year.

Mr. HUDDLESTON. The committee recommendation proposes $20 million for the energy extension service and report language is included which requires a 25-percent match by the States participating in the program. Because of the late passage of this appropriation bill I believe it would be proper to permit the Department to delay the matching requirement until fiscal 1982. This agreement would not increase the level of Federal funding for the current fiscal year; however, so the overall program level would be reduced.

UP AMENDMENT NO. 1764

(Purpose: To provide $722,000 for the funding of the Holocaust Memorial Council)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself, Mr. DANFORTH, Mr. JACKSON, Mr. BOSCHWITZ, Mr. METZENBAUM, Mr. CRANSTON, Mr. PELL, Mr. LEVIN, and Mr. JAVITS, proposes an unprinted amendment numbered 1764.

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

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

The amendment is as follows:

On page 63, between line 19 and line 20, add the following new account:

HOLOCAUST MEMORIAL COUNCIL

For expenses necessary to carry out the Holocaust Memorial Council upon the enactment of the Act entitled "An Act to establish the United States Holocaust Memorial Council", $722,000.

Mr. HATFIELD. Mr. President, this amendment is simply to pick up a slack in the progress that has been established for the establishment of a holocaust memorial. The President appointed a Commission. This Commission made its recommendations and a council was then appointed to set up a design for the Holocaust Memorial.

Unfortunately, the authorization for the Holocaust Memorial was not acted upon before the appropriation matters were completed on the Interior bill.

My understanding is that the House Members, including the chairman of the Appropriations Subcommittee on the Department of the Interior, has agreed to this amendment. This amendment is offered on behalf of Senators DANFORTH, JACKSON, BOSCHWITZ, METZENBAUM, CRANSTON, PELL, and LEVIN.

Mr. President, this is an amendment to appropriate $722,000 for 1 year only and it is for the completion of the design for the memorial and, therefore, to complete the commitment we have made to develop this memorial.

I would ask the committee to accept it. I know the committee understands the purpose of this amendment and the leaders have indicated their willingness to accept it.

Mr. President, I understand this amendment has the support also of OMB and Chairman Yates of the House Interior Appropriations Subcommittee.

To summarize, the purpose of the amendment is to appropriate $722,000 for fiscal year 1981 for the U.S. Holocaust Memorial Council. This is the funding level authorized in H.R. 8081, which has now passed the House and Senate by unanimous consent and is expected to be signed by the President shortly. This measure had 40 Senate cosponsors.

The Holocaust Council has come about at the recommendation of the President's Commission on the Holocaust Memorial. The Senate representatives ably serving on the Commission include Senators DANFORTH, JACKSON, PELL, STONE and BOSCHWITZ.

Mr. President, there is no way to undo the tragedies of modern history's darkest days nor can we bring back the nearly 11 million human beings who were murdered under the Nazi reign of terror. To the families and friends of all the victims, and especially to the world's Jewish community, who were the largest single target of annihilation and ethnic extermination, few words of comfort can be offered to ease the overwhelming sense of loss felt even 40 years later.

Our responsibility now lies in keeping alive the memory of those who suffered and perished and to learn the lessons of the past so they will never again be repeated.

The Holocaust Commission recommended to the President and the Congress the need for a living museum/memorial in our Nation's Capital. The Council, therefore, will be established to plan and oversee the design and construction of a permanent museum to the victims of the holocaust. It is altogether fitting for this memorial to be in the Capital of the country where so many of the survivors fled and established new lives. The United States, too, should be recognized for the significant role it played in the final liberation of the death camps.

The second mandated purpose of the council is to assist in the development of an annual observance of the Days of Remembrance of the victims of the holocaust. A number of synagogues, churches, and community groups have initiated their own meaningful observances and the Holocaust Memorial will be charged with the ongoing responsibility of developing and encouraging ways to commemorate these Days of Remembrance. This mandate is an extremely important part of the memorial.

Another significant aspect of the Council is its task to generate significant

private sector support for the memorial Government. The Commission noted in in a public-private partnership with the its report that it believes extensive support from the American people will be forthcoming.

Mr. President, this small funding measure will begin a long overdue effort on the part of the United States to honor the memories of the victims of this genocide. It is important to point out that we are the only nation in the civilized world without an official Holocaust Memorial.

As the philosopher George Santayana so appropriately noted in 1905, "Those that cannot remember the past are condemned to repeat it." Let us proceed, Mr. President, with the mission of the Council and the education of future generations of American citizens in the tragedy of the holocaust.

Mr. HUDDLESTON. Mr. President, we have examined this proposal of the distinguished Senator from Oregon and have no objection to it on this side of the aisle.

Mr. STEVENS. Mr. President, I am pleased to join with the distinguished manager of the bill in accepting this amendment.

Mr. HATFIELD. Mr. President, I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (UP No. 1764) was agreed to.

UP AMENDMENT NO. 1765

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 1765.

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

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

The amendment is as follows:

On page 10, after line 18, insert the following:

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in Section 505(a) of the Act of November 10, 1978 (92 Stat. 3467) by first acquiring federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in Section 505(a) of that Act with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

Mr. HATFIELD. Mr. President, this is one of those very interesting situations where we are trying to correct an inequity that exists at this time. The Congress of the United States authorized the establishment of a park in Hawaii and this park was to be developed out of a large parcel of private ownership. The only problem is that the Government has not had the appropriations to make this purchase, and it has now been appraised at about $60 million.

The owners of this property are people of modest income, of increasing age. In fact, I believe the owner is now near 70.

They realize that, for the first time, if they should die their heirs would be thrust into a very untenable position of having to pay inheritance tax on estate ownership, including this $60 million appraised value land.

They have asked for relief in this situation. The GSA and the Forest Service have agreed that there is land in Hawaii that they could easily exchange and thereby create a fluid landholding as against this one buyer market situation they face.

All this does is to give, in effect, authorization to the GSA and the Forest Service under existing rules, regulations, and laws to proceed to redress this particular hardship that has been placed upon these innocent people.

I have talked to the managers of the bill and they have indicated an understanding of this. I believe they are willing to accept this amendment. Therefore, I yield to the manager of the bill.

Mr. HUDDLESTON. Mr. President, the Senator is correct. We have examined this amendment and we are willing to accept the amendment proposed by the Senator.

Mr. STEVENS. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1765) was agreed to.

Mr. HATFIELD. Mr. President, I thank the leadership for yielding for this purpose and for the willingness of Senator METZENBAUM to set aside his pending amendment and permit me to take up these two amendments.

Mr. STEVENS. Mr. President, there will be a Member here to speak in a moment. I might say to my friend from Ohio that I must oppose his amendment because of the other amendments that deal with national parks and land acquisition which we face. We are now committed to opposing, for instance, the two amendments to be offered perhaps by the Senator from Wyoming and the amendment to be offered, perhaps, by the Senator from Pennsylvania. They are all geared to the suggested amendment.

Since we have taken the position that no further amendments should be agreed to because we are in excess of our budget outlay ceiling, and we are just bouncing under the budget authorization ceiling, we do not feel we can make an exception.

I point out to my friend from Ohio that he is in a different situation than the other Senators with their amendments because the money he seeks is actually in conference. It is in the House bill and will be in conference. These other Senators are trying to put items into the bill to go to conference.

I have indicated to the Senator from Kentucky my intention to try to maintain a position with him of opposing any amendments which would increase this bill to the point that we would be in serious difficulty. I am afraid the amendment of the Senator from Ohio would start to tear down that position.

Unless someone wants to speak, Mr. President, I intend to put in a quorum call until the other Senators arrive.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. METZENBAUM. Is the Senator from Alaska representing to the Senator from Ohio that he intends to oppose any amendments of a similar nature which would increase the funding for specific projects such as this?

Mr. STEVENS. I will state to the Senator that we have not supported any amendments for increases in this type of situation. We accepted only one that I know of. It is my intention, and I have notified the other Senators both on my side of the aisle and the other side of the aisle, that the Senator from Kentucky and I would oppose any amendment increasing land aquisition accounts.

Mr. METZENBAUM. Mr. President, I appreciate the response of the Senator from Alaska.

I would like to inquire of the Senator from Kentucky with respect to this matter, which he knows is a matter of great personal concern to constituents in my State.

It is not a major amount of money. It is $5 million in the bill and the House has put $7 million in. This is very important to our communities. This park runs between Akron and Cleveland. There will be millions of people who will have access to it. It is the only major urban park other than those located in San Francisco and New York, and other than some that have been talked about in recent years.

In view of the fact that there is the $7 million in the House bill, may I obtain the point of view of the Senator from Kentucky as to how he would react to the possibility of yielding to the House on this issue?

Mr. HUDDLESTON. Mr. President, I will say to the Senator from Ohio that we certainly are aware of this particular project and his interest in it. Within the constraints we will have placed upon us in the second concurrent budget resolution, we will certainly give every consideration to the House figure when we go to conference on this bill.

Mr. METZENBAUM. Under those circumstances, Mr. President, in view of the fact that I understand the circumstance that the amendment might be a precedent, and in view of the fact that there has been a representation that this bill will be opposed, the Senator from Ohio will withdraw his amendment.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is withdrawn.

Mr. HUDDLESTON. I thank the Senator very much.

Mr. METZENBAUM. Mr. President, I reserve my right to reintroduce that amendment should another amendment of a similar nature be adopted. However, in view of the representations of the Senators from Alaska and Kentucky that they are not going to accept any other amendments, I feel it may not be necessary to reserve that right.

Mr. STEVENS. Mr. President, the

Senator would have that right anyway, I might say.

Mr. METZENBAUM. This Senator so understands.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Alaska. I believe he has a matter to present.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, on behalf of my distinguished colleague (Mrs. KASSEBAUM), I ask unanimous consent that her statement in support of the Interior appropriations measure be printed in the RECORD at this point.

STATEMENT BY SENATOR KASSEBAUM

The appropriations measure we are considering today makes important commitments to preserving and enhancing our nation's lands and resources. At the same time, we are provided a unique opportunity to support research which can utilize our natural resources to make a special contribution to our nation's energy security. Within the Energy Conservation area of that portion of the Department of Energy, which is funded in this bill, we can emphasize promising new research on alternative agricultural energy sources.

American farmers have actively sought ways in which to lessen our dependence on foreign sources of oil, as demonstrated most dramatically by the tremendous popular interest in production of gasohol. We in Congress have strongly registered our support for alcohol fuel production.

I believe that we have only begun to utilize the potential of American agriculture to help provide for our nation's energy needs. In addition to gasohol, there are other means of using biomass and agricultural resources which have shown promise, yet which need additional research that is not funded elsewhere.

For example, there is considerable potential in the gasification of agricultural wastes such as crop residues to fuel certain on-farm practices. Under this system, farmers would be able to harvest the crop of grain and then process the straw or stover remaining on the field into low and medium BTU gas. The grain itself would still be available for marketing and human consumption. The type of fuel produced would be particularly useful for fueling irrigation pumps and grain dryers, two of the most energy-intensive practices on the farm. Scientists believe a fluidized bed gasifier should be tested with various types of agricultural residues to determine which would be preferable.

Another idea with great potential is the use of vegetable oil as fuel for diesel engines. Increasingly, modern agriculture is operating with equipment powered by diesel rather than gasoline engines. Several states have indicated that vegetable oils, such as from soybeans or sunflowers, may be able to meet a portion of this increasing demand.

As these ideas are tested and evaluated, the results can be integrated into existing farm systems, and we can enhance the efficiency of these processes on the farm. I am hopeful that the DOE will recognize the importance of this research and support it through an appropriate channel, such as the Agriculture and Food Processing Branch of Industrial Process Efficiency within Energy Conservation.

I hope that the conference report which accompanies H.R. 7724 will include encouragement to the Department of Energy to recognize these priorities, and I believe funds within the amount now appropriated should be used. Such action would be an important step toward the more efficient utilization of our nation's natural resources, which should be beneficial for all Americans.

UP AMENDMENT NO. 1766

(Purpose: Grant legislative approval of completed environmental studies in NPR-A as having met NEPA requirements)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1766.

Mr. STEVENS. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

On page 20, after line 19, insert the following:

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to Sections 105 (b) and (c) of Public Law 94-258 shall be deemed to have fulfilled the requirements of Section 102(2)(c) of the National Environmental Policy Act (Public Law 91-190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve—Alaska: *Provided*, That not more than a total of two million acres may be leased in these two sales: *Provided further*, that any exploration or production undertaken pursuant to this section shall be in accordance with Section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 30; U.S.C. 6504).

Mr. STEVENS. Mr. President, both the House and Senate versions of the fiscal 1981 Interior appropriations bill contain language authorizing private exploration and drilling in the National Petroleum Reserve-Alaska. It is estimated that 20 months will be needed following enactment of this bill before the first lease sale can be held. Most of this time will be spent in administrative work necessary to comply with the provisions of the National Environmental Policy Act.

A limited Federal drilling program has been underway in NPR-A for years, and each year, in addition to providing funds for the actual drilling operation, Congress has also appropriated large sums of money for environmental studies and restoration. To date, more than $12 million has been spent in NPR-A to gather environmental data.

Mr. President, we can ill-afford further delays in developing this promising oil and gas area.

The amendment I am offering would allow the Department of the Interior to proceed with a lease sale without filing a final environmental impact statement. Environmental assessments would still be conducted on those sites to be offered in a lease sale, but these would not be so time consuming nor so costly as the EIS. This amendment would apply only to the first two lease sales in NPR-A and not more than 2 million acres could be leased in those sales, so what we are asking is a very limited exemption which should be granted in view of the extensive environmental data we have collected in NPR-A.

Mr. President, so that there is no misunderstanding, I point out that the Department will have to offer more than 2 million acres for lease in order to be assured of an actual sale of 2 million acres. It is our intention that the Bureau of Land Management offer tracts in several different areas so that we can better determine interest in diverse areas of NPR-A rather than concentrating all the tracts in one or two areas.

Mr. President, I have discussed this matter with the Energy Committee, with the distinguished Senator from Louisiana, the chairman of the legislation subcommittee of jurisdiction (Mr. JOHNSTON). He asked that he be made a cosponsor of this legislation. I ask unanimous consent to that effect.

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

Mr. STEVENS. This amendment has been discussed with the chairman and the staff of the Energy Committee. The chairman does not cosponsor the amendment, but to my knowledge, there is no objection to this final version of the amendment.

It will mean, Mr. President, that an area that has been set aside now since the Harding administration as an oil and gas reserve can, in fact, be opened as quickly as possible, consistent with the existing laws, to leasing. The one thing we are asking is that, because environmental studies have been completed pursuant to another law, they not have to be done again pursuant to the National Environmental Protection Act.

Mr. President, I ask that this amendment be given consideration.

Mr. HUDDLESTON. Mr. President, on this side of the aisle, we agree with the statement made by the Senator from Alaska; and, we will not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1766) was agreed to.

UP AMENDMENT NO. 1767

(Purpose: Clarification of Congressional intent)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1767:

On page 18, line 8, after "Acts," insert the following: "notwithstanding any other provision of law and".

Mr. STEVENS. Mr. President, this is really a technical amendment.

Public Law 94-258 prohibited development and production of oil and gas in

NPR–A unless specifically provided in a subsequent act of Congress.

As language is included in this bill to establish a leasing program for oil and gas development in NPR–A, and that is in the House bill also, that prohibition is effectively rescinded. To insure that our intent is clear, however, the words "notwithstanding any other provision of law" should be included in the language now contained in the Interior bill to make certain that the amendment already in the bill will be effective in view of the provisions of Public Law 94–258.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1767) was agreed to.

TANANA CHIEFS INDIAN HEALTH SERVICE PROPOSAL

Mr. STEVENS. Mr. President, I would like to seek clarification from the floor manager concerning an Indian Health Service facility in Alaska. The committee did not provide the additional $500,000 I had requested to provide for transition expenses and increased contract care services associated with a proposal from the Tanana Chiefs Conference to close the PHS hospital in Tanana, Alaska. The hospital is now only serving about eight patients a day and the Tanana Chiefs seek to take over the facility and convert it to long-term care using the Fairbanks Memorial Hospital as their primary source of inpatient care.

Am I correct in assuming that although we have not provided additional funds for this activity, the Indian Health Service could make an administrative decision to close this facility and make it available to the Tanana chiefs for long-term care so long as th's could be accomplished within the funds otherwise available to them?

Mr. HUDDLESTON. As the Senator knows, we are concerned about some of the long-term cost implications associated with proposals which seek to move from direct service in Indian health facilities to contract care. If there were sufficient savings from the closure of the Tanana PHS hospital to cover the other costs associated with the plan, we would have no objection so long as the committee received notification from the Indian Health Service. I would emphasize, however, that we cannot commit Federal funds to the operation of a long-term care facility.

Mr. STEVENS. I understand that and will inform the Tanana chiefs that while we would not object to the facility's being used for long-term care, funds for its support must come from State, local, or third-party payments.

Mr. MATHIAS. Mr. President, I would like to call the Senate's attention to the necessity for the National Park Service to provide an adequate facility for the National Center for Therapeutic Riding in Rock Creek Park in Washington, D.C. The need arises because of the National Park Service's plan to demolish the Rock Creek horse barn, where the therapeutic riding program serves handicapped children of the District of Columbia public schools and other metropolitan Washington area groups and individuals. If a facility is no longer available for this unique therapy program, then hundreds of handicapped children now enrolled will be forced to abandon the program. Therapeutic riding has proven a vital method in both physical and psychological therapy for handicapped people. I understand that the National Park Service, because of budgetary constraints, is hesitant to provide the necessary funds for a temporary facility.

Mr. HUDDLESTON. I agree that this is a matter warranting immediate attention. With respect to the National Park Service budget for fiscal year 1981, I would like to point out that the committee has included an increase in appropriations of $16.5 million for the maintenance of Park Service property. Within that context, I would expect the Park Service to make projects such as this one a priority.

Mr. MATHIAS. I am bringing up the need for support now because I do not think that the National Park Service is giving the project the attention it deserves. I cannot overemphasize the importance of the therapeutic riding program for handicapped children. I am worried that the harm to these children would be immeasurable unless a way can be found to maintain the program in an adequate facility and at an optimal level.

Anyone who is familiar with the program would attest that it has been highly successful for the past 6 years. In fact, it is so successful that the center has given much thought, as you point out, to the possibility of expanding the program to include 1,000 children and to train instructors for similar programs across the country and abroad. Moreover, Washington is a logical site for the headquarters of a national and international effort to educate the public about these valuable techniques for helping the handicapped.

Mr. HUDDLESTON. I understand that approximately $500,000 is estimated for a temporary facility.

Mr. MATHIAS. Yes, that amount will at least provide a temporary facility to continue the program. But, in looking down the road, the center believes that a new facility is necessary with the expansion of the program.

Mr. HUDDLESTON. The committee agrees this is an important project. With the additional NPS maintenance funds I mentioned a moment ago, projects of th's kind should be given a high priority. This exchange should serve as a clear guide of the Senate's legislative intent in that respect. However, the committee will expect the Park Service to hold down the renovation costs involved. The estimated cost is, in our judgment, highly excessive.

Mr. MATHIAS. I appreciate your support. With the International Year of the Disabled taking place in 1981, it would be unfortunate and ironic to find ourselves observing it by not saving such an outstanding and, in the long run, cost-effective program.

WHY THE INTERIOR DEPARTMENT APPROPRIATIONS BILL IS TOO HIGH

Mr. PROXMIRE. Mr. President, the Interior Department appropriations bill is too high. That is why I am voting against it.

It is true the bill is $1.079 billion below the budget estimates and $17.9 billion below last year. This latter figure is deceiving because it is due almost entirely to the fact that last year we appropriated almost $20 billion for the energy security reserve, a one-time and nonrecurring item.

However, the committee should get credit for the more than $1 billion cut below the President's budget estimates.

This year there should be a balanced budget. We have double digit inflation. Interest rates are in the double digit range. The real income of the American people has declined because of those facts.

In these circumstances we must cut the budget more than we have. Spending must be cut, cut, and cut.

The Office of Management and Budget almost 6 months ago estimated a fiscal year 1981 budget deficit of $30 billion. That was the last official estimate and it is now no doubt very much higher—billions of dollars higher.

My vote against this bill reflects my belief that we must do more. If a majority of Senators voted "no" this bill and other appropriations bills would go back to the committee for further cuts until finally we achieved a balanced budget or surplus for fiscal year 1981.

If that were done then such a tightening of the fiscal belt along with the present strict monetary policy would bring about a major decrease in the inflation rate.

We cannot continue to have a budget which is $30 billion or more out of balance in a year of double digit inflation and expect the situation to improve.

My vote of "no" on this bill is a protest against an unbalanced budget in a year of roaring inflation.

We must do more if the number one economic problem of this country is to have any chance of solution.

GLADE PARK

● Mr. ARMSTRONG. Mr. President, I would like to thank the Appropriations Committee for including language in the Interior Appropriations Committee report which insures that the National Park Service will continue to escort oversized vehicles on the Glade Park Road in Colorado National Monument during the 1981 fiscal year.

Glade Park is a rapidly growing community 10 miles from Grand Junction, Colo. The only all-weather road between the two, the Glade Park Road, traverses 4.5 miles of the Colorado National Monument and has a series of dangerous hairpin curves. Large vehicles which would not ordinarily require a warning escort, cannot negotiate these curves while staying entirely within their own lane. A hazard to all users of the road has thus existed from the time the road was built.

The monument was created by President Taft in 1911. In 1913, Mesa County

provided assistance to the NPS for construction of Glade Park Road. The residents themselves contributed money and labor to the project. The road was subsequently abandoned to the National Park Service, but the historical right-of-way has continued to be exercised by the residents of Glade Park. Mesa County continues to maintain all but that portion of the road within the monument boundaries. For all practical purposes, the Glade Park Road is an integral part of the county network—for the benefit of the county and its residents, as well as for monument visitors. Glade Park residents and commercial traffic serving the community have used this road for 67 years, as have the timber and grazing interests located beyond Glade Park on the Uncompaghre Plateau.

Because of the rapid growth of Glade Park, in 1974 NPS became concerned about the increasing hazard posed to the general public by the increasing volume of commercial traffic. The NPS requested that drivers of large rigs (mostly livestock and timber haulers) agree to accept a pilot vehicle, provided and driven by monument personnel, to escort them through the monument; in the interest of public safety, the commercial users acquiesced in this arrangement.

In 1979, the NPS threatened to ban commercial traffic altogether. As a result of this action, the Mesa County Commissioners met with the Park Service in order to resolve this issue. The county commissioners have worked very diligently with the NPS to insure that the concerns and safety of the residents of Glade Park, Grand Junction, and visitors to the monument were preserved. The commissioners and the National Park Service have agreed that the long-term solution of commercial traffic inside the monument will be solved when the Little Park Road which runs outside the monument is upgraded to handle large vehicle traffic. To construct this alternative road, Mesa County has pledged itself to an expenditure in excess of $600,000 for the construction of one half of the road; the National Park Service has pledged to join the county in investigating several funding possibilities for the other half.

However, in order to protect the residents of Glade Park and visitors to the monument, it is essential that the Park Service continue to escort oversized vehicles through the monument until improvements have been made on the Little Park Road. The inclusion of this provision in the Interior Appropriations Committee report insures that the Park Service will continue to escort oversized vehicles through the monument during fiscal year 1981.

Mr. President, I have recently received a letter from the Mesa County Commissioners which describes the continued need for National Park Service escort of oversized vehicles within the Colorado National Monument until improvements have been completed on the alternative road. I believe this letter clearly demonstrates the county's commitment to resolve the problem of safe and convenient access to the Glade Park and monument area. I would like to submit this letter for inclusion in the RECORD. I would also like to thank the Appropriations Committee for its prompt attention and action on this important problem to the residents of western Colorado.

The letter follows:

MESA COUNTY COMMISSIONERS,
Grand Junction, Colo., Sept. 29, 1980.

Hon. WILLIAM L. ARMSTRONG,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR ARMSTRONG: This is to inform you that the Mesa County Commissioners and the Regional Office of the National Park Service have worked very closely in trying to resolve a very pressing problem of safe and convenient access to the Glade Park area. Resolution of this problem has both long term and short term components.

In the long term, which is to say over the next few years, we have agreed that an alternative all-weather access road must be built. This will achieve a mutually desirable goal—access to the rapidly growing Glade Park area will be enhanced for those who live there and for the necessary commercial traffic that serves the area, and such traffic can be wholly diverted from one of the most beautiful National Parks in Colorado. To construct this alternative road, Mesa County has pledged itself to an expenditure in excess of $600,000 for construction of one half of the road; the National Park Service has pledged to join with us in investigating several funding possibilities for the other half.

In the short term, commercial traffic must continue to pass through the Colorado National Monument. In this regard, the County Commissioners support the addition of language in the Senate Appropriations Committee Report which will continue to provide escorts for commercial traffic in the Colorado National Monument. It is essential that this language be retained in the Conference Report in order to ensure the safety of the residents of Glade Park and of visitors to the Monument.

We believe that the addition of this language represents a practical resolution of the short term problem while work proceeds on an alternative all-weather road. Anything you can do to further this goal will be greatly appreciated.

Sincerely,

RICK ENSTROM,
Chairman, Mesa County Commissioners.●

KANSAS INDIAN FUNDING

● Mr. DOLE. Mr. President, I would like to engage the floor manager of this bill in a brief colloquy on a matter of concern to the Indians of Kansas.

The Bureau of Indian Affairs office in Anadarko, Okla., distributes Indian funds to 23 tribes in both Oklahoma and Kansas. Nineteen of these tribes are in Oklahoma. The remaining four tribes—the Kickapoo, Potawatomi, Iowa, and Sac-Fox—are in Kansas.

We are all aware of the rich history of the Oklahoma Indian tribes. Both their numbers and their needs are great. However, the Indians of Kansas are fearful that they are being ignored and shortchanged in this two-State area.

Specifically, the formula for distributing Indian funds appears to discriminate against Kansas Indians. As in many Federal programs, the number of residents determines the number of dollars. But, the formulas used in this two-State area have the effect of counting a greater proportion of Oklahoma Indians than Kansas Indians.

As I understand it, the Oklahoma formula provides for counting enrolled members of tribes living within the former reservation area. The Kansas formula only allows counting those Indians within the actual present reservation boundary, a much smaller area than the former reservation area. If Kansas tribes were allowed to count Indians living within the former reservation area, as in Oklahoma, their numbers would be greater, and they would receive a more appropriate share of Federal funds.

I understand the complexities of counting tribal members, and I am sure that there may be historical reasons for these differences. But, I am not sure this is justified. It seems to me that the tribes in each State should be counted by the same method, so that Indians in one State receive the same proportionate share of funds as Indians in another State. In this case, it happens to hurt Kansas Indians. It may also harm other tribes in other States.

Mr. HUDDLESTON. Your point is valid. We should not, by the use of differing statistical formulas, give an undue benefit to the Indians of one State over another. Because of its vastly greater number of Indians, Oklahoma should receive more funding than Kansas. But, the Kansas tribes should receive their proportional share based on a fair counting of the total number of Indians in the State. We will expect the Bureau of Indian Affairs to look into this matter and see to it that these four Kansas tribes are treated fairly. I will also urge that the equal allocation of BIA resources be a subject of the fiscal 1982 budget hearings.●

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

The PRESIDING OFFICER (Mr. TSONGAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I have a time agreement on the pending measure, the Interior appropriations bill, which has been worked out between Mr. HUDDLESTON and Mr. STEVENS, the manager and ranking minority manager, and other Senators. This has been cleared with the leadership on the other side of the aisle, specifically, with Mr. BAKER and Mr. STEVENS, and with Senators on this side of the aisle, including Mr. HUDDLESTON.

Mr. President, there is an agreement already with respect to the amendment by Mr. BRADLEY to the pending measure. There is also an agreement with respect to the State, Justice appropriation amendments.

Without in any way altering those agreements, I make the following re-

quest: That further debate on the Department of the Interior appropriation bill be limited to 1 hour to be equally divided between Mr. HUDDLESTON and Mr. STEVENS; that that hour not start running until Monday; provided further, that on Monday no other amendments to the Interior appropriations bill, with the exception of the Bradley amendment and amendments thereto as previously ordered, be in order, with the following exceptions: two amendments by Mr. HEINZ—one, a printed amendment No. 2614 providing $4 million for the Valley Forge National Park with 1 hour equally divided on that amendment in accordance with the usual form; the second amendment by Mr. HEINZ, which provides $5.7 million for the Forest Service aerial logging vehicles with 1 hour equally divided on that amendment.

Provided further, that there be 1 hour equally divided on an amendment by Mr. BELLMON, to be offered by Mr. BELLMON or Mr. DOMENICI, on budget outlay control; two amendments by Mr. WALLOP—one amendment providing $6.9 million for the Yellowstone National Park, and one which provides $5.3 million for a national elk refuge, on which there would be 1 hour equally divided in accordance with the usual form; one amendment by Mr. MELCHER to increase the appropriation for Department of Energy fossil energy research and development account, with 1 hour on that amendment to be equally divided in accordance with the usual form.

Provided further, that all amendments in the second degree to any of the aforementioned amendments, with the exception of the amendment by Mr. BRADLEY, which has already been taken care of under a previous order, must be germane to the underlying amendment, and debate on such amendments in the second degree be limited to 30 minutes equally divided in accordance with the usual form.

Provided further, that upon the disposition of the aforementioned amendments, if they are all called up, that the Senate proceed immediately to third reading, and immediately to final passage; and that upon disposition of the bill there be no time for debate on any motion to reconsider.

Provided further, that—with that exception—or any debatable motion or appeal or point of order, if such be submitted to the Senate by the Chair, that there be a 20-minute time limitation to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

The text of the agreement follows:

Ordered, That on Monday, November 17, 1980, at the hour of 10:00 a.m., the Senate resume consideration of the pending business, H.R. 7724, the Department of Interior Appropriations Act, with no amendment in the first degree to be in order except the following: a Bradley amendment, which is the pending question, on which there shall be 40 minutes; two Heinz amendments, No. 2614 and a $5.7 million logging amendment, on each of which there shall be 1 hour; a Bellmon or Domenici amendment on budget outlays, on which there shall be 1 hour; two Wallop amendments, one a $6.9 million Yellowstone and the other a $5.3 million National Elk Refuge amendment, on each of which there shall be 1 hour; and a Melcher amendment on fossil research and development, on which there shall be 1 hour: *Provided,* That the time on these amendments shall be equally divided and controlled by the mover of such and the manager of the bill.

Ordered, That no amendment in the second degree shall be in order unless germane to the underlying first degree amendment, and that time on any such second degree amendment shall be limited to 30 minutes; except on any second degree amendment to the Bradley amendment, on which there shall be 20 minutes.

Ordered, That debate on any debatable motion, appeal or point of order shall be limited to 20 minutes, and that there shall be no time for debate on any motion to reconsider.

Ordered, That upon the disposition of the above mentioned amendments, the Senate immediately proceed to third reading of the bill, and then immediately to final passage.

Ordered, That on the question of final passage of the bill, time for debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Kentucky (Mr. Huddleston) and the Senator from Alaska (Mr. Stevens).

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. HUDDLESTON and Mr. STEVENS not only for working out the agreement but also for the progress that has been made on the bill up to this point. It is my understanding that there may be one more amendment offered today. There will be no more rollcall votes ordered today.

Mr. STEVENS. That is correct. It is my understanding that the Senator from New Mexico will not seek a rollcall vote on his amendment. I know of no other amendments. It is my understanding that the consent agreement will prevent any amendments being offered except those specified after the close of business today.

Mr. ROBERT C. BYRD. Yes. There will be no more rollcall votes today because of the agreement by Mr. DOMENICI that no rollcall vote will be requested on his amendment.

I thank Mr. HUDDLESTON and Mr. STEVENS and I congratulate them, and the Senate is in their debt.

UP AMENDMENT NO. 1768

(Purpose: To permit non-Indians to utilize the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, on a fee-for-service basis and allowing those fees collected to be returned to the Indian Health Service.)

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. A parliamentary inquiry

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Is an amendment in order at this time?

The PRESIDING OFFICERS. An amendment is in order.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an unprinted amendment numbered 1768:

On line 24, page 54, after "Talihina Hospital in Talihina, Oklahoma," add "and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico."

Mr. DOMENICI. Mr. President, I have a prepared statement that explains the need for this amendment and explains the fact that this is not a precedent. The bill that is before us does the same thing for an Indian hospital in Oklahoma that I seek to do for an Indian hospital in New Mexico.

Mr. President, Gov. Robert E. Lewis of the Pueblo of Zuni in New Mexico has done an excellent job of documenting the need for and the benefits from allowing non-Indian residents to pay for their health care at the Zuni-Ramah Indian Health Service Hospital.

There are about 400 to 700 non-Indians living in the area who must now travel at least 40 miles to Gallup, N. Mex., to receive nonemergency care. Many of these non-Indians are employed by tribal health, education, and administrative operations. There is a high rate of attrition due largely to the lack of readily available health care which, under existing legislation, can only be offered in an emergency situation.

The Zuni-Ramah IHS Hospital is a 45-bed facility with 7 phvsicians and 3 physician assistants available on a full-time basis. The non-Indian population is too small to support a single full-time physician or an attendant facility. It makes good sense to use the existing facilities and services by allowing the Zuni-Ramah Hospital to accept non-Indians on a fee-for-service basis. My amendment makes this provision, and it allows the collected fees to be returned to the Zuni-Ramah facility. This is the same approach accepted by the Interior Subcommittee of the Appropriations Committee for the Talihina Indian Hospital in Oklahoma. We also have the full support of the Indian Health Service.

The benefits of this approach, Mr. President, are clear when we realize that we are meeting a rural health need while allowing the Indian hospitals in question to expand their income base which will be used to improve services. I applaud the Zuni nation and their Governor for this innovative idea that will retain more non-Indian employees by offering convenient and profitable health services.

For these reasons, I urge my colleagues to accept my amendment.

Mr. President, I have a letter from the Pueblo of Zuni authored by its Governor, Robert E. Lewis and I ask unanimous consent that it be printed in the RECORD.

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

PUEBLO OF ZUNI,
Zuni, N. Mex., September 22, 1980.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: Attached herewith is our proposal to assist the non-Indian residents of our community to receive much needed health care.

The proposal is in keeping with our Tribal Specific Health Plan which was formulated under the provisions of P.L. 94-437, the Indian Health Care Improvement Act. In the Pueblo of Zuni Tribal Specific Health Plan is the identification of the need to have health care services for the non-Indian residents of the area.

Because of isolation, the non-Indian residents of the Zuni area have to travel long distances to seek health care services. Health care at the Zuni Comprehensive Community Health Center is available only on an emergency basis for non-Indians.

We earnestly request your assistance and support in the affirmative realization of the proposal and of the Pueblo of Zuni Tribal Specific Health Plan.

Sincerely,

ROBERT E. LEWIS,
Governor, Pueblo of Zuni.

Mr. DOMENICI. It is my understanding that the floor managers have agreed to accept this amendment. If that is the case I have nothing further to add except to ask for the adoption of the amendment.

Mr. STEVENS. Mr. President, I am happy to see this amendment and I hope it will survive conference. As a result of this amendment perhaps the Indian Health Service will give us some guidance on the use of facilities in other States. I understand the Senator has a special problem in this one area and I would like to see this particular amendment agreed to. I would like to see the report of the Indian Health Service as to what the experience is at Zuni.

Mr. DOMENICI. I thank my good friend.

Mr. HUDDLESTON. We agree on this side of the aisle that the amendment is acceptable. We will, of course, go to conference with it; and we will do what we can there to secure its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (UP No. 1768) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank my good friends.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for routine morning business be extended for 30 minutes and resume at this time, and that Senators may speak therein.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE GRAIN EMBARGO IS WORKING

Mr. PROXMIRE. Mr. President, the new Reagan administration will be faced very soon with a key decision on the sale of grain to the Soviet Union. Russian aggression in Afghanistan continues; if anything, it has gotten worse. The evidence also continues to grow that President Carter's embargo on additional grain sales is hurting the Russians. Russian meat production was down in September 1980 by 7 percent from what it was in September 1979. So far in 1980 production is 15 percent below 1979.

But the big news is that Russian grain production for 1980 is likely to be about as poor this year as last year. Each new projection is lower than the last. Dr. Marshall Goldman of the Russian Research Center at Harvard University now estimates the Soviet grain crop for 1980 to be around 180 million tons, compared to the 235 million tons the Russians had hoped to harvest.

The Russians are having two terrible harvest years in a row. They will be desperately trying to buy grain. What should the United States do? Should we, as the Republican Party platform proposed, the platform on which Mr. Reagan ran, drop the embargo and sell the Russians all the grain they want? To do so would sacrifice our principles, just as the Russians are really hurting, and without any foreign policy advantage.

Mr. President, I hope that Mr. Reagan as President-elect will feel free to reject the extreme positions his party adopted during the election campaign. The Russians should not be led to believe that the United States will sell them all the grain they want without regard to the aggressive foreign and military policies they are pursuing. The embargo should continue until the Russians withdraw from Afghanistan.

Mr. President, I ask unanimous consent for a short article by Professor Goldman which appeared in the Russian Research Center newsletter of November 7, 1980, to be printed in the RECORD.

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

PRELIMINARY REPORTS ON GRAIN INDICATE SERIOUS PROBLEMS FOR THE SOVIETS

Although the final calculations have not yet been made, preliminary estimates indicate that the Soviets have had a very bad grain crop this year. Indeed, by the time the final field is harvested, the crop may not exceed that of 1979, which was particularly bad. The harvest in 1979 of all grain crops was 179 million tons, and the figure for 1980 is expected to be about 180 million tons. This is a significant shortfall from the expected 235 or so million tons that the Soviets had hoped to harvest, and the 205 million tons that the U.S. Department of Agriculture was predicting until recently.

Undoubtedly, the shortfall is due to the very wet weather experienced in the western part of the Soviet Union. The reports of serious flooding in the Ukraine suggested to some observers outside the Department of Agriculture that the Soviets were in very serious trouble.

This shortfall in Soviet production raises some important policy questions for the United States. First, do we sell the Soviets the additional grain they will desperately need? If they found it necessary to enter into contracts with the U.S. for the 1979-80 harvest year of 25 million tons (at least until their invasion of Afghanistan provoked us to embargo all but 8 million tons of such sales), their needs this year will be even higher. Because they could not obtain all the grain they needed this past year, they were forced to dip into their reserves. This year, the likelihood is that they will have few if any such reserves to fall back on. In addition, the harvest situation in countries like Canada, Australia, and Argentina is not as good as it was previously. It is unlikely that the Soviets will be able to turn elsewhere, or at least find countries who will be willing to sell the Soviets as much grain as they need. Canada and Australia have indicated that they would not sell the Soviets more than they had prior to 1979.

This puts the United States in a very important bargaining position. In addition, we have just signed an agreement with the Chinese which will require them to purchase 6-8 million tons of grain a year for four years. This is almost like the previous agreement we had with the Soviets, which required the Russians to buy 6-8 million tons for five years. This new Chinese agreement will go a long way towards providing American farmers with the orders they need—in the same way that the Soviet agreement did before—and will reduce the internal political pressure within the U.S. to sell to the Soviets.

The question is, therefore, what do we do with the Soviets? Their five year agreement to purchase grain from the United States expires this year. Do we renew that, or do we say that we will not sign such an agreement nor sell them the grain they need this year until they withdraw from Afghanistan?

It has often been argued that such embargoes do not work. In the past, that has been true at least partially. But this may be a different year. It is most rare that the Soviets find themselves with two bad harvests in a row. Usually it occurs once every four years. More than that, there seems to be no one else they can turn to. On top of everything else, the embargo this year seems to have had an impact on Soviet meat production. The Soviet Union is located too far north to allow for the production of much corn, and they are therefore very dependent on the importation of corn from the United States or Argentina. Because they have not been able to buy as much corn as they need

to feed all their livestock, they were forced to hold a distress slaughtering in January and February of this year. Meat production temporarily went up, but now they are paying the consequences of that action. Meat production is currently about 15 percent below what it was last year at this time. Not surprisingly, therefore, meat, milk, and dairy products are in even shorter supply than usual.

How will the present harvest affect the Soviet's position in Eastern Europe? Traditionally the USSR has shipped some of its surplus grain to several East European countries to help them supplement local grain production. Its inability to provide this unusual help this past year undoubtedly exacerbated the food situation in Poland and in turn was probably one of the factors precipitating the strikes there. For that matter, in May there were reports that food shortages caused work stoppages in the USSR. It may be more than coincidental that Soviet auto production fell 6 percent in August, the first time this has happened in over 20 years. Potentially, the Soviets have a serious crisis on their hands. In the interim, without some foreign help available to them the situation will undoubtedly be even more serious next year at this time, and may extend to not only shortages of meat, but conceivably of bread as well.

This provides us with a golden opportunity. It is true that if our position is presented in too crass or confrontational terms the Soviets will pull back and boast that if they could withstand a thousand day seige of Leningrad, they can do the same thing now. Nonetheless, the Soviets will have some serious political internal difficulties if they aren't able to supply their population with adequate supplies of food. That should certainly give them some "food" for thought about their foreign stance, and it may very well be that in order to obtain the necessary food supplies, they may decide to reexamine their position and their heretofore rigid attitude about Afghanistan.

NATIONAL FOREST SYSTEM LANDS, COLORADO AND SOUTH DAKOTA

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5487, a bill to designate certain National Forest System lands in the State of Colorado as wilderness.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, 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 appointed Mr. JACKSON, Mr. BUMPERS, Mr. MELCHER, Mr. HATFIELD, and Mr. MCCLURE conferees on the part of the Senate.

RESIGNATION OF BERNARD (BOB) SHAPIRO AND MARK McCONAGHY

Mr. DOLE. Mr. President, it was publicly announced yesterday that Bob Shapiro and Mark McConaghy, the chief and deputy chief of the Joint Committee on Taxation, plan to leave their positions at the end of this Congress. These resignations will be a loss to the Congress, and particularly to those of us who sit on the tax-writing committees.

Bob Shapiro has served with distinction since he assumed the position of chief of staff of the Joint Committee on Taxation in 1977. He was asked to fill some big shoes, taking over from Dr. Laurence Woodworth. Bob grew into those shoes and steered the committees through a number of difficult legislative battles. Mark McConaghy significantly contributed to the quality of the service provided by the joint committee during that time.

There is no doubt the service of these two dedicated staff members will be missed. These men have been serving us so well on the Senate Finance Committee and the Joint Tax Committee. Based on longtime plans, they are leaving public service to go into the private sector. They will be missed by those of us on the Senate Finance Committee and the Joint Tax Committee and they will be missed by many people who have never had the privilege of working with them. They will be a great asset to the private sector. I wish them well.

THE FOURTH REICH? INATTENTION SPELLS DOOM

Mr. PROXMIRE. Mr. President, an article appeared in the Washington Post in October entitled "West Germans Fear Rightist Extremism." It discussed the implications of the Oktoberfest bombing in Munich, believed by police to have been committed by a member of a neo-Nazi group. According to the article, neo-Nazi terrorism has been steadily increasing in the past 4 years, and membership in such organizations has more than tripled in the last year:

> More than 1,000 neo-Nazi offenses were recorded last year, including desecration of Jewish graves, disturbing the peace, and painting racist slogans.
>
> Last month six radical rightists were arrested and charged with a series of bombings and arson attacks this year against homes for political refugees and foreign workers all over the country.

Does the ghost of Adolph walk again?

But there is something about what the article implied that is even more chilling than the facts themselves. It is the lack of attention that is being paid to neo-Nazi activity today. Of all people, one would expect that the Germans would be particularly watchful of reemerging Nazi groups. On the contrary, the Post reports that:

> More often than not, German authorities have not really bothered with right-wing groups, hoping that if police and press alike ignore them, they would go away.

The September 26 bombing and the rising number of neo-Nazi crimes in the past year should be more than adequate proof that they will not simply go away. Thirty-five years after the end of World War II, the Nazi movement is experiencing a resurgence. And riding on the crest of their new vitality, the neo-Nazis bring with them the specter of the most hideous crime known to man: Genocide.

Perhaps my colleagues think I overreact. Perhaps they think I exaggerate. In reply, I would remind them of the words of Bertold Brecht in the epilog of the play, "The Resistable Rise of Arturo Ui":

> If we could learn to look instead of gawking, We'd see the horror in the heart of farce . . . This was the thing that nearly had us mastered; Don't yet rejoice in his defeat, you men! Although the world stood up and stopped the bastard, the bitch that bore him is in heat again.

Eighty-five nations have stood up to stop genocide—every major nation in the world but one. I appeal to the U.S. Senate: Rise to the occasion, ratify the Genocide Convention before it is too late.

INDUSTRY AND GOVERNMENT COOPERATION URGED BY SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, recently, when Congress was in recess, I addressed the leaders of the coke and coal chemicals industry. The occasion was the annual meeting of the American Coke and Coal Chemicals Institute which was held for the 31st consecutive year, from October 18 through 22, at the Greenbrier in White Sulphur Springs, W. Va.

The informative and educational meeting was hosted by Lawrence Nagel from the Koppers Co., president of the institute and Col. Lucian Ferguson, the institute's executive director and general counsel. In addition to myself and the leaders of this vital national industry, remarks were delivered by several authorities in the energy field.

Laurance Fuller, president of Amoco Oil Co., one of our Nation's primary energy companies outlined the "long range energy options for the United States." He underscored the urgency of accelerating utilization of our most abundant fossil fuel, coal, in the immediate future. The mutual concerns of the automobile industry and the merchant coke industry were discussed by George Ditzhazy, purchasing manager for the General Motors Corp. (GM). An international perspective was contributed by Dr. Peter Pichbeck, managing director of the British Steel Corp., Ltd., who addressed issues involving coal tar, one of the valuable byproducts of the coking process.

Mr. President, I underscored our energy and industrial problems. I cited the Steel Tripartite Committee to illustrate the positive action which results from jo'nt cooperation by industry, labor, and government and stressed the need to engage in similar constructive efforts on a

broad front as we engage the challenges of the eighties.

Our Nation is at a critical point in our economic development. We must work together—all of us, from all sectors of society, to move forward into a second industrial revolution which will secure our economic stability, preserve our key industries, and provide meaningful work opportunities.

The leaders of the coke and coal chemicals industry with whom I met are eager to participate in this effort. I encourage Americans to join the effort.

Mr. President, I ask unanimous consent that a copy of my address at this meeting be printed in the RECORD following these remarks.

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

REMARKS OF SENATOR JENNINGS RANDOLPH

INDUSTRY AND GOVERNMENT COOPERATION

You are at home in the autumn tinted hills of West Virginia.

A welcome to our beautiful area may not be totally appropriate because, I am told, the American Coke and Coal Chemicals Institute has chosen to meet here, at the Greenbrier, for the past 31 consecutive years. I congratulate you on your choice of this location, America's finest resort and convention Hotel.

Several years ago an advertisement was run in National periodicals. The name of the advertiser is not important but the message was, then and now. The brief saying reflected the philosophy which has separated our economic system from many others in the World. Our generally sustained prosperity for many years is, in great part, a result of adherence to it.

Many Americans took exception to the message. Their noble interest in promoting social reform and a more equal distribution of wealth clouded their vision. They were afflicted by myopia, both in looking back and looking forward.

The message was short and direct. It must be understood by all Americans if we are to continue to prosper. It was "Profit is not a 4-Letter Word."

Over 200 years ago—In the year our Nation declared its Independence—The year the most successful experiment in social and economic reform the World has known was begun—A treatise was published which profoundly impacted and provided the philosophical underpinning for Western economic thought.

An enlightened and perceptive individual wrote—

"It is not from the benevolence of the Butcher, the Brewer, or the Baker that we expect our dinner, but from their regard to their self-interest.

"Every individual endeavors to employ his capital so that its produce may be of greatest value. He generally neither intends to promote the public interest, nor knows how much he is promoting it. He intends only his own security, only his own gain. And he is in this led by an invisible hand to promote an end which has no part of his intention. By pursuing his own interest he frequently promotes that of Society more effectually than when he really intends to promote it."

The Author—Adam Smith; the Treatise—"A Wealth of Nations".

It is with a firm belief in this basic tenet of our Industrialized Democracy that we must aggressively move forward over the remainder of the 20th Century.

Without prosperity for some, there can never be prosperity for all.

Following the social upheaval of the 60's, we, as a Nation, have moved through a 10 year period of reflection and evaluation. A new awareness of, and concern for, the critical inter-dependence of the components of our socio-economic system resulted in a redefinition of our goals. The path to improving the quality of life for all Americans took new directions.

The effort to ameliorate the negative impacts which had been identified necessitated a period of adjustment and seeming instability.

All Americans, I believe, support the worthy objectives which were advanced—clean air; clean water; safe and healthful workplaces; and the right of every individual to have the opportunity to improve their position in life.

We must not retreat from those commitments. We can, however, explore and define the most efficacious means to accomplish these ends while simultaneously promoting an economy with sufficient strength to permit their attainment.

In this light, a new sense of teamwork must be developed in our Nation. We must strive to obtain a consensus on how best to promote an enhanced quality of life for all.

Industry, Labor and Government—in its representative function for all sectors of society—do have shared goals within which a consensus can be formed. The adversary philosophy, which has oftentimes prevailed, and led only to conflict rather than resolution among them, must be abandoned. They must look beyond short term considerations and focus on long term improvement. They must be forthright and objective in their interaction. A partnership must be formed

In the words of our Nation's leader who led us out of our most destructive period, Abraham Lincoln, "We must act anew, we must think anew."

Although our economy continues to expand—its vitality is being sapped—our annual rate of growth continues to decrease. In the 1970's the United States lost 23 percent of its share of the World Market following a 16 percent decline in the 1960's. This occurred in spite of a 40 percent depreciation in the value of the dollar which made our exports cheaper and foreign imports more expensive.

Domestic manufacturers' share of the U.S. market for metal-working machinery, for example, has declined from 97 percent in 1960 to 74 percent today. The plight of our steel and auto industries is apparent to all.

Over the same period spending for research and development has declined from a 1964 high of 2.1 percent of gross national product to 1.6 percent in 1978. Investment in the United States is 10 percent of gross national product compared to 15 percent in Germany and 20 percent in Japan.

Personal savings as a percentage of disposable income has averaged approximately 6 percent over the past 10 years and has dropped to a low of 3.8 percent this past year. The average savings rate in Japan is 20 percent—in Germany, 14 percent.

Decreased spending for research and development and low savings is considered to be a substantial contributing factor to the decrease in our rate of increase in productivity from 3.2 percent for 1968 through 1973 to 0.7 percent this past year.

Industry, Labor, and Government must work together to reverse these alarming trends. Existing policies and future decisions must be scrutinized closely with respect to whether they will hinder or advance increased economic growth. A range of alternatives must be explored to arrive at an optimum course of action. An acceptable balance must be found.

Such cooperation is reflected in the President's recent announcement of a program for the American steel industry, its workers and communities. This comprehensive steel policy was the outgrowth of two years of work by the Steel Tripartite Committee composed of representatives from the Industry and Labor and chaired by Secretaries Klutznick and Marshall.

The program provides for aid to the steel industry through tax breaks to encourage investment and modernization, protection from unfair import competition, and relaxation of requirements of the Clean Air Act.

As chairman of the Senate Steel Caucus, a bipartisan group formed in 1977 and composed of 39 States, I have been closely involved in the development of the Program and am convinced—that when seeming adversary groups identify their common interest and make genuine effort to work together—great progress will be forthcoming.

The steel program is testimony to a growing National consensus that we cannot, and must not, permit our critical industries to fail. If we will allow the United States to become dependent on the importation of foreign steel, our National security will be jeopardized. As with oil, we would be subject to the price whims of foreign cartels.

Recently, an American Firm, the Northern Border Pipeline Company, signed contracts for the purchase of 581,000 tons of steel pipe. Although it desired to "buy American," American producers could supply only 60 percent of the required pipe within the time schedule. Factors contributing to events as this must be reversed.

The most pressing economic and political dilemma facing our Nation is our dangerous dependence on imported oil. The accelerating cost of energy and the threat of a cut-off of oil supplies from the Persian Gulf underscore this multifaceted threat to our National security.

To assist in combating this crisis, the Congress enacted and the President signed into Law this past July, the Energy Security Act. Under this Law, 88 billion dollars will be invested by the Synthetic Fuels Corporation over the next 10 years in a joint effort with the private sector to develop a synfuels industry capable of producing 2.2 million barrels of alternative fuels per day. The cost may appear large, but when one considers that the United States will spend 90 billion dollars in 1980 alone for imported oil, the cost becomes relatively insignificant.

Your speaker sponsored and shepherded through legislation to create such an industry as a Member of the House of Representatives in 1943. Unfortunately, the influx of cheap oil in the post-war years permitted our Nation to fall into a sense of false security, and the Program was permitted to expire.

Synthetic fuel production alone, however, will not be adequate to extricate ourselves from the energy stranglehold which threatens to choke our economy. All alternatives to lessen dependence on oil and conserve energy must be aggressively pursued.

Coal, our most abundant fossil fuel, in addition to being a feedstock for synthetic fuels, must be utilized to replace oil and natural gas in our Nation's utility boilers. Legislation to accelerate the rate of replacement of oil and natural gas with coal was approved this past summer by the Senate.

In so doing, the Senate was able to work out an acceptable balance of competing interests to formulate a plan for action. Absolutists, who want all or nothing, have essentially killed this critical legislation in the House for this Congress. Destructive attitudes as this must be modified. Otherwise, the prospects for economic progress are slim.

The 1980's will be a period of reindustriali-

zation. Cooperation will be required from all segments of society to generate the required expansion. We must bury the hatchet and work together.

Government will be called on to provide an economic climate to facilitate growth. Our tax laws, will be modified to encourage savings, capital formation, investment, research and development, and energy development, and conservation. The impact of Federal regulatory programs and proposals will likely be scrutinized by cost-benefit analysis. Financial incentives for greater exports will be implemented.

Industry will be called on to allocate more funding for research and development in new technology and for modernization of facilities. The conservative investment climate that has characterized the past 15 years will give way to greater risk taking and longer term investments. Increased real profits will be necessary to generate the financial climate for funding the expansion.

Labor will be called on to forego inflation-depleted wage gains in exchange for job security, long term growth, and increased employment opportunities. Labor and Management will work together to eliminate restrictive and unnecessary work practices and to implement programs to increase productivity.

The American economy is premised upon continuing growth. It is a policy which has served us well in the past, and will serve us and our children well in the future.

THE NATIONAL NAVAL MEDICAL CENTER

Mr. HAYAKAWA. Mr. President, I shall read for the RECORD a letter that I received from Ms. Coni Manders of Sacramento, Calif.

SACRAMENTO, CALIF.,
September 10, 1980.

Hon. S. I. HAYAKAWA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HAYAKAWA: For a number of months, I have wanted to pay public tribute to a most special person in my family's life. This person is a unique, compassionate individual who not only helped save my father's life, but saved the "life" and dynamics of my family as well.

Michael J. Higgins, MD, is a Navy resident in neurosurgery at the National Naval Medical Center (NNMC) in Bethesda, Maryland. Without his medical expertise and that of his colleagues, as well as his deep reservoir of personal compassion, we would never be able to tolerate the tragedy we face.

That tragedy began on May 10, 1979 when my father, William G. Manders, a man in perfect health (regardless of his right leg above-the-knee amputation as a result of a WWII combat injury) passed out, etiology unknown. The result of his fall onto a tile floor was a right basular skull fracture and contra-coupe damage to the left hemisphere of his brain. My father was not expected to live through that day, and my family was notified in California of this devastating event. We immediately flew east to find my father in very critical condition and comatose . . . a heartbreaking reality that I could perceive only as a nightmare. As a result of an alert accepting resident, Dr. Lynn Lilly, and other neurosurgery department doctors and staff at NNMC, as well as my father's history of good health, Dad was able to survive one night. The following days, though tenuous, showed marked improvement, until after a week, Dad pulled out of the coma.

As it became apparent that Dad would most likely survive, although with significant deficits, we tried to grasp for some semblance of logic and rationalization of the situation that confronted us then and would in the future. Dr. Higgins stepped into the picture at this point by asking a simple but remarkably thoughtful question of "How are you all holding up?" That question opened up the door to an incredibly unique and caring relationship between a doctor, patient, and patient family. There was not a question we had that Dr. Higgins wouldn't try to answer nor a time he would refuse us (and other families) conversation if he had the time to give us.

The result of my father's accident to date is bittersweet. It is another one of life's great ironies that my father, a lawyer who was fluent in five languages, was hit hardest in the speech/language center of the brain and no longer has full use of these facilities. It is heartbreaking to know the suffering he has endured and that a great mind has been reduced for inexplicable reasons. And yet, the sight of my father first opening his eyes as he was regaining consciousness was an event that makes me forever thankful and I feel that if he had never taken another breath, I would be grateful for the grace of God which let us see each other one more time.

Regardless of the outcome, without the opportunity to communicate with a doctor as intelligent and as compassionate as Michael Higgins while living through those unpredictable, stressful days, we would have been a devastated, bitter family. As a result of his medical and personal attention, we are instead still a thriving family, and one step closer to understanding the beauty in the beast, and the true precious meaning of life.

I feel it is of sad consequence that most families do not have a more humane relationship with their doctors, and vice-versa. The lack of communication between the two parties is perhaps as tragic as the circumstance that improved communication might help to appease. I sincerely believe that an effective, communicative relationship between a doctor and a patient's family can make a medical tragedy somewhat more tolerable because communication is conducive to the understanding and acceptance of an apparently "impossible" situation.

For this reason, I ask that you print this letter in The Congressional Record in the hopes it will encourage better doctor/family relationships in the future.

Thank you for your consideration.

Very sincerely yours,

MS. CONI MANDERS.

I always enjoy getting letters such as Ms. Manders and would like to take this opportunity to share it with my colleagues. Ms. Manders praises the care and sensitivity shown to her family by Dr. Michael Higgins, a resident at the Naval Medical Center in Bethesda, when her father was taken seriously ill. Her letter should serve as a reminder to all medical personnel of the importance of displaying kindness and understanding to the families of patients. Needless to say, a little compassion can go a long way.

SOVIET OPPOSITION TO HUMAN RIGHTS

Mr. LEVIN. Mr. President, today, in his opening speech at the Madrid Conference to review the implementation of the 1975 Helsinki Accords, American delegation Chairman Griffin Bell assailed the "brutal repression" of human rights in the Soviet Union and asserted that "the Soviet invasion of Afghanistan cast a dark shadow over East-West relations which no meeting, no pronouncement, nothing in fact but the total withdrawal of Soviet troops can dispel." As we all well know, the Helsinki Accords, and the review conferences built into them, provide us with an important opportunity to call the Soviet Union to account for their blatant disregard of human rights.

Because the Soviet Union joined 34 other nations in these commitments to respect the fundamental liberties of thought, expression, and religion, to respect the right of different peoples to determine their own futures, and to respect the principle of nonintervention of states, the Soviets have a strong responsibility to participate in full discussions of the implementation of these agreements. Because of Helsinki, the Soviets should not be able to dismiss inquiries about human rights through the lame excuse that this is a matter of "internal affairs."

Yet, from reports from Madrid, we know that the Soviet delegation has been adamantly opposed to allowing the open discussion of fundamental freedoms and human rights which are called for in the accords. The Soviets desire that the conference only deal briefly with the human rights questions and focus mainly on new proposals relating to security issues. The United States, and many of our Western allies, have rightly resisted these Soviet efforts to shorten the human rights review portion of the conference.

For the Helsinki process to remain credible and effective, the American position must remain strong. We should insist that the Helsinki process be complete and the implementation of all of the baskets of the agreements be openly reviewed. There can be little credibility in an agreement which cannot be reviewed as called for in the agreement itself.

We must continue to demand that the Soviets allow the Madrid review conference to proceed with a full discussion of the implementation of the human rights portions of the agreements. And for the Helsinki Accords to remain a positive facilitator of East-West dialog on security, cultural, educational, and human rights issues, the Soviets must agree to a future review conference. There must always be a process by which Russia can be held accountable for its broken promises and by which the matters of human rights, family reunification, national self-determination and other fundamental freedoms can be openly discussed.

There is no more important proof that these discussions must continue than the news that yesterday, Victor Brailovsky, a noted Soviet scientist who has been denied permission to emigrate from the Soviet Union to Israel, was arrested.

I had the honor of meeting Victor Brailovsky when I was in Moscow in August 1979. He told me then that he and his wife applied for permission to leave the Soviet Union in 1972 and that they

have been refused that permission many times since then. He told me of the harassment he faced then, including brief arrests, detentions, and apartment searches. After he applied to emigrate, Victor Brailovsky, like thousands of other Soviet refuseniks, lost his job. Since then, he has been active in the Moscow refusenik community and has led regular scientific seminars with other Jewish refusenik scientists.

Brailovsky was arrested yesterday in his home. He was charged with violation of article 190–1 of the Soviet criminal code, "dissemination of fabricated materials known to be false and slanderous of the Soviet Union." In April of this year, Brailovsky was arrested and detained for almost a week because of his active involvement in the publication of the Samizdat journal "Jews in the USSR," of which he is the chief editor. The Soviet authorities have sought to suppress this historical publication which deals with research into Jewish life in Russia, Jewish prose and poetry, and other topics which relate to the Jewish culture in the Soviet Union. Its last issue appeared in June 1979. Another editor of "Jews in the USSR," Igor Guberman, was arrested last year and sentenced to a long prison term in April of this year.

There is no doubt that the arrest of Brailovsky was politically inspired. And there is no doubt that his arrest is another of the many examples of the Soviet's disrespect for the freedoms agreed to in the Helsinki Accords.

In the New York Times yesterday, Anthonv Lewis remarked on the "Stakes in Madrid." I ask that the column be reprinted at the end of my statement.

And on another sad note, I would like to briefly mention the death of Andrei Amalrik, one of the earliest Soviet dissident writers and activists. Amalrik, who had been living in exile in France, died in an automobile accident as he was driving to attend the Madrid review meeting of the Conference on Security and Cooperation in Europe. He will be missed. I ask that an article on his life and his achievements, published in yesterday's Washington Post be printed in the RECORD.

The article follows:

[From the New York Times, Nov. 13, 1980]

THE STAKES IN MADRID

(By Anthony Lewis)

WASHINGTON, November 12.—If any of us safe in the West can imagine being a victim of Soviet repression, one of the most terrifying possibilities today would be confinement in a mental hospital. The K.G.B. has done that to many dissidents. Diagnosed as disturbed, they are treated with disabling drugs and physically brutalized.

The only defense against the monstrous practice has been the courage of a few Soviet victims and psychiatrists who spoke out against it. The outside world began to notice, and some of these brave people set up an unofficial Commission to Investigate the Use of Psychiatry for Political Purposes. But now the voices are being silenced.

In September, Vyacheslav Bakhmin, a 33-year-old computer operator who helped found the commission, was sentenced to three years of forced labor for "slandering the Soviet system." At his trial he asked the court to hear defense witnesses who would support what he had said about the perversion of psychiatry. The witnesses were not allowed to testify.

Other members of the commission face repression. Two doctors, Alexander Podrabinek and Leonard Ternovsky, and another computer specialist, Irina Grivnina, are awaiting trial.

The attack on those protesting the misuse of psychiatry is just one part of a massive Soviet purge of dissidents this year. It began before the Olympic Games, when Western specialists thought the object was to prevent contacts between dissidents and people visiting Moscow for the Games. But the crackdown has continued since the Olympics ended in August.

All kinds of groups have been swept up in the systematic K.G.B. effort. They include editors of underground journals, nationalists from the Ukraine and the Baltic states, religious leaders and people working for human rights.

The latest arrests and trials have not evoked widespread protests abroad. That may be because better-known dissidents are already silenced: Andrei Sakharov in exile in Gorky; Yuri Orlov, founder of the Helsinki monitoring group, and Anatoly Scharansky and Ida Nudel, activists for Jewish emigration, in prison.

But whatever the reason for the tepid Western response, there is no doubt of its effect. The failure of governments and private groups to express their outrage has encouraged the K.G.B. to intensify the repression.

All this points up the importance, in both human and political terms, of the current Madrid conference to review implementation of the 1975 Helsinki accords. And it also makes clear why Soviet diplomats have fought so hard to limit discussion in Madrid of the Helsinki provisions on human rights.

In the five years since Helsinki, the Soviets have made a mockery of their promises to respect "human contacts," "freer movement of peoples" and "the right of the individual to know and act upon his rights." There could hardly be a more cynical act—to pick just one example—than to repress a group whose only purpose was to monitor compliance with those pledges.

Soviet disregard of the human rights undertakings has led some right-wing voices in America to suggest that the United States simply denounce the Helsinki accords. But that would surely be cutting off our nose to spite our face.

The Soviets' desperate effort to avoid being called to account at Madrid shows that such international shame bothers them. Why should we give up the opportunity to point to their cynicism and brutality? Why should we disagree with the Soviet victims who want the West to stand firm on Helsinki? For example, Vaclav Havel, the imprisoned Czech playright, and two colleagues recently managed to get out a letter urging action on human rights at Madrid.

The Helsinki accords give the West an important opportunity—and obligation. The Soviets cannot legitimately complain about intervention in internal affairs" when they have signed an agreement making human rights a matter of international concern, and providing for periodic conferences to review compliance.

The obligation that Helisinki imposes on us is twofold. We have a duty, first, to do what we can for the victims of state tyranny, in the Soviet Union and elsewhere. And second, we have a duty to make our values clear to the world; to save our own souls.

President-elect Reagan is the man on whom those obligations especially rest. He has been cool in the past to the whole idea of Helsinki, but there are indications now that he appreciates the value of its human rights provisions. The Madrid conference can have a useful effect only if Mr. Reagan sends a clear signal that he intends to carry on the Helsinki review process—and hold the Soviet Union accountable for its broken promises.

After the Carter Administration's experience, no one can pretend that there is a simple way to improve respect for human rights in the world. But it has made a difference, to the victims and to us, when we have shown ourselves unwilling to close our eyes to evil.

[From the Washington Post, Nov. 13, 1980]

SOVIET DISSIDENT FIGURE KILLED IN HIGHWAY ACCIDENT NEAR MADRID

(By Dusko Doder)

Andrei Amalrik, one of the first human rights activists in the postwar Soviet Union and a man who suffered years of imprisonment and exile before emigrating to the West, died yesterday in an automobile accident near Madrid. He was 42.

A historian and a polemicist—author of the celebrated essay "Will the Soviet Union Survive Until 1984?"—Mr. Amalrik was a central figure in the disparate group of Soviet citizens that came to be known as the Democratic Movement in the late 1960s.

He was the first dissident actively to seek out American correspondents in Moscow in the mid-1960s, foreshadowing a relationship that subsequently evolved between Soviet political dissidents and Western journalists that led to wide distribution of dissident views via Western broadcasts to Russia.

He was pressured to leave the Soviet Union in 1976 and has since lectured at universities in the Netherlands and the United States, including Harvard and George Washington University.

Mr. Amalrik was on his way to the Spanish capital to attend a meeting of Soviet human rights activists staged to coincide with the current follow-up conference on European security and cooperation when his car went out of control and collided with a truck.

Hospital officials said he was apparently killed by a piece of metal from the truck that pierced his neck. His wife, Gyuzel, a painter, and two fellow dissidents traveling with them all escaped injuries.

Mr. Amalrik's latest book, "Notes of a Revolutionary," has just been translated and is scheduled to be published by Alfred A. Knopf next fall. His editor, Ashbel Green, described the work as a memoir dealing largely with Mr. Amalrik's experiences in the decade just before he left the Soviet Union.

A frail but feisty man, Mr. Amalrik became a symbol of opposition in the Soviet Union long before such figures as Andrei Sakharov and Alexander Solzhenitsyn. He was expelled from Moscow University in 1963 because his dissertation advanced unorthodox views about early Russian history. Mr. Amalrik maintained that the Vikings played a decisive influence in civilizing Slavic tribes in Russia—a view that went against the grain of the official interpretation of Russian history.

He subsequently decided to become a writer and wrote several plays. He also came to know many avant garde Moscow artists and in 1965 was tried on charges of being a "social parasite" because he had no permanent job. Underlying the charge was apparent official concern that he was facilitating contacts between artists and foreign journalists and diplomats.

After two months in prison, he spent just over a year in Siberian exile. Afterwards he wrote his "Involuntary Journey to Siberia" in which he described his experiences.

He became a celebrity in the West following his apocalyptic essay "Will the Soviet Union Survive Until 1984?" The Book-of-the-Month Club thought the 112-page book so important that it sent a free copy to all its members and to every college and university library in North America.

In the book, he forecast a military showdown between the Soviet Union and China that would help trigger an internal collapse in the Soviet Union between 1980 and 1985. Years later, he conceded that his doomsday scenario may be inaccurate and that he had underestimated the Kremlin's flexibility and overestimated China's ability to build a modern army.

In May 1970, he was arrested and charged with slandering the Soviet state. He spent three years in prison and two years in Siberia before returning to Moscow in 1975.

Refusing to take part in court proceedings, Mr. Amalrik pleaded innocent in a written statement that said: "I think the truth or falseness of publicly expressed views can be ascertained by free and open discussion, not by a judicial investigation. No criminal court has the moral right to try anyone for the views he has expressed.

"To sentence ideas to criminal punishment, whether they be true or false, seems to me to be a crime in itself."

Mr. Amalrik was a unique figure in Moscow's dissident community. He was a loner with a strong philosophical bent. The struggle for human rights in Russia, he once said, is difficult because of the absence of a tradition of freedom. This, in turn, frequently pitted human rights activists not only against the government but also against the people for whom these rights are sought.

In his solitary protests he was joined only by his wife. Otherwise, he was a self-contained man, or as he described himself once, "the first complete dissident, a person really outside the system." For this reason he felt that he irritated the authorities, and they continued to harass him until he decided to leave the country.

Mr. Amalrik was driving overnight from Marseilles to Madrid when the accident occurred near the provincial city of Guadalajara early yesterday. Apart from his wife, the passengers in the car were identified as fellow dissidents Viktor Feinburg and Vladimir Borisov.

Robert Bernstein, chairman of the U.S. Helsinki Watch Committee, said in a statement that "it is both tragic and ironic that Andrei died at this time, on his way to Madrid, where he planned to speak out once again about human rights abuses in his country. He will be remembered for his unbreakable spirit, as a man who always spoke his mind."

It was not immediately known where Mr. Amalrik will be buried.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

WORLD WEATHER PROGRAM PLAN—PM 265

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit to Congress, in accordance with the Senate Concurrent Resolution 67 (1968), the World Weather Program Plan. The plan details the activities of Federal agencies in FY 1980 and 1981 toward developing improved world-wide weather observations and services and the United States effort to conduct a comprehensive program of research to further the development of the World Weather Program.

Our ability to forecast the weather and understand the dynamics of climate is an important aspect of developing and executing effective policies in many areas of national endeavor. Events over the last year have demonstrated how interwoven are our national goals with those of other countries. This is essentially true with respect to international meteorology. The World Weather Program was formulated so that the United States could join with other countries to establish goals to better understand and forecast the global weather. The sharing of resources data and ideas to attain these goals is accomplished through the Global Atmospheric Research Programs sponsored by the World Meteorological Organization and the International Council of Scientific Unions and the operation of the World Weather Watch.

I commend to your attention and review this important plan.

JIMMY CARTER.

THE WHITE HOUSE, *November 14, 1980.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4828. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-4829. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the military family housing maintenance function at Hickam Air Force Base, Hawaii, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4830. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the family housing maintenance function at Eielson Air Force Base, Alaska, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4831. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Army plan to reduce XM1/XM1E1 baseline cost differential estimate by $600 million; to the Committee on Armed Services.

EC-4832. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to increase the monthly basic pay of a certain officer of the Armed Forces and to make subsequent increases in pay and allowances for such officer reflective of changes in the Consumer Price Index; to the Committee on Armed Services.

EC-4833. A communication from the Principal Deputy Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice that a study has been conducted with respect to converting the military family housing maintenance function at Seymour Johnson Air Force Base, North Carolina, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4834. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf stocking and custodial services function at Hill Air Force Base, Utah, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4835. A communication from the Assistant Secretary of the Air Force (research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services function at Dover Air Force Base, Delaware, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4836. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the refuse collection function at Barksdale Air Force Base, Louisiana, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4837. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend Title 37, United States Code, to increase the Special Pay of nuclear qualified officers and the Nuclear Career Accession Bonus; to the Committee on Armed Services.

EC-4838. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 305a of title 37, United States Code, to increase the rates of career sea pay; to the Committee on Armed Services.

EC-4839. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to increase the rate of Officer and Enlisted Submarine Duty Incentive Pay and to extend continuous entitlement of Submarine Duty Incentive Pay to officers on shore duty when certain requirements are met; to the Committee on Armed Services.

EC-4840. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient alert aircraft maintenance function at Malmstrom

Air Force Base, Montana, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4841. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the duplicating services function at Mountain Home Air Force Base, Idaho, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4842. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1980; to the Committee on Armed Services.

EC-4843. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a table comparing the President's FY 1981 budget request for civilian strength with the initial allocation of the statutory civilian authorization; to the Committee on Armed Services.

EC-4844. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report concerning the Department of the Army's proposed letter of offer to a NATO organization for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-4845. A communication from a Staff Officer of the Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention of the Department of the Navy to donate certain surplus property to the Charleston, South Carolina, Chapter of the National Railway Historical Society; to the Committee on Armed Services.

EC-4846. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report of 12 construction projects to be undertaken by the Naval and Marine Corps Reserve; to the Committee on Armed Services.

EC-4847. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on 15 construction projects to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-4848. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services function at Tinker Air Force Base, Oklahoma, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4849. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient aircraft alert maintenance function at Tyndall Air Force Base, Florida, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4850. A communication from the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, notice of the intent of the Department of the Navy to study the conversion to commercial contract relating to certain vessels; to the Committee on Armed Services.

EC-4851. A communication from the Assistant Secretary of Energy for Conservation and Solar Energy, transmitting, pursuant to law, the current schedule for issuing final regulations establishing a methodology for calculating the equivalent petroleum-based economy of electric vehicles; to the Committee on Banking, Housing, and Urban Affairs.

EC-4852. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-4853. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Mississippi River Bridge Diversion Study"; to the Committee on Commerce, Science, and Transportation.

EC-4854. A communication from the Secretary of Transportation, transmitting pursuant to law, a prospectus which describes the proposed construction of a new Technical Support Facility at the Technical Center located near Atlantic City, New Jersey; to the Committee on Commerce, Science, and Transportation.

EC-4855. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for the period ending March 31, 1980; to the Committee on Commerce, Science, and Transportation.

EC-4856. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice that the Commission is unable to render a final decision in docket No. 37409, Aggregate Volume Rate on Coal; Acco Utah, to Moapa, Nev. within the initially specified 7-month period; to the Committee on Commerce, Science, and Transportation.

EC-4857. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "There Is No Shortage of Freight Cars—Railroads Must Make Better Use of What They Have"; to the Committee on Commerce, Science, and Transportation.

EC-4858. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses and revenues and expenses of each train operated by the Corporation for July 1980; to the Committee on Commerce, Science, and Transportation.

EC-4859. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the ninth report of the Commission concerning the impact on competition and on small businesses of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-4860. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, regulations which would exempt mechanical cogeneration facilities from the incremental pricing program required under the Natural Gas Policy Act; to the Committee on Energy and Natural Resources.

EC-4861. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, notice of a project proposal from the Roosevelt Irrigation District, Arizona, under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-4862. A communication from the Secretary of the Interior, transmitting, pursuant to law, a semiannual report on the amount of money expended by the Commonwealth of Massachusetts, the City of Lowell, and nonprofit entities for certain activities relating to historic preservation; to the Committee on Energy and Natural Resources.

EC-4863. A communication from the Secretary of the Interior, transmitting, pursuant to law, notice of the repayment of excess royalties to Norcen Energy Resources Limited under lease OCS-G 2591, offshore Louisiana; to the Committee on Energy and Natural Resources.

EC-4864. A communication from the Professional Audit Review Team, transmitting, pursuant to law, a report on the activities of the Energy Information Administration; to the Committee on Energy and Natural Resources.

EC-4865. A communication from the Acting Deputy Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal and State Programs for Encouraging Biomass Energy and Alcohol Fuel Production and Use"; to the Committee on Energy and Natural Resources.

EC-4866. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Effects of Airport Noise on a Neighboring State"; to the Committee on Environment and Public Works.

EC-4867. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "EPA Is Slow To Carry Out Its Responsibility To Control Harmful Chemicals"; to the Committee on Environment and Public Works.

EC-4868. A communication from the Secretary of Health and Human Services, transmitting, for the information of the Senate, notice that since no grants were made under section 27 of the Toxic Substances Act during the past year, there will be no annual report submitted; to the Committee on Environment and Public Works.

EC-4869. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for alterations to Federal Building 8, Washington, D.C.; to the Committee on Environment and Public Works.

EC-4870. A communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from April 1, 1980, through September 30, 1980; which was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on the Budget, without amendment:

S. Res. 524. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2734; and

S. Res. 528. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2574.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HAYAKAWA (for himself, Mr. BAYH, and Mr. CRANSTON):

S. 3199. A bill to direct the Army Board for Correction of Military Records to review the

application of Herman Miller for the Congressional Medal of Honor; to the Committee on Armed Services.

S. 3200. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. MOYNIHAN).

S. 3201. A bill to amend section 504 of the Trade Act of 1974 to establish certain limitations with respect to the Generalized System of Preferences; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 3202. A bill for the relief of Somusa Ratanarak; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA (for himself Mr. BAYH, and Mr. CRANSTON):

S. 3199. A bill to direct the Army Board for Correction of Military Records to review the application of Herman Miller for the Congressional Medal of Honor; to the Committee on Armed Services.

REVIEW OF CONGRESSIONAL MEDAL OF HONOR APPLICATION

Mr. HAYAKAWA. Mr. President, today I am introducing a bill on behalf of myself, Mr. BAYH, and Mr. CRANSTON, that directs the Army Board for Correction of Military Records to review the application of Mr. Herman Miller of Oceanside, Calif., for consideration of the Congressional Medal of Honor. In determining Mr. Miller's eligibility, the Board will apply the standards for such an award as were in effect on April 16, 1900.

Mr. Miller is the oldest living veteran of the Spanish-American War. At the age of 101 he continues his struggle to receive the Congressional Medal of Honor for which he was recommended in 1900 by his commanding officer after distinguishing himself at the Battle of Batac in the Philippines. Over the past 80 years he has tried unsuccessfully to receive the medal for his heroic action on April 16, 1900, when he and 28 other men found themselves surrounded by some 800 Filipino insurgents.

It is our contention that had Mr. Miller been judged by the criteria that was in effect at the time that he was recommended for the medal, he would have qualified. Therefore, this legislation directs that he be considered under the criteria in effect in 1900.

Mr. President, I ask that my colleagues give serious and timely consideration to this bill as Mr. Miller has been patient for far too long.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 3199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall direct the Army Board for Correction of Military Records to review the application of Mr. Herman Miller of Oceanside, California for consideration of being awarded the Congressional Medal of Honor. In conducting such review and determining the eligibility of Mr. Miller for such award the Army Board for Correction of Military Records shall apply the standards for such an award as were in effect on April 16, 1900.

By Mr. HAYAKAWA:

S. 3200. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

AMENDMENT OF CLEAN AIR ACT

Mr. HAYAKAWA. Mr. President, today I am introducing a bill to amend the Clean Air Act so that each State will be able to determine whether or not a mandatory inspection and maintenance program for motor vehicles is necessary and practicable. I do this with the hope that such legislation will help us put a stop to the type of blatant coercion that is currently being used against the State of California by the Environmental Protection Agency.

The Clean Air Act requires each State to submit to the EPA an implementation plan which provides for the attainment of national ambient air quality standards by December 31, 1982. However, in recognizing that attainment may not be possible in some areas by that deadline, the act also provides that a State which demonstrates that it is unable to attain the national standards for ozone or carbon monoxide prior to December 31, 1982 may provide in its implementation plan for attainment of those standards no later than December 31, 1987. But there is a catch. In order to take advantage of this extension, the State must establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. I believe this catch or this requirement is a deviation from the overall philosophy of the Clean Air Act under which the States are generally free to choose the control measures which they believe to be appropriate.

The legislation which I am introducing allows the States to choose the programs by which they will attain the National Air Quality Standards. It does not alter air quality standards, and it does not alter the deadlines by which they must be achieved. Specifically, this legislation would delete the requirement that forces a State which cannot meet the national standards for photochemical oxidants (ozone) or carbon monoxide by the 1982 deadline to "establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program."

Thus, a State would be required to have an inspection and maintenance program only to the extent to which it found such a program to be necessary and practicable. Moreover, this bill would add a new section to the Clean Air Act which would provide that: first, the Administrator of the EPA could not require an inspection and maintenance program as a condition of approval for any State implementation plan. second if the Administrator, rather than the State, promulgates an implementation plan it may not require an inspection and maintenance program, and third any State may revise its implementation plan to eliminate an inspection and maintenance program.

Now it makes sense to allow States to use means other than inspection and maintenance programs to control emissions, because there is considerable disagreement about the benefits to be derived by implementing such programs. The EPA has suggested that based on data developed in Portland and Eugene, Oreg., one might expect a 24-percent reduction in hydrocarbons and a 34-percent reduction in carbon monoxide over a year's time. However, these figures have been contested by some very responsible sources. A study done for the legislative analyst of the State of California projects only a 17.4-percent reduction in hydrocarbons and a 22.4-percent reduction in CO. These reductions could still be considered substantial. But a report done jointly by the California Air Resources Board and the California Department of Consumer Affairs projects only a 5-percent reduction in total hydrocarbons and a 1-percent reduction in total oxide emissions as a result of an inspection and maintenance program. This would represent a relatively small impact.

The total cost to all of the States subject to the inspection and maintenance requirements would be in the range of $300 to $800 million a year. One must ask the question, "Are the projected benefits worth an investment of this magnitude?" Other factors will significantly influence automotive emissions in future years. The dominant influence will be the changing composition of the automotive fleet. As newer, low-emission cars replace older cars. total emissions will fall, regardless of whether inspection and maintenance is required. More reliable emissions control technology and a reduction in total mileage driven as a result of higher gasoline prices can also be expected to have a significant impact. I believe the determination of how much an inspection and maintenance program will enhance these factors and the decision to invest in such a program should be left to be made by each State.

The need for this legislation is made evident by the EPA's actions against my own State of California. Because the State legislature has voted against the establishment of legal authority necessary to implement a motor vehicle inspection and maintenance program, the EPA has formally indicated, in a notice of proposed rulemaking, its intention to withhold up to $850 million in Federal highway and sewer funds that would otherwise go to California. It is also threatening to hold up approvals for further industrial expansion in the State. These threats constitute nothing less than blatant coercion on the part of the Environmental Protection Agency, and it is my intent to strip away this power

to coerce. The Clean Air Act seemingly gives the EPA the power to use this form of coercion; therefore, the Clean Air Act must be corrected.

Nobody opposes clean air. But more and more people are demanding that flexibility and commonsense be exercised in our pursuit of air quality goals. This is evident in the current administration's own steel revitalization program, and I suspect it will be evident in the next administration's economic revitalization programs. Passage of this legislation will help to insure that the Environmental Protection Agency will lead the States toward the attainment of national air quality standards through commonsense and flexibility, and will help put a stop to the type of "arm twisting" tactics that are currently being employed by the EPA against the State of California.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 3200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 110(a)(2)(G) of the Clean Air Act is amended by inserting "found to be" after "extent" and by inserting "by the State" after "practicable".

(b) Section 172(b)(11) of such Act is amended by inserting "and" after the semicolon in subparagraph (A), by striking out subparagraph (B), and by striking out "(C)" and inserting in lieu thereof "(B)".

(c) Section 110(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(7) The Administrator may not require as a condition of approval of any implementation plan under this section that such plan contain any requirement relating to the periodic inspection and testing of motor vehicles. No plan promulgated by the Administrator under subsection (c), whether promulgated before or after the date of the enactment of this paragraph, may include any such periodic inspection and testing of motor vehicles. Any State may revise any applicable implementation plan approved or submitted under this subsection before the date of the enactment of this paragraph to eliminate any such periodic inspection and testing of motor vehicles.".

(d) Section 110(a)(2)(B) of such Act is amended by inserting the following before the semicolon at the end thereof: ", except that no such other measures may require any periodic inspection and testing of motor vehicles".

Mr. HEINZ (for himself and Mr. MOYNIHAN):

S. 3201. A bill to amend section 504 of the Trade Act of 1974 to establish certain limitations with respect to the generalized system of preferences; to the Committee on Finance.

LIMITATIONS WITH RESPECT TO THE GENERALIZED SYSTEM OF PREFERENCES

● Mr. HEINZ. Mr. President, as part of the Trade Act of 1974, Congress and the executive branch established the generalized system of preferences (GSP) to assist developing countries in participating more fully in the international trading system by providing for duty-free entry of a wide variety of products. Other industrialized nations have adopted similar programs.

After 5 years of operation, however, there is considerable question as to whether the program fully meets the intent of Congress. It has become apparent that GSP is helping most the countries which need it least—those which have developed the most, in areas where they need it the least, and that it helps least the lesser developed nations who need it most.

In 1979, Taiwan, Hong Kong, and Korea accounted for 50 percent of all GSP imports, and Brazil and Mexico for another 20 percent. With these five countries taking up 70 percent of GSP imports, little benefit from the program goes to the other 130 lesser developed countries. It is also clear that the GSP program is failing to graduate the most advanced developing countries when the volume of their exports makes clear they are now fully competitive in particular economic sectors. The following table demonstrates the extent of concentration of benefits among a few more developed nations:

GSP DUTY-FREE IMPORTS

1978 Share of Total (percent)

Top 5	68.1
Taiwan	27.5
Korea	12.5
Hong Kong	10.3
Brazil	9.0
Mexico	8.8
Second 5	14.7
Israel	3.7
Singapore	2.9
Yugoslavia	2.9
Argentina	2.8
India	2.3
Third 5	7.0
Chile	1.7
Peru	1.5
Portugal	1.4
Philippines	1.4
Uruguay	1.0
Other	10.2

The administration's recent 5-year report on the GSP system affirms this inequity:

The distribution of GSP benefits among developing countries . . . has been uneven. Those high income beneficiaries which are the United States' main trading partners also are the major beneficiaries of the U.S. scheme.

To deal more effectively with the need to encourage trade with the poorest countries, Senator MOYNIHAN, and I are introducing legislation to distribute GSP benefits more equitably. This proposal was initially suggested by LICIT, the Labor-Industry Coalition for International Trade. It provides for an indexing/graduation system based on country and standard industrial classification (SIC) codes. Under the bill, a country would no longer receive GSP benefits for a product sector if its exports to the United States in that sector exceeded $100 million in 1 year—this figure to be indexed as in present law. The term "product sector" is defined as the appropriate two-digit SIC code, which is referred to in the SIC manual as a "major group."

Classification by this means would eliminate GSP treatment for the advanced sectors of an economy which are internationally competitive, yet retain GSP eligibility for a nation for other sectors of its economy, thus retaining intact the principle that the benefit of duty-free importation should be concentrated in areas that are not yet able to compete with industrial economies on equal terms.

The legislation, however, specifically excludes food and agricultural products—major groups 01 and 20—from coverage, since an ability to compete in one product, for example coffee, has little significance for production in other agricultural areas, for example cotton or bananas.

The following table indicates how the enactment of this provision of the bill would affect current imports:

Impact of $100 million cutoff rule in 1979—Country; GSP duty-free imports in 1979

[In millions of dollars]

SIC category:	
24 (lumber and wood):	
Taiwan	$109
25 (furniture and fixtures):	
Taiwan	145
30 (rubber and plastics):	
Taiwan	119
34 (fabricated metal products):	
Korea	139
Taiwan	260
35 (machinery ex. elec.):	
Taiwan	233
36 (electrical machinery):	
Singapore	113
Korea	135
Hong Kong	141
Taiwan	234
39 (miscellaneous manufacturing):	
Korea	263
Hong Kong	176
Taiwan	331

It is important to note at this point that the graduation concept does not, by itself, necessarily lead to reductions in imports of the graduated products. If one examines product categories for the top seven suppliers which were graduated by the existing competitive need formula in 1978, one finds that in those categories those countries' imports still grew by 6.5 percent per year from 1977 to 1979, despite the graduation.

At the same time, however, imports of those products from other developing countries over the same period increased 23.3 percent per year. The obvious conclusion is that graduation can, indeed, lead to the focusing of benefits on the poorer nations because it "makes room" for LDC imports currently crowded out by imports from the more advanced developing nations. Our proposal would carry this concept further.

One of the other serious problems with the present GSP system is the difficulty of removing items because of import

sensitivity. Although a number of the most import-sensitive products are excluded from GSP by statute, many others are not, and it has become apparent that the administration seldom deletes an article from the GSP list because of import sensitivity.

According to data presented in the Federal Register of August 20, 1979, since the program's inception 82 products had been added to the preference list and only 19 removed from it. In the case of leather wearing apparel, for example, it took 3 years for the domestic industry to convince the Government that this item should be removed from the list, even though import penetration had reached 50 percent and was still growing.

Ironically, in this same case, the industry has now twice been the victim of administration inaction, as President Carter decided earlier this year not to accept the International Trade Commission's recommendation for 3 years of increased tariffs after finding injury in the industry's escape clause case. The reluctance of the administration to act on import-sensitive GSP items is in marked contrast to the intentions of Congress in creating the program. Section 501 of the Trade Act of 1974 specified that in his consideration of whether to provide duty-free treatment for an article, the President should consider, "the anticipated impact of such action on the U.S. producers of like or directly competitive products."

Present law provides for exclusion from GSP for articles that are subject to a section 201 import relief action or a section 232 national security action. Our legislation expands these exclusions by adding to them articles subject to outstanding countervailing or antidumping duties. That circumstance would occur after a final injury finding and after a final finding of either dumping or a subsidy, as the case may be. This further limitation would make clear our commitment to enforcing our laws against unfair trade practices and to make sure that such enforcement is well coordinated with overall trade policy.

Otherwise, we face the circumstance where countervailing duties might be imposed on a subsidized product entering the United States at the same time the U.S. Trade Representative is deciding to provide duty-free treatment for the same article. The GSP system is designed to provide benefits for developing countries, and within certain limits the United States is prepared to absorb increased imports at some risk of injury to domestic industries.

It goes too far, however, to suggest that our policy should extend to accepting imports that are the product of unfair trade practices by others. Products which are dumped or subsidized—and which are injuring American producers—have no place in a true free trade system and should be attacked at every opportunity. If we are ever going to have an established set of rules for the international marketplace, we must insist on full adherence to existing rules, however inadequate they may be, even on the part of developing nations just entering into international competition. While the industrialized States should temper their protectionist responses to imports that are competitive in order to encourage further LDC development, they should nonetheless insist on firm standards with respect to unfairly traded goods. Our bill meets that standard.

Mr. President, after 5 years experience with the generalized system of preferences we believe it is clear that it is time for an overhaul. The administration has already proposed to undertake some procedural changes which can be implemented without additional legislation. In our judgment that is not enough. A complete reevaluation of the GSP program is needed to determine how it can best meet the needs of lesser developed countries, and how we can avoid having all the benefits of the program consumed by the more developed countries. This is not to suggest that the latter countries no longer need our support or assistance.

Rather it suggests that the GSP program, conceived for LDC's, is not the proper place for support to the relatively advanced newly industrializing countries (NIC's). While committed to our proposals, we are also bringing them forward at this time to stimulate discussion and consideration of the GSP program, hopefully with hearings, so that early next year the Finance Committee can consider this legislation and report appropriate revisions in the program.

Mr. President, I ask that the text of the bill appear at the conclusion of our remarks.

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

S. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended—

(1) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively;

(2) by striking out paragraph (3) of subsection (c); and

(3) by adding immediately after subsection (c) the following new subsections:

"(d)(1) Whenever the President determines that any country has exported (directly or indirectly) to the United States during a calendar year a quantity of articles within any Major Group (as defined in the Standard Industrial Classification Manual most recently issued by the Office of Management and Budget), other than Major Groups 01 and 20, having an appraised value in excess of an amount which bears the same ratio to $100,000,000 as the gross national product of the United States for the preceding calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1980, then, not later than 90 days after the close of the calendar year in which such exports occurred, such country shall not be treated as a beneficiary developing country with respect to all articles within such Major Group.

"(e) For purposes of subsections (c) and (d), the term 'country' does not include an association of countries which is treated as one country under section 502(a)(3), but does include a country which is a member of any such association.

"(f) Whenever the importation of any merchandise from any country is the subject of an affirmative final determination by the United States International Trade Commission under section 303, 705, or 735 of the Tariff Act of 1930, such merchandise from that country shall not be eligible for duty-free treatment under this title during the period in which any duties imposed on that merchandise under section 303, 706, or 736 of such Act are in effect."

Mr. MOYNIHAN. Mr. President, today Senator HEINZ and I are introducing a bill to reform the generalized system of preferences, a part of our international trade laws designed to assist developing countries. GSP, as it is known, is a valuable but flawed scheme, and our intention is to bring the GSP program more closely in line with its original purposes.

Trade preferences for developing countries can be traced back at least to the 1964 UNCTAD meeting, at which Raul Prebisch promoted it. The suggestion was that by reducing tariff barriers facing developing countries, the richer nations could aid poorer in increasing their exports and integrating their economics into the international trading system.

Twenty-three industrialized countries now have GSP programs, the earliest having become operative in 1971. For the United States, GSP was established by the Trade Act of 1974 to promote economic progress in underdeveloped countries without causing harm to American industry. It gives products of developing countries preferential access to the U.S. market: While products from industrialized countries pay the applicable tariff, goods from beneficiary developing countries enter the U.S. duty free. In 1979, approximately $6 billion in merchandise entered the U.S. duty free under GSP.

While the goal of GSP was to help developing countries compete in the international system, after 5 years of operation it is clear that this goal is not being met. Most developing countries are getting few or no benefits from the GSP program, while a few of the richest and most competitive developing countries receive all the benefits. Taiwan, Hong Kong, and South Korea account for 50 percent of all imports under GSP, and Brazil, and Mexico for another 20 percent. Thus there is a disproportionate benefit to the most advanced countries, which need GSP least, and practically no benefit to the poorer countries which need GSP most.

This conclusion emerges clearly from the administration's own review of GSP, in its "Report to the Congress on the First Five Years' Operation of the U.S. Generalized System of Preferences," transmitted to Congress on April 17, 1980—House Ways and Means Committee Print 96-58. The data is presented in the following table, taken from the report:

GSP DUTY-FREE IMPORTS BY BENEFICIARY DEVELOPING COUNTRY (BDC) GROUPING

[Dollar amounts in millions]

BDC group	Share of total 1978 (percent)	1976	1977	1978
All BDC's	100.0	$3,160	$3,878	$5,204
BY REGION				
Latin America	29.9	904	1,119	1,554
Europe	5.5	197	205	286
Near East	6.3	190	234	330
Asia	56.3	1,571	2,177	2,929
Africa	2.0	298	143	105
BY LEVEL OF DEVELOPMENT[1]				
Advanced developing countries	87.4	2,451	3,301	4,547
Mid-level developing countries	9.3	601	444	485
Less developed developing countries	3.3	108	132	170
Other	.1	1	1	3
BY SUPPLIER POSITION				
Top 5	68.1	1,870	2,642	3,544
Taiwan	27.5	728	912	1,433
Korea	12.5	327	532	648
Hong Kong	10.3	347	486	537
Brazil	9.0	215	344	468
Mexico	8.8	253	368	458
2d 5	14.7	476	522	765
Israel	3.7	116	146	192
Singapore	2.9	73	107	153
Yugoslavia	2.9	154	116	152
Argentina	2.8	72	77	148
India	2.3	61	76	120
3d 5	7.0	160	222	364
Chile	1.7	22	24	87
Peru	1.5	44	38	79
Portugal	1.4	8	54	73
Philippines	1.4	59	77	71
Uruguay	1.0	27	29	54
Other	10.2	654	492	531

[1] For purposes of this analysis, countries were divided on the basis of per capita GNP into advanced developing countries (over $1,100), mid-level developing countries ($300-$1,100), and less developed developing countries (below $300). See app. VII.D. for listing of beneficiary developing countries by per capita GNP ranking.

Note: Details may not add to totals due to rounding.

Source: Department of Commerce, Bureau of the Census, and the U.S. International Trade Commission.

The GSP program does contain safeguards designed to provide some protection for U.S. producers and insure that all GSP benefits do not go to the most advanced developing countries. Products are ineligible for GSP treatment if they are the subject of an "import relief" action under section 201 of the Trade Act of 1974; and imports of a product from a particular country become ineligible for GSP if they surpass "competitive need" limitations. These limitations suspend GSP treatment if imports of the product from the country in question exceed 50 percent of all imports of the product in that year, or exceed in indexed dollar amount, now $42 million, in value.

It is evident from the data that GSP is not working as it was designed to work. The levels of concentration of benefits in the most advanced, richest, and most competitive developing nations are excessive, and the benefits derived by the vast majority of developing nations are slim or nonexistent. And for these reasons, the GSP system is not properly providing protection to American industry and American workers.

GSP was recently the subject of House Trade Subcommittee hearings, now published as "Oversight of the Generalized System of Preferences," serial 96-96, May 8, 1980. Among the witnesses that day were Amory Houghton, Jr., chairman of Corning Glass, and Howard D. Samuel, president of the Industrial Union Department of the AFL-CIO. They testified as cochairman of LICIT, the Labor Industry Coalition For International Trade, a group of unions and corporations which have joined together on trade policy issues. In their testimony they outlined a plan which is the basis for the legislation Senator HEINZ and I am introducing today.

We propose two reforms of the GSP system, which would provide greater protection for U.S. producers and would reduce the concentration of GSP benefits in a few relatively advanced countries. First, we believe that when a product has been the subject of an unfair trade practice determination by the U.S. Government—a finding of either dumping or subsidization—it should no longer receive GSP benefits. Those who engage in unfair trade practices in violation of U.S. and international law should lose their preferential access to the U.S. market.

Second, we believe the competitive need limitation should be extended from particular products to product sectors. We propose that when GSP imports from a country in a product sector—such as electronics, or heavy machinery—exceed $100 million, the country should lose GSP benefits for that sector. One hundred million dollars in exports to the United States indicates that in that entire sector, the country has become internationally competitive. We would make an exception for agricultural products, for the fact that a country has a one-crop economy does not indicate that it is internationally competitive with respect to other crops it may export.

We believe these reforms will help achieve the aims of the GSP program and will reduce the seriousness of some of the problems of which I spoke earlier.●

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 211

At the request of Mr. HATCH, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 211, a joint resolution designating the week beginning March 8, 1981, as "Women's History Week."

AMENDMENT NO. 2620

At the request of Mr. PRESSLER, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 2620 proposed to H.R. 7724, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MELCHER. Mr. President, I wish to announce that the Select Committee on Indian Affairs will hold a conference meeting on S. 2728, an original bill to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes, on November 20, 1980 at 1 p.m. in room S-206 of the Capitol.

ADDITIONAL STATEMENTS

DEVELOPMENTS IN POLAND

○ Mr. KENNEDY. Mr. President, I welcome the recent decision by Polish authorities and union leaders to avoid a confrontation which could have set back the recent historic gains of the "Solidarity" union movement.

The supreme court of Poland overruled a lower court requirement that the charter of Solidarity recognizes the leading role of the Communist Party. Such a requirement would have violated the historic government-worker agreement reached at Gdansk, and would have cast doubt over solidarity's future integrity and independence.

At the same time, solidarity has agreed to adopt an annex to its charter which both recognizes the party's role and incorporates the clauses of the International Labor Organization Convention,

ratified by Poland in 1956, which guarantee trade union rights and define relations between employers and employees. I believe that these clauses will help to reinforce the economic and political rights already achieved by Polish workers.

I commend both the union movement and the authorities of Poland for exhibiting foresight and strength in achieving this compromise. And I am pleased that the Polish Government has agreed to permit Western journalists to continue to cover the extraordinary events in that country.

While a crisis has successfully been avoided, we must recognize that other important issues—such as wage scales, national labor legislation and media access—have yet to be resolved. All friends of Poland should now make clear that they favor the peaceful resolution of these and other outstanding issues. In this regard, I welcome the Polish Government's renewed expression of its intention to work with the unions "in serious partnership and cooperation."

Clearly a major challenge facing both the government and the unions is the strengthening of Poland's economy. The union leaders have indicated their willingless to share economic responsibility with the Polish Government. A true solution to Poland's economic problems will also require the Polish Government to seriously consider economic decentralization and other bold economic measures which have worked in other countries such as Hungary.

As the unions and authorities work together to address Poland's serious problems, I continue to believe that the Polish people must be able to count upon their friends and supporters for economic assistance. Today I reaffirm my strong support for additional economic assistance that will benefit the people of Poland, in the context of continued implementation of the Gdansk agreement. This assistance should be provided not only by the United States, but by all nations which wish Poland well in the critical years ahead.

Mr. President, I ask that a thoughtful editorial in the Washington Post, entitled "The Polish Revolution," be inserted in the RECORD.

The editorial follows:

[From the Washington Post, Nov. 12, 1980]

THE POLISH REVOLUTION

A fundamental new social contract has been ratified in Poland. It exists only in outline form and has yet to be put into practice and has not passed the test of time. Yet the authorities have agreed to share power with the new union movement, and the workers have agreed to work—*not* simply to suspend their strike threat but to accept their share of responsibility for the economy. Nothing like this has ever happened in a communist country.

Ostensibly, the latest dispute concerned the terms on which the Solidarity union movement would register with the government-run courts. Warning of further strikes, Solidarity had rejected the official demand that it acknowledge in its charter the leading role of the Communist Party: this would have compromised the independence that is its reason for being and the basis of its mass appeal. In a well-scripted courtroom showdown, the government then withdrew the demand that the acknowledgement be in the charter and the union offered to make it in an "annex."

Leaving the courtroom, Lech Walesa, the union leader, underlined the real trade-off: "Everyone has to go to work and work hard." This is the basis on which the Polish party and government leaders had gained conditional Soviet acquiescence in their intent to grant the union a measure of power. The authorities' argument was that the country is too poor to offer adequate pay and benefits in order to enlist alienated Polish workers in repairing the shipwrecked Polish economy—a job that will require years of hard work and that will mean years of austerity as well. The leadership finally decided it had no choice but to offer the workers political autonomy or, to use the more discreet term, union independence, instead. It did so, by the way, in the name of honoring its longstanding (and long-ignored) commitment to the workers' rights inscribed by the International Labor Organization, a useful outfit to have around.

Real economic decentralization will also be necessary, and it will be bitterly resisted by a bureaucratic power structure already split over the wisdom of political relaxation. Such economic reform is also bound to be viewed darkly in the Kremlin and in the more Stalinist quarters of Eastern Europe. This makes it impossible for the Poles to relax: Soviet tanks could yet roll. For the moment, however, the momentous quality of events in Warsaw must be recognized. Union and official leaders alike have shown steadiness and vision. They need time and quiet to make their peaceful revolution work.●

BROKEN PROMISES ON A SMOOTH TRANSITION—THE OMB CONNECTION

● Mr. McCLURE. Mr. President, it is with great disappointment that I report to my colleagues broken faith by this admin'stration in its promises for a smooth and cooperative transition of government.

I have learned that today, by decision of Director McIntyre and recomendation of Program Assistant Director Schirmer (formerly with the White House), the Office of Management and Budget has recommended budget cuts so deep in the energy research budget as to hamstring the incoming administration. The scorched earth policy adopted by OMB in slashing the coal research budget directly countermands President Carter's assurances of a fully cooperative transition effort.

The fiscal year 1982 budget request by the Energy Department was gutted by OMB from $2.7 billion to approximately $700 million. While Republican problems with the bloated Department of Energy abound, I am sure my colleagues on both sides of the a'sle will agree that funding cuts of this magnitude, at this time are petulent and politically motivated to embarrass the incoming administration and sabotage an orderly budget transition.

While solar funding is scheduled to increase because of today's OMB decision, fossil energy research—that is, coal research—is scheduled for a cut of 74 percent.

SRC 1, the Kentucky coal project was cut out of the 1982 budget completely—a decrease of $507 million. SRC 1 may or may not be a valuable project, but OMB it seems to me had several years worth of chances to terminate SRC 1 but failed to make the move until after an unsuccessful November bid to retain control. Is that evidence of a promise not to boobytrap the budget?

Other coal research budget cuts decided today included: A decrease of $90 million from the West Virginia SRC II coal liquefaction project: a $160 million cut and elimination of the Memphis medium Btu gas project—a positive project, by the way—a decrease of $108 million for high Btu gas projects; and, I am sure the Senator from Montana, Senator MELCHER, will be interested in this, a decrease of $8 million in MHD magneto-hydrodynamics.

This gutting of the fossil energy research budget and retention or increase of noncoal research programs has several negative results:

First, research money expended over the last several years goes to waste with the sudden dissolution of the project. Perhaps some of these projects should not have been funded from the beginning by the Federal Government, but budget slashing of this type surely means a total waste of funds.

Second, with a time bomb like this ticking in the energy research budget, (a) where else have we been conjoled into what appeared to be an orderly transition, and (b) the Reagan administration's options appear to be severely restricted by these OMB actions.

Third, companies affected by the radical OMB cuts will no doubt bang loudly at the door of President Reagan asking that he restore the Department of Energy's budget—a rather unfortunate position for the new President to find himself in.

Fourth, given the very limited review time the new administration will have to analyze where the fat remains and where the scorched earth policy has been applied, an imbalanced budget, not in the public interest, may result.

Again, I must profess my disappointment at what appears to be broken faith in the transition efforts by OMB. And, I call upon the President to apply more vigorously his clearly intended objective of a smooth transition.●

TAX CUT LEGISLATION

● Mr. DOLE. Mr. Pres'dent, I am extremely disappointed by the decision of the Democratic leadership in both Houses to block any tax cut legislation during the lameduck session. It seems that the current leadership in the Senate, the House and the White House is allowing partisan politics to override the nat'onal interest. If there was any mandate from the recently completed landslide election, it was that Congress

should be reducing both taxation and Government spending. We should be trying to get Government off the backs of our citizens. I am afraid that message is still not being heard by many of our leaders in Washington.

ECONOMY NEEDS A TAX CUT

Mr. President, this Senator has vigorously sought enactment of a tax cut because he sincerely believes the economy needs one. Inflation is still raging at about 13 percent. Although the economy has shown some signs of improvement recently, most experts predict at best we will have a sluggish economic recovery. The unemployment rate went up again last month and interest rates are again shooting for the stratosphere. I believe that things will get worse before they get better.

Experts who testified before the Finance Committee, including former Chairman of the Council of Economic Advisors in both Democratic and Republican administrations, supported enactment of a tax cut now to be effective on January 1. The analysis of Nobel laurate Dr. Lawrence Klein demonstrated to the committee that a tax cut will significantly reduce inflation and unemployment, and boost economic growth when compared with doing nothing. Thus, I fear that the leadership's current posture will simply further aggravate our economic woes.

FINANCE COMMITTEE BILL

Mr. President, I strongly believe that the Finance Committee bill is balanced and responsible legislation. It contains much-needed individual relief, as well as productivity oriented changes.

It is the result of much work over many months. The bill was developed in a remarkable exercise of bipartisan unity. It was reported from the Finance Committee by a 19 to 1 vote. While this is a good bill, I am not flexibly committed to all of its provisions. I am quite willing to work with the House or any other group to achieve a bill that is acceptable to all factions.

Mr. President, this Senator and his Republican colleagues have made every effort to provide tax relief to the American people. On June 25 we introduced our own tax cut package and twice sought Senate approval of the measure by offering it as a floor amendment on other legislation. Twice we were blocked by the Democratic majority. After the leadership refused to bring the Finance Committee bill to the floor, the Republicans again tried on their own only to again be thwarted.

OFFERED AS AN AMENDMENT

Mr. President, this Senator is not yet willing to throw in the towel and wait until next year for a tax cut. If we wait it is unlikely that a bill will be signed into a tax cut law until June or July. Such relief will be too late to be of much help in the economic recovery. Taxes are going up on January 1. That is when the American people need relief.

Mr. President, I intend to pursue this matter by offering the Finance Committee tax cut bill as an amendment to any appropriate vehicle during this lameduck session. While this startegy may only have a slim chance of succeeding, I believe that I owe it to the American people to keep trying as long as Congress is in session.●

TRIBUTE TO JOSEPH D. KEENAN

● Mr. JACKSON. Mr. President, last evening I had the honor of joining in an evening of tribute to a great American—Joseph D. Keenan, perhaps the greatest labor statesman of our time.

Joe Keenan is a man whose only interest all his life has been making our Nation and world a better place in which to live. His contributions to labor, government and industry are enormous. All of our lives have been enriched by his service.

The dinner last night was to especially recognize Joe's service as president of Americans for Energy Independence. I had the pleasure of making a tribute to Joe Keenan which I would like to share with other Members of the Senate.

I submit the text of my remarks for the RECORD.

The remarks follow:

ADDRESS BY SENATOR JACKSON

We meet here tonight to honor Joe Keenan—one of the greatest labor statesmen of our time—and to advance the important work of Americans for energy independence.

I have known Joe from the time I was a junior member of the House—that was a few years ago and I was just a small-town boy from Everett, Washington then. Already Joe was advising presidents and was in the midst of a distinguished career in labor and public service.

Joe's always been a little like the old firehouse. The bell rings and he's off. Joe's that way when he sees a problem. He immediately jumps in, envisions a solution and works to resolve the problem. He's been doing that all his life.

No one should have been surprised therefore, when five years ago Joe became president of Americans for energy independence. He's been coming to the Nation's rescue for more years than any of us care to remember.

During World War II, he jumped in—first serving as AFL member of the National Defense Council and then as associate director of the War Production Board. At the end of the war, President Truman dispatched Joe to Germany to reorganize labor and to help get Europe back on its feet.

Joe's a no-nonsense, practical approach guy. He seeks reasonable solutions to problems. He has a "can do" attitude. During the war, he worked out agreements between labor, industry and government to get the economy on track. For his achievements, President Truman rewarded him with the highest civilian award, the Medal for Merit. Joe's efforts in Germany won him the Medal of Freedom Award.

Joe's greatest asset, of course, are his ancestors. He was fortunate in picking good Irish parents who raised him among other turn of the century immigrant families on Chicago's near west side.

The "Chicago education"—learning about people—has aided him to this day. Joe's never forgotten his beginnings nor the dreams of working men and women.

He began as an apprentice with Local Union No. 134 of the IBEW and worked his way up over the years to become director of Labor's League for Political Education in the AFL; then secretary-treasurer of the Building and Construction Trades; and the international secretary of the International Brotherhood of Electrical Workers—an organization of more than 1,000,000 workers. He was a member of the executive council of the AFL-CIO and president of the union label and service trades department.

Joe has served on so many labor and government boards, commissions and committees that I could stand here all night just mentioning each one.

The point is, as I mentioned earlier, Joe Keenan always has been around—ready to go to work, to do anything he possibly could to help his country and to help working men and women.

My only wish is that we had more like him around today. I'd put Joe Keenan in charge of the Energy Mobilization Board—if we had one—or the Synthetic Fuels Corporation. Or the Democratic National Committee.

He understands people, institutions and knows how to make them work.

When the energy crisis came upon us almost 10 years ago, Joe Keenan got to work. As president of the AEI, he has been extremely helpful to me in the Senate on the programs we are advancing.

The campaign is over and a new administration is moving towards Washington. And when it comes, the Reagan administration will quickly confront the overriding issue of energy.

The realities of energy are more obvious and more painful than four years ago when President Carter came to office. We are entering the 1980s with heavy dependence on foreign oil—and little hope that this dependence will end in the near future. Our economy is hemorrhaging with dollars for oil imports—more than 500 billion dollars between now and 1985. And our access to vital oil supplies is more and more threatened by events beyond our control, like the continuing war between Iran and Iraq.

We are now in the extraordinary situation where the success of our foreign policies will determine whether we get enough oil to keep our economy growing. In fact, there is a close link between our economic problems, our energy problems and our security problems. Our access to oil imports will rest in no small part on the strength and credibility of our defense. Our ability to maintain a strong defense depends on the strength of our economy and our industrial base. And the key to restoring a strong economy is an urgent national effort to reduce oil imports.

On the foreign policy front, we must make every effort to assure every nation access to world oil for its basic needs. Providing for our own needs is not enough. Prolonged oil shortages in any nation will not only impose serious hardships, but also threaten stable international relationships.

For the foreseeable future, the Middle East remains the key to our precarious oil supply position. It accounts for 40 percent of world oil production and 60 percent of the world's proven reserves.

The threats to Middle East oil in general, Persian Gulf oil in particular, are substantial and real. The instability of leaders and institutions in this area is legendary. The potential for disruptive terrorism is enormous. The Russian presence—and the opportunities for extending Soviet influence—cannot be minimized.

Obviously other nations share our crucial stake in the security of Middle East oil. But the fact is that there are no reliable regional security arrangements within the gulf region. The new administration must give high priority to creating such arrangements as soon as possible.

It is also essential that we strengthen our own military posture to be prepared to respond effectively where access to oil is threatened. We must concentrate in particular on our ability to deal with threats to Middle East supplies.

Like it or not, it seems clear that the United States will have to assert its power and prestige to protect access to world oil, in the Middle East and elsewhere. Our ability to do this is part of the larger problem of our world-wide military posture.

The serious and continuing shifts in the military balance between the United States and the Soviets may well affect our ability to deal with a crisis in oil supply. Equally important, it could influence the conduct of other nations who perceive us as being unable to cope with such a crisis. We may expect the Soviets to exploit their military capabilities for possible advantage in the struggle for access to vital oil supplies. We must therefore evaluate our own military posture in light of this challenge.

To a large extent the success of our international energy policies will depend on the world's perception of our domestic energy programs. We cannot expect to influence the course of events in world oil unless other nations believe we are making urgent efforts to develop our own resources and control our own use of oil.

The Carter administration made a national commitment to energy conservation, and conservation remains the surest, quickest way to reduce oil imports. It would be folly for the new administration to abandon this effort.

But the Reagan administration must also make a national commitment to energy production in every form of energy—nuclear, coal, oil and gas.

This will not be easy. The mere removal of burdensome controls or regulations will not, by itself, create a massive production effort. Priority must be given to the resolution of long-standing problems like the storage of nuclear waste. We must deal in a coherent way with all the economic and regulatory restraints on coal use—including the clean air act. We must accelerate federal leasing programs where significant energy potential is involved. And we must deal fully and fairly with the legitimate concerns of states over the impacts of energy development.

What has been sadly lacking during all recent administrations has been a government which was an advocate for energy production—a government which was willing to work with industry to get permits issued and plants built. The proposed energy mobilization board could help assert this role for the federal government.

But organizational changes are not enough. We need a new partnership between government, industry and labor to meet the challenge of freeing our economy from the tyranny of OPEC. We need the kind of relationships that are forged in wartime situations, focusing on this common goal of reducing imports.

There is no more important priority for the new administration than this effort. And nothing will do as much to create new hope and new jobs for the American people. We can give our economy a massive boost in the process of reducing energy demand and developing new energy supplies.

We must make millions of homes more energy-efficient—and that means jobs.

We must build millions of new cars that use less gas—and that means jobs. A passenger car fleet that drove 30 miles to the gallon would cut our oil imports in half. We can do it.

We must open new coal mines and build transporation systems to serve domestic and foreign markets—and that means jobs.

We must build new power plants and new synfuel plants to meet future needs—and that means jobs.

The fact is that we have the greatest energy resources of any nation in the world. We have enough coal for hundreds of years. We have uranium to fuel dozens more nuclear plants. We have billions of barrels of oil in shale. And we have the scientific and technical skills to develop new energy sources.

What has been lacking is the leadership and the will to do the job. What has been lacking is the sense of urgency which our situation requires. The new administration must provide that leadership—and instill that sense of urgency—in confronting the energy issue.●

THE TEMPORARY VISA: PART OF THE ANSWER?

● Mr. SCHMITT. Mr. President, in his "Southwind" series dealing with the problems of the Mexican migrant to the United States, Richard Louv of the San Diego Union in his ninth article focused on what many believe is part of the solution to this complex problem. This proposed solution is the creation of a temporary worker program such as proposed in S. 1427, the United States-Mexico Good Neighbor Act, which I have introduced. Hopefully such a proposal will be among the recommendations of the Select Commission on Immigration and Refugee Policy when it makes its report next year.

S. 1427, which I encourage my colleagues to support, is based on modern studies such as those conducted by Dr. Wayne Cornelius, now of the University of California at San Diego. His studies have demonstrated that the typical Mexican undocumented worker is a young male who is not here permanently but works in the United States temporarily. Most of these workers are paid at or above the minimum wage rate; and they are taking jobs that, although necessary to our economy, are normally not filled by U.S. workers because they do not need to or because they offer little opportunity for advancement.

Due to population pressures in Mexico, it can be reasonably foreseen that these migrants will continue to seek employment here unless we place a "Tortilla Curtain" on our southern border. Clearly, our strategic interests should favor a strong Mexico which, when developed, can employ its population gainfully; but until then, we should offer these persons legal employment that is needed in our economy.

The benefits of S. 1427 are many, among them:

The number of visas would relate directly to the availability of jobs.

The workers are not tied by contract to a particular employer and thus the opportunity for exploitation is reduced.

Having a legal status, the workers will be able to work to improve their working conditions and also draw upon private and public services they would be otherwise entitled to.

By learning job skills, they will be more employable at home and help develop Mexico herself.

Mr. President, I ask that Mr. Louv's article be printed in the RECORD.

The article follows:

9. THE TEMPORARY VISA: PART OF THE ANSWER

Pressure is building for the federal government to do something about illegal immigration.

So, once each month in Washington, D.C., the members of the Senate Select Commission on Immigration and Refugee Policy sit down to talk about it, over dinner.

Sometimes, the commissioners—including Cabinet members, congressmen, and the president of Notre Dame University—even venture beyond the Potomac, out into the hinterlands to take the public's pulse, which is racing.

At well-publicized hearings, zero-population lobbyists, supporters of Howard Jarvis' initiatives, labor leaders, law enforcement officials and professors rail against illegal aliens.

Legal defense groups, church organizations, Hispanics and other professors speak to the rights of the undocumented—and to their contributions to society; and they warn that cracking down on illegal aliens would lead to discrimination against Hispanics.

No one—even within each faction—can find much to agree on.

So the commissioners return to Washington, to try to sort out the confusion, over dinner.

"Nobody thinks much will come of all this," complains Joe Razo, a labor inspector for the state of California who has spent a frustrating year trying to enforce labor standards in industries frequented by illegal aliens.

"Commissions are established as lightning rods," he says. "If lightning strikes, it strikes the commission instead of Congress or the President. Commissions siphon off public frustration, but they don't accomplish much. Some of us are getting sick and tired of all the catharsis."

Quietly, slowly, change is coming though—brought about not by the commission itself, but by a combination of congealing forces.

For years, any reform attempts were bottled up by Sen. James Eastland, chairman of the Judiciary Committee, whose powerful agribusiness constituents in the South thought things were just fine the way they were.

President Carter's reform proposals (which included penalties for employers who hire illegal aliens increased immigration quotas for Mexico, amnesty for undocumented aliens, living in the United States, a beefed-up Border Patrol and foreign aid) have languished since 1977—partly because of Eastland and partly because of the opposition of Hispanic groups who feared what they considered the "anti-alien hysteria" sweeping the country.

Now, however, Eastland is gone, replaced by Sen. Edward Kennedy, who has no strings to agribusiness and has influence with Hispanics and organized labor.

Much of the hysteria, at least in Congress, has dissipated.

There is a growing sense that illegals are not the root of all economic evil; that they may, in fact, be giving to the economy far more than they're taking; that, because of changing demographics, their labor may be

sorely needed in the future; and that nothing short of a militarized border, with electrified fencing and gun turrets, could keep all of them out.

Moreover, there is growing evidence that the migration is small enough to be regulated. Several studies have dropped the estimated number of undocumented aliens from 12 million to around three million.

"We still don't know for certain how many are here. Everybody is waiting for release of the Colegio de Mexico's Ceniet study, which is by far the largest study to date," says the Rev. Lydio Thomasi, executive director of the Center for Migration Studies in New York and publisher of the highly respected International Migration Review.

"The Ceniet study's methodology is highly respected" says Thomasi, who maintains a fairly neutral voice in the immigration debate. "As far as we can tell, it's credible. Its effect on the debate depends on whether the results are accepted."

The results are surprising: the lowest estimate yet. While these figures have never been released to the American press—and are not due out until Fall, 1980—they were presented to the select commission in a recent meeting in Guadalajara.

According to a source at the meeting, Ceniet estimates that the number of undocumented Mexicans in the United States at any one time fluctuates between 450,000 and 1.2 million, depending on the growing season.

Of these migrants, about five percent stay on permanently in the United States.

To arrive at these figures the Ceniet researchers spent more than a million dollars over two and a half years, interviewing 62,000 Mexican households—almost a half million persons are listed by name.

The results of this huge study, funded by the Mexican government, likely will be met with skepticism north of the border, but they indicate how seriously the Mexican government takes this issue, and they underscore the growing perception that the migration is manageable.

Most of the debate, so far, has focused on such issues as amnesty and employer sanctions, but there has been little progress in any direction.

Lately, the focus has been shifting to the possibility of some kind of temporary worker permit. This would allow the migrants to come and go legally.

Much of the lobbying for such a program has come from agribusiness, and slightly varying versions have been proposed by California's Lt. Gov. Mike Curb and Rep. Clair Burgener, R-La Jolla.

Curb's proposal is based loosely on a Swiss "guestworker" program, but it closely resembles the "bracero" contract-labor program operated by the U.S. and Mexican governments between 1942 and 1964. At its peak, the bracero program was recruiting 400,000 Mexican temporary agricultural laborers yearly.

However, the sins of the bracero program were many.

Braceros were, in effect, indentured servants bound to specific employers, jobs and geographic regions. While many ranchers treated their braceros well, many did not.

In 1962, for example, the California Growers Association instructed its members, by memo, to report to the Border Patrol any workers who questioned the rules under which they worked, or their living conditions or wages. These workers, considered troublemakers, were then deported.

Afraid of deportation, most braceros did not complain when they were herded into disease-ridden camps, or used as strike breakers when Mexican-American farmworkers attempted to organize.

While the program stipulated employers could use braceros only if U.S. citizens were not available to work, many growers rigged the system so local workers could not get the jobs.

Burgener's bill, in part, calls for an expansion of the so-called "H-2" visa status—which is the only contract labor provision still available for employers who want to hire foreign, unskilled laborers.

Adopted during World War II to bring Caribbean workers into the United States, the H-2 program is available to U.S. employers who can demonstrate that U.S. citizens won't take certain jobs.

The program is limited, though. Especially in the Southwest employers have to wade through months of red tape and frustration. More H-2 visas are granted yearly, for instance, to residents of the tiny Caribbean island of St. Lucia than for all of Mexico.

A powerful coalition of organized labor and church groups convinced Congress to kill the bracero program in the mid-1960s. Most observers say they feel that this coalition also would obstruct the adoption of any approach that smacked of a return to the bracero program, or an expansion of the H-2 contract labor provision.

That does not mean, however, that the temporary worker idea is dead.

"Something new is happening," says Thomasi. "Religious groups and labor unions are beginning to express cautious curiosity about the possibility of a temporary worker visa—not a rehash of the bracero program, but a simple permit that would allow Mexican migrants into the United States for short periods of time, while protecting their human rights."

The key would be that these workers would not be bound to particular employers, geographic areas, or to agriculture—an important factor, since illegals have increasingly moved into urban jobs.

Unions would be encouraged to recruit them. This approach could please human rights activists as well as union organizers—who are increasingly interested in recruiting Mexican workers to shore up sagging union memberships.

"The recent interest in this idea is remarkable, considering how vehemently opposed religion and labor have been to anything that even looked like a bracero program," says Thomasi. "They're realizing they can't just be obstructionists. A temporary worker visa just might open the door to compromises on other issues."

Several plans for a temporary worker visa have been suggested, the most noteworthy ones by Charles Keely of the Population Council, and Dr. Wayne Cornelius, director of USCD's Program in United States-Mexican studies.

Keely's and Cornelius' plans are basically identical. A bill based on Cornelius' proposal has been introduced in the U.S. Senate by Sen. Harrison Schmitt, R-N.M.

A temporary approach would work something like this.

U.S. consulates in Mexico would issue special visas permitting employment north of the border for up to six months (not necessarily consecutive) each year.

The U.S. Government would set the ceiling on the number of these visas high enough to legalize much of the presently illegal migration. One number that has been suggested, for the first year, would be 800,000 visas. That number would be flexible, based on the rate of unemployment in the United States and Mexico.

Special consular offices would be set up in the regions of Mexico that traditionally have sent most of the seasonal migrants north. The number of visas issued each month would go up and down, depending on the growing season.

These efforts would help preserve the seasonal nature of Mexico migration—instead of encouraging a continuous flow. (Even some urban jobs, especially in the auto industry, are seasonal.)

To avoid a pile-up of visa seekers in towns such as Juarez and Tijuana, no temporary visas would be issued at the border.

So, the Mexican worker—say his name is Sanchez—would have a clear choice. During the dry season, when he usually sets forth to the United States in order to support his family, he could go to one of the consular offices to pick up a temporary visa.

For Sanchez, this would be an extremely attractive option—no more nighttime border crossings; no more brutal (and expensive) coyotes; no more hiding in a strange land, or running from Border Patrol helicopters.

He would travel north, his visa would be stamped at the border, and he would work for several months—roughly the same period that he worked here last year and the year before.

Sanchez would not have to sign a contract with a specific employer to get a visa—as his father had to as a bracero. Nor would he be restricted as to where he worked.

In order to keep these privileges, Sanchez would in all likelihood follow the rules: To maintain a valid visa, he would have to leave the United States for at least six months each year.

If he overstayed his visa, he would not be able to get a new one for at least five years—and he would face deportation.

(Likewise, if Sanchez' brother, Juan—who is not quite so sensible—tried to cross the border without a temporary visa, and got caught, Juan would not be able to obtain a temporary visa for 10 years. The temporary visa probably would relieve pressure on the Border Patrol, since they could concentrate on catching Juan, and forget Sanchez.)

Like most Mexican migrants, Sanchez would want to go home anyway, since his family and his roots are there. Like many migrants, he also has a tiny plot of land that needs tending during the rainy season.

Like most migrants, he does not want to immigrate permanently to the strange land to the north.

There probably would be other stipulations to the temporary visa program.

Sanchez would not be able to bring his family with him; he would be eligible for health care—possibly Medi-Cal—but not for food stamps or welfare.

While his working conditions would be monitored by the Labor Department, through the same apparatus through which other workers are protected, Sanchez possibly would be recruited into a union. The union, then, would help protect Sanchez against unscrupulous employers.

Sanchez could qualify for union health insurance (relieving the burden on hospitals) and possibly a union pension plan.

By recruiting Sanchez, the union would be protecting the wage scales and working condition of U.S. citizens.

Not everyone, of course, is enthralled with this proposal.

"It's being sold as a panacea, a sugar-coated pill, but it's not what it appears," argues Dr. Vernon Briggs, a Cornell University labor economist and a leading voice for a more restrictive border policy.

"Call it what you will, the temporary worker visa is no different, in its long-term effects, than the bracero program—or the disastrous experience Europe had with the so-called 'guestworker' programs," he contends.

Briggs says he believes that providing temporary visas to Mexican workers would open the door wider to illegal aliens.

The bracero program did, in fact, stimulate much of today's illegal flow, but Cornelius maintains the damage already has been done.

"You can't turn the clock back and pretend the bracero program didn't exist" he says. Most of the major migratory patterns have already been established. The bracero program, in large part, established those patterns.

"What we have now is an 'underground bracero program.' Legalizing this flow is not going to significantly increase the number of

migrants. The barn door is already open; you can't close it magically, short of shooting people at the border."

In fact, a growing body of evidence shows the United States may be encouraging permanent illegal immigration by tightening the screws on the border. With no legal avenue of entry, an increasing number of migrants are choosing to move permanently north of the border, melting into the cities, since traveling back and forth across the border is getting more difficult.

By making it easier for Sanchez to come to work in the United States, we would also be making it easier for him to go home.

Indeed, a temporary visa approach would be a recognition of reality.

Not only is the Mexican migration firmly woven into the fabric of both countries, but it now appears that the United States, to maintain its economic health, needs Mexican labor.

Several studies have shown that the United States is headed into a period of labor shortages, due to changing demographics.

Better that Mexican labor should be here legally than illegally—better not only for Sanchez, but also for our own labor force and our national conscience.

Cornelius insists this approach would demand no huge, new enforcement bureaucracy.

Some observers, though, say the temporary visa could be the centerpiece in an immigration package containing something for everyone. The temporary visa could, in fact, be the magnet to pull the various factions together.

For instance, to constituencies on the left, some Chicano activists, for instance, a temporary visa would be the next best thing to an "open border" policy, similar to the border policy between the United States and Canada. (No one gives the "open border" approach much of a political chance. Even the Mexican government opposes the idea, since it would aggravate the "skin-drain.")

To restrictionist pressure groups, a temporary visa provision might be attached to legislation to beef up the Border Patrol—which, on its own, has little change of passage.

Legalizing much of the illegal flow also would, to a lesser extent, make employer sanctions and counterfeit-proof identification cards more politically palatable. (Although most pundits give cards and sanctions virtually no chance of passage, with or without a temporary visa program.)

To agribusiness, a temporary visa would be an acceptable alternative to a reheated bracero program—which also has no chance of passage.

The final elements in this package would be amnesty for illegals now living permanently in the United States and an increased immigration quota for Mexicans.

Taken together, several of these approaches would go a long way toward regulating the flow of undocumented workers into the United States.

Movement toward this goal, however, is sluggish. One reason is that so few people are working full-time to find solutions, and another reason is that commissions rarely solve what politicians refuse to face.

The Select Commission will issue its final recommendations next December—conveniently a month after the presidential election.

In the long run, no proposals will succeed unless they are accompanied by economic development programs in Mexico. The ultimate solutions lie to the south, where the wind begins.

There are those who say neither Mexico nor the United States has the will to deal with this issue creatively. And there are those who believe the present system is just fine.

"Why should we push for anything different," asked one grower recently, walking through his lush avocado groves. "I mean, we've got all the workers we need. They don't cause any trouble. They sleep out there under the trees.

"We provide the best of them with a little housing. We put up windbreaks so the Border Patrol can't find them. You know, some of the other growers charge them rent just for sleeping out in the groves.

"But not us. We're humane. I don't see much need for change."

THE EUROPEAN EXPERIENCE

Several European countries have had a long experience with temporary worker programs.

The results were mixed.

Following World War II, Northern and Western Europe's cities were in ruins, its work force depleted and its birth rates cut severely. At the same time, Southern Europe, Iberia and North Africa were experiencing massive unemployment.

A marriage of convenience was worked out: countries such as France, Switzerland and Germany recruited foreigners to work in temporary jobs. The guestworkers would not, it was thought, require any significant social services, and they would return home when the labor shortage disappeared.

The guestworkers helped rebuild the cities. Many economists agree that Europe's economic boom of the 1960s and 1970s would not have been possible without them.

But there were problems.

Guestworkers were contract-laborers, bound to the employer and the job, and consequently highly exploitable. They were more like indentured servants than guests. In this, they resembled Mexican braceros working in the United States from the 1940s to the 1960s.

The European guestworker programs were different from the bracero program, in that some nations, like France, actually encouraged the guestworkers to stay as permanent residents—and immigrate their families as well.

Other countries stipulated that the guestworkers return home after a year or so—but applied only casual enforcement.

At the peak of the European experience, between 1960 and 1975, more than 15 million workers and their dependents migrated legally to Northern and Western Europe. In several nations, up to half of the guestworkers became permanent residents.

In the beginning, host countries benefitted from the fact that guestworkers—mostly young, single males—demanded few social services, but as a growing number began to settle permanently and immigrate their wives and children, the costs rose.

In 1975, Germany had almost one million foreign children in its school system. The immigrant populations, often underprivileged, tended to settle in urban ghettos.

Their presence aggravated racial and political tensions. Switzerland became so concerned about "overforeignization" in the late 1970's that it held several national referendums on the subject of expelling immigrants—who now constitute 15 percent of the population.

Following the oil crunch and world recession in the mid 1970's, Europe began to close the door to guestworkers.

Dr. Vernon Briggs of Cornell University, a leading voice for a restrictionist U.S. immigration policy, says he believes the United States will be headed down the same road should it adopt a temporary worker program.

"Just as in the bracero program, the imported workers would be exploited," he says, "and they would end up staying here permanently, as well."

Not so, insists Dr. Wayne Cornelius, UCSD's migration expert.

"We could devise a policy that would be quite different from either the European or bracero programs," he says.

Cornelius calls for a temporary worker visa, which would allow a Mexican laborer to work in the United States a few months at a time. The laborer would not be bound to any employer or geographic region and therefore would be less exploitable.

He would not be able to bring his family. To get his visa renewed, he would have to return to Mexico, and stay there, for six months of every year.

"To generalize from the European experience is unfair," Cornelius insists. "For instance, it's far easier for a Mexican to return to Mexico from this country than it is for a Turk or an Algerian to go home from France."

Further, there was no long-term tradition of back-and-forth migration in Europe, as there clearly is between Mexico and the United States.

"It shows a poverty of the imagination to say America has to choose between a bracero or European-style program and nothing at all," Cornelius adds.

"What we need is a brand new approach."

A POLITICAL PACKAGE

A temporary worker visa, which would allow Mexican laborers to work in the United States for a few months each year, may be the key to future immigration reform—especially if its proponents can guarantee that the sins of the bracero program would not be repeated.

Politically, however, the temporary visa idea has little chance of being adopted on its own.

Likely, it would be the centerpiece of a reform package designed to legalize much of the back and forth migration between Mexico and the United States and, at the same time, improve border enforcement. An added element might be the punishment of employers who still insist on hiring illegal aliens.

The package could include some or all of the following:

A higher Mexican legal immigration quota

Current law allows 20,000 Mexican legal immigrants per year. Most experts—including those who favor a highly restrictive immigration policy—agree that the quota should be higher.

For political reasons, in 1976, the quota was dropped from 70,000 a year to 20,000. This change ignored nearly a century of population movement. Suddenly, only the rich could immigrate. Husbands could not immigrate their wives; families could not immigrate their children. So they crossed the border anyway, illegally.

The quota should be returned to the 70,000 level, and possibly as high as 100,000. This would allow the reunification of families. It would help clean up the waiting list, which now, in some categories, is seven years long.

Adjustment of status

This is the official phrase for "amnesty." The Carter administration proposes that undocumented workers who have lived in the United States since before Jan. 1, 1970, be allowed to adjust their status to that of permanent resident aliens, with the chance to become U.S. citizens within five years.

The provision is favored by various groups including some restrictionists who view it as a "recognition of reality."

The chief controversy over amnesty is how to enforce it: How, for instance, should an alien prove his long-term residence? With rent receipts? Check stubs?

Some critics contend that the cutoff should be later—say 1976—in order to legalize a greater proportion of the permanent settlers living here illegally.

Dr. Vernon Briggs of Cornell University, a restrictionist, suggests 1972, since after Jan. 1 of that year, citizenship or legal residency

had to be proved before Social Security cards were issued.

The issue of amnesty, so far, raises more questions than it answers. These questions will have to be answered soon, though. Politically, amnesty will have to be a part of any immigration reform package.

A Beefed-Up Border Patrol.

While critics of this proposal contend that stopping the illegal flow is impossible, no matter how many Border Patrol officers are sent out on duty, proponents point out that there are only 2,000 Border Patrolmen in the entire United States. On any given day, there are no more than 350 Border Patrolmen on any given shift.

U.S. Attorney Mike Walsh contends that such an imbalance between the number of officers and the number of arrests has an explosive potential:

"The bottom line is that frustration can lead to over-reaction by the officers. If 400,000 arrests are being made in the Chula Vista sector each year, and you have a violent incident in only one percent of those arrests, you'd have 4,000 incidents! Having so few men arrest to many illegal aliens is just asking for violence."

Critics point out that, were a temporary worker visa adopted, the Border Patrol would not be apprehending anywhere near as many illegals. Walsh agrees, but he insists that more agents still would be needed.

Homero Reyes, a consultant to Baja Gov. Roberto de la Madrid, and a staffer of San Diego State's Border Area Resource Center, points out:

"The pressures in Tijuana, and other border cities, aren't going to go away. Tijuana has tripled in size in the last 10 years, and unemployment continues to grow. The tremendous migration to Mexico's northern cities can't be ignored. Many of these people are going to continue to try to cross over—with or without a visa."

Employer Sanctions and a Counterfeit-proof Identification System.

"Nothing makes sense unless you make it illegal to hire the illegal," says Briggs. "Unless that is done, nobody should take our government seriously when it worries about illegal aliens. What is most important is that doing this will set a moral tone and end the hypocrisy of hounding the illegal, but coddling the employer."

Critics point out that, short of some kind of indelible, counterfeit-proof worker ID card, employers would have no way of telling if a prospective employee is undocumented or not. This could lead to widespread job discrimination against Hispanics, since employers would turn them away, fearing they might be illegal aliens.

Critics also doubt that such a card could be manufactured, since just about anything can be counterfeited.

"If American Express can make a card that you can use to withdraw money from the bank," insists Briggs, "we can make a foolproof Social Security card."

"We've had a guy here trying to sell us on an idea that sounds pretty good," says an aide to Rep. Burgener. "It's a prototype card that shatters when you tamper with it! Another card that has been proposed is made of several layers of laminated plastic, which fit together to make an optical refraction or something . . ."

The implications of these cards have political conservatives, Hispanics and the American Civil Liberties upset. The most frequently suggested card would be a permanent Social Security card that everyone would have to carry and present at job applications. Should a repressive government come to power, contends the ACLU, citizens could be persecuted—merely by taking away their cards, which would mean no jobs.

With a temporary visa approach, though, employer sanctions and worker IDs might not be needed. Employers would have much less incentive to hire the undocumented, since Mexican laborers would be here legally. Certainly there would be some permanent, illegal settlement, but probably not enough to justify a whole new law enforcement superstructure, which would cost taxpayers millions of dollars.

A better idea would be to step up the enforcement of labor laws presently on the books, to improve working conditions and protect the minimum wage.

"Congressmen are talking about everything from $1,000 fines to jail terms for employers who hire illegal aliens," said one labor inspector recently. "The day they start throwing small businessmen in jail for hiring poor people will be a sorry one indeed."

Most political observers give the cards and sanctions little chance of passage.

Improved border enforcement, amnesty and a higher Mexican immigration quota do have a good chance of being accepted by Congress especially if attached to a temporary visa proposal.●

AMERICAN ASSEMBLY STATEMENT ON MEXICAN-AMERICAN RELATIONS

● Mr. KENNEDY. Mr. President, the American Assembly at Columbia University recently held a unique binational conference at Arden House on Mexican-American relations. The assembly brought together 65 residents of Mexico and the United States from diverse backgrounds, representing government, business, organized labor, education, communications, and other professions, to review the important ties between our two neighboring countries.

As they have noted in their final report, recent events—both worldwide as well as within our own region—have focused renewed attention on the importance of United States-Mexican relations. They have also altered our relations in some significant ways.

This was the thrust of the conference held by the American Assembly, and I commend to the attention of my colleagues the final report issued by the participants just a few weeks ago. I believe it provides a thoughtful review of the many issues that both strengthen as well as challenge our good relations with Mexico.

Mr. President, I ask that the text of this report be printed in the RECORD.

The report follows:

THE BINATIONAL AMERICAN ASSEMBLY ON MEXICAN-AMERICAN RELATIONS

PREFACE

On October 30, 1980, a group of sixty-five residents of Mexico and the United States, representing government, business, education, communications, organized labor, and other professions from both countries met at Arden House for the *Binational American Assembly on Mexican-American Relations.* For three days, they discussed a broad agenda, touching on all the major areas of political, economic, and social interrelations between Mexico and the United States.

The Hon. Robert H. McBride, former ambassador of the United States to Mexico, acted as director for this Assembly program and supervised the preparation of papers which were used as background reading by the participants. Authors and titles of these papers, which will be compiled and published as an American Assembly book, were as follows:

Robert H. McBride—*United States and Mexico: The Shape of the Relationship.*

Juan Eibenschutz—*Energy Issues in Mexico.*

Laura Randall—*Mexican Development: Effects Upon U.S. Trade.*

Al R. Wichtrich—*Mexican-American Commercial Relations.*

Wayne A. Cornelius—*Immigration, Mexican Development Policy, and the Future of U.S.-Mexican Relations.*

Guido Belsasso—Undocumented Mexicans in the U.S.: A Mexican View.

David D. Gregory—A U.S.-Mexican Temporary Workers Program: The Search for Codetermination.

William B. Cobb—Tourism as a Positive Factor in the Mexican Economy and in Mexican Foreign Relations.

Speakers during the Assembly were H. E. Hugo B. Margain, Ambassador of Mexico to the United States; The Hon. Viron P. Vaky, former U.S. Assistant Secretary of State for Latin-American Affairs; and Lic. Adrian Lajous, Director-General, Banco Nacional de Comercio Exterior, S.A. of Mexico.

On November 2, following their discussions, the participants produced this report, which is being circulated in both Spanish and English texts, and which contains both assessments and recommendations. The American Assembly, a national, nonpartisan educational institution in the United States, takes no official stand on subjects it presents for public discussion, and the participants spoke for themselves rather than for the institutions with which they were affiliated.

WILLIAM H. SULLIVAN,
President, The American Assembly.

FINAL REPORT OF THE BINATIONAL AMERICAN ASSEMBLY ON MEXICAN-AMERICAN RELATIONS

At the close of their discussions the participants in the Binational American Assembly on Mexican-American Relations, at Arden House, Harriman, New York, October 30–November 2, 1980, reviewed as a group the following statement. This statement represents viewpoints expressed; however, no one was asked to sign it. Furthermore, it should not be assumed that every participant subscribes to every recommendation.

Introduction

Events, worldwide and regional, have enhanced the significance of Mexico-U.S. relations in the past decade and have also changed them. These trends will continue. Intellectually, the alteration in the nature of the relationship is understood. Perhaps popularly in the U.S., however, the growth of Mexican economic and political influence is not yet fully realized. The specific issues examined later in this report—energy, trade, immigration—have all developed so as to assume major imoortance for both countries.

Both countries are engaged in major reexaminations of their basic national economic policies. Mexico is in a situation where the trade deficit in the nonoil economy poses a threat to its development and increases pressures on migration to the U.S. The U.S. is in a situation where endemic trade deficits and balance of payments deficits have created difficulties on a worldwide basis (even though the trade balance with Mexico is still slightly favorable despite Mexican oil sales to the U.S.).

The 2 000 miles of land border create a single region on both sides that is *sui generis.* Those who live in that part of Mexico or the U.S. can testify to its distinctiveness, to the very large-scale economic interpenetration existing there, to the close relationships between citizens of two nationalities, and to the problems which the border itself creates.

In any discussion, the role of U.S. citizens and residents of Mexican origin cannot be ignored. Currently, this role is becoming even more important because of their growing influence in the U.S., not only in the tradi-

tional areas of the border states, but elsewhere.

Mexico-U.S. relations are sensitive and subject to misunderstandings. Additional efforts are required to take into account the dissimilar groups within each nation in order to maximize attempts at mutual understanding. Also, these relations are subject to the stresses of outside events not under the control of either of the two governments.

Participants felt relations between our two countries are enhanced by meetings of this type.

Energy

This group believes that although there are different interests and perceptions in both countries concerning energy, there is not a serious problem at the present time between the United States and Mexico on this subject.

The main elements to be considered in Mexican energy policy are: internal requirements, levels of production, exports, and the uses of resulting revenues. The primary goal of Mexican policy is to exploit reserves rationally in order to supply domestic needs while exporting only in amounts consistent with sound economic and developing policy. In addition, diversification of petroleum sales to countries other than the U.S.—which now receives approximately 70 percent of Mexican exports—is being sought. Nevertheless, oil exports from Mexico to the U.S. save transportation costs and thus are financially beneficial to both countries.

Mexico is exploiting its oil reserves at a pace consonant with its interests and is trying to avoid the dangers of overheating the economy or becoming an oil-oriented country. There may be short-term disagreements as both countries move toward a more complex trading relationship. It is anticipated that price and other normal market factors can have the effect of reducing the potential for disagreement.

The United States cannot assume any substantially increased purchases from Mexico. The participants endorse the U.S. government's acceptance of Mexico's energy policy decisions. They encourage the U.S. to implement its energy policy, which includes conservation in use of energy, increased exploitation of U.S. fossil fuels, support for increased energy resources in developing countries, as well as utilization of synthetic fuels, nuclear energy, and alternative energy sources. It would be an error for the U.S. to consider Mexico as an energy reserve.

Trade

The important relationships concerning trade and investment cannot be based upon a paternalistic and outdated concept of a "special relationship" between Mexico and the U.S. What is needed is a recognition of the uniqueness of this relationship, a clearer understanding of the factors that define our mutual self-interests, and the interdependent character, however imbalanced, of the two economies. In particular, the trade policies of each country have markedly different effects in the other due to the unequal role one country plays in the other's overall trade. Nevertheless, Mexican policies will have an increasingly significant impact on sectors of the American economy. Mexican exports to the U.S. presently emphasize oil, agricultural commodities, and increasing amounts of manufactured goods. Mexican imports are in the areas of capital goods, agricultural commodities, and high technology.

In the course of this year the rate of increase of nonoil exports from Mexico has declined. This is due to one or more of the following causes:

(a) the lack of exportable surpluses because of the growth of domestic demand,

(b) the difficulty of obtaining raw materials and components,

(c) recession and protectionism abroad, and

(d) increased production costs due to inflation.

Many of the trade factors are, of course, beyond governmental control. They stem from important geographic and other factors not subject to planning. This does not mean, however, that both governments should not endeavor to minimize frictions that may occur in the trade relationship wherever feasible. To date there is no overall bilateral trade agreement. The U.S. and Mexico, however, have generally discussed the desirability of entering into consultation and prior notification procedures even though no new structure to carry them out is needed. The Trade Working Group of the Consultative Mechanism already exists.

Trade might be fostered in new directions so that it contributes to the development of labor-intensive activities as well as selected intensive capital goods industries in Mexico. Joint ventures and the border industries program are areas for increased successful economic cooperation. Converting border industries into true production-sharing programs might be pursued. Certain adjustment in the U.S. would have to be made to assist workers who would suffer from temporary dislocations.

The importance of the development of the border region cannot be overemphasized. The participants encourage policies formulated in Mexico City and Washington to reflect unique border developments and to facilitate rather than impede economic exchanges in this important area.

It was recognized that trade and industrial policies, which some may consider essential, were likely to cause reciprocal difficulties and recriminations in both countries. Mutually beneficial trade negotiations could help offset such difficulties.

Immigration

Public pressures are mounting for a solution for the problems created by undocumented Mexicans in the U.S. Until further information becomes available, it would be premature to make a definitive policy choice from among the range of options considered by the participants. However, there is recognition that the question of migration between Mexico and the U.S. is a matter of bilateral relations and should not be addressed simply as a domestic issue in the U.S.

There was a general recognition among the participants that undocumented immigration from Mexico has been historically a phenomenon caused by factors originating on both sides of the frontier. It is influenced by an international labor market involving both the United States and Mexico. In spite of the bilateral nature of the phenomenon, it is not perceived in the same manner in the political context of the two countries. In the United States, it is a significant issue with cultural, social, and economic dimensions.

In the United States there is a widespread but unsubstantiated belief that Mexican immigration is a cause of:

(a) higher rates of unemployment.

(b) a threat to U.S. standards of living constrained by an increasing imbalance between population growth and natural resources.

(c) a tax burden on the U.S. economy derived from the inability of Mexico to cope with population growth and unemployment, and

(d) that continued large-scale immigration from Mexico could alter fundamentally U.S. culture in ways harmful to U.S. society.

There is little evidence to support any of these common perceptions. Nevertheless, despite the better data now available, these perceptions still predominate in the U.S. The participants recognize the need to separate economics of migration (the facts) from politics of migration (the fears). In Mexico the perception is different. There is a preoccupation with the human rights of the immigrants in the U.S.

The general view was that there are costs and benefits for the two countries and for the people involved. The benefits for the United States, however, have not been recognized by the American public and the costs to the U.S. are subject to exaggeration. The long-range costs to Mexico have been largely ignored. Furthermore, it would be an error to think of Mexico as a permanent labor reserve for the U.S. These views have resulted in emotional overtones which have made it difficult to educate public opinion to a degree where a responsible solution might be reached.

The participants recognized that there has been significant progress in dispelling myths and stereotypes about undocumented immigrant workers. Progress points to the desirability for closer attention to the inevitable need of the labor market for the migrant, and to the consequent necessity of first ensuring that human and labor rights that result from present conditions are adequately safeguarded. As a corollary, equal attention must be paid to adjusting where necessary for the possible effect that the migrant may cause among specific U.S. labor sectors. A common goal for the two countries resulting from this trend is the rationalization and the practical acceptance of U.S. needs for foreign labor and Mexican needs for jobs abroad based on the possibility for the migrant worker to exercise his or her rights for equal treatment as a worker and as a member of the society to which he contributes.

Additional conclusions

There is an abundance of cultural historical, and economic information available on both the U.S. and Mexico. This abundance has not been widely disseminated nor fostered a great deal of comprehension. This general lack of knowledge of each other's values, priorities, and objectives leads the public into drawing incorrect conclusions and forming biased perceptions. Starting from the narrow selectivity of the educational curriculum there is a multiplier effect that reaches into all levels of society to the point where the image of each country is influenced by stereotypes distorted by educational biases and media exaggerations.

Educational material in both countries needs attention to assure that our mutual history is depicted with objectivity and fairness.

Cultural and educational exchanges, of a noncommercial character, should be increased greatly. They might include:

(a) an expansion of high-level Fulbright and Lincoln-Juarez type scholarship programs in both directions, and

(b) more generalized short-term teacher training programs emphasizing improved teaching of English and Spanish as second languages and greater knowledge of the other country's culture.

Language understanding is fundamental to deal effectively with another culture and its people. The participants encourage the learning of Spanish and English in both countries.

The participants viewed as very positive the continuing contribution to improved relations by the binational business associations in Mexico, New York, Washington, D.C., and along the border. Increased communication and ties between Mexican and U.S. business communities are examples of effective relations, which might serve as a useful model for other sectors.

In matters that have bilateral implications there are groups which, notwithstanding that their interests are very much affected, have limited or no communication with their counterparts in the other country. A recognition was made of the need of these groups also to be included in the decision-making

process. A particular emphasis was made upon the need to improve the bilateral communications between labor organizations of the two countries.

It is felt that officials of both governments should give more constant and sensitive attention to differences in the style and structure of the other country.●

FISCAL YEAR 1981 PAYMENTS IN LIEU OF TAXES FUNDING LEVELS

● Mr. ARMSTRONG. Mr. President, I am sure that I speak for the delegations of all the Western States when I say that the Appropriations Committee's decision to restore almost full funding to the payments in lieu of taxes program (PILT) for fiscal year 1981 is greatly appreciated by all of us. Because of the committee's action, I believe we can expect quick passage on the Senate floor.

Public Law 94-565, the Payments in Lieu of Taxes Act (PILT), was passed by Congress in 1976. Under this act, the Federal Government makes payments to local governments to partially compensate them for the tax immunity of Bureau of Land Management, National Forest, National Park, Army Corps of Engineers and Bureau of Reclamation lands, wildlife refuges, inactive Army Reserve lands, wilderness and other federally owned national resource lands contained within each individual county. The program does not include active military lands or Indian reservations.

Under this PILT program, more than 1,500 counties receive payments based on the population and the amount of Federal land within the county. These payments are reduced by the amount of mineral, timber, and other payments actually received by the respective counties.

Most counties place these payments in their general funds for law enforcement, roads, county administration, public facilities and health programs and other uses. Reductions in the PILT program would thus mean a corresponding rise in property taxes or a reduction in services, since the counties cannot turn to another, lower level of Government, to pass on the fiscal burden of balancing their budgets.

These payments are especially important in many of the Western States, where the Federal Government owns and controls vast expanses of land. In the western half of my own State, for example, public landholdings account for over 60 percent of the total land area. In Hinsdale and Mineral Counties, the Federal Government actually owns more than 99 percent of the land area. All together, 37 percent of my State is under Federal control—a situation you will not find anywhere east of Colorado.

Large holdings of tax-exempt Federal lands obviously deprive public land counties of a viable tax base—particularly where property taxes can be assessed on less than 1 percent of the land. The situation becomes even worse when much of the Federal land is placed in wilderness, wilderness study, and other restrictive land use categories. In Hinsdale County, for example, over 50 percent of the total land area of the county is already in wilderness, targeted for wilderness designation this year, or currently undergoing wilderness reviews.

Unfortunately, efforts are becoming more and more intense every year to gut the PILT program and reduce payments to counties entitled to those payments under the Federal Land Policy and Management Act and the Payments in lieu of Taxes Act.

For example, the House Appropriations Committee approved a $15 million deferral for fiscal year 1980. This came on top of the 12-percent reduction ($12 million) suffered by recipient counties in payments for fiscal year 1979. This year the House voted only $85 million under the total payments in lieu program for fiscal year 1981; this is $26 million (20 percent) less than provided for under the PILT formula.

The Senate Appropriations Committee has acted much more responsibly, by approving $108 million, plus reinstatement of the $5 million deferred during fiscal year 1980.

I believe the funding level provided by the House is completely inadequate. It also constitutes an abandonment of commitments made to the counties in which these lands are located, and of the principle of fairness to those counties, which the House would tell should shoulder the burdens of maintaining lands which all Americans can enjoy. Those commitments were made just 4 years ago, under the Federal Land Policy and Management Act and the Payments in Lieu of Taxes Act, and should not be abandoned now.

The legislative history on FLPMA and the PILT Act, as well as the reports of the Public Land Law Review Commission, clearly reflect the consensus that the PILT program establishes a legal and ethical obligation for the Federal Government to make payments in lieu of property taxes. This is not a categorical grant program. It is an obligation by the Federal Government to pay its taxes just like any other property owner within a county.

I often hear it said that these reductions are necessary if we are to balance the Federal budget, that everyone will have to make sacrifices in order to have the Federal budget balanced. However, I know of no other instance in which a property owner is permitted to balance his or her budget by refusing to pay property taxes.

As anyone who has heard of the Sagebrush Rebellion or this decade's discussion of "States rights" can attest, there is a lot of anger among many westerners over the many restrictive land-use policies that affect management of Federal lands (and therefore State and privately owned lands as well).

The most commonly heard justification for these restrictive policies is that these public or Federal lands belong to all the American people and, therefore, all Americans should have a voice in how they will be managed—including whether they will be placed in wilderness or some other restrictive land use classification. If these lands belong to all Americans, then all Americans have an obligation to help pay to maintain them in public ownership and manage them under various restrictive policies. The burden should not fall on the shoulders of the western counties in which these lands happen to be located.

It is a very basic rule of thumb that rights always carry obligations. The large number of Americans who visit and enjoy these public lands every year, who gain a measure of spiritual satisfaction from knowing these lands exist, and who heavily influence decisions on how the lands are managed and used, have an obligation to pay fair and reasonable property taxes on those lands.

This obligation to make payments in lieu of property taxes becomes even heavier when the various land withdrawal programs are taken into account. Recent Federal, academic and private studies have repeatedly stated that 50 to 75 percent of all the Federal lands in the United States have been withdrawn from energy and mineral exploration and development. Similar figures apply for timber cutting and many other activities, including even grazing, watershed development and nonwilderness recreation.

These wilderness, refuge and other land withdrawal decisions are also justified by the argument that the Federal lands belong to all Americans. However, these land withdrawals mean a corresponding loss of potential income (from jobs, raw materials development, royalties, and various taxes) to States and counties in which these Federal lands lie.

On a national average, counties receive only approximately 15 cents per acre for the 700 million acres of eligible entitlement lands. Excluding Alaska, where 96 percent of the land is owned by the Federal Government and where the boroughs are subject to the population limits in the PILT formula, counties average approximately only 29 cents per acre of entitlement lands.

It is certainly an understatement to say that this is not a very high property tax for any landowner to pay—particularly in counties where that landowner owns well over 50 percent of the total land base and exerts enormous influence over his own land and, therefore, over the intermingled non-Federal lands.

At the very least, the United States has an obligation to make these in lieu of property tax payments in full. If these lands belong to all Americans, then all Americans have a legal and ethical obligation to help pay the heavy burden of keeping those lands in Federal ownership.

Right now, however, even at the full 75 cents per acre allowed under the payments in lieu of taxes act, payments to the western counties do not even come close to those which would be realized were the lands in private ownership. In Colorado, even grazing land is assessed at $4.50 per acre; other lands are assessed at anything from $47 to $663 per acre; 29 cents an acre (the average paid to counties in the United States under the PILT program) is certainly not too much to ask.

Moreover, these very small payments in lieu of property taxes do in no way make up for the royalties, severance

taxes, jobs, income taxes and raw materials lossed when these publicly owned lands are withdrawn from mineral entry, timber cutting, recreational development and various other uses.

The payments in lieu of taxes program is one of the most successful programs ever enacted by a Congress. It operates with an overhead rate of less than 0.3 percent, does not require lengthy application procedures, and provides for local control of funds with no redtape. Any reduction in the payments-in-lieu-of-taxes program will impede counties in their overall fight against inflation and socioeconomic impacts related to energy and other development.

I urge the Senate to vote for full funding of the payments in lieu of taxes program for fiscal year 1981, and to reinstate the $5 million payment that was deferred in fiscal year 1980.

Thank you very much.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PELL. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH) I wish to announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notifications will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two notifications were received on October 24, 1980 and November 3, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 22, 1980.

Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERNEST GRAVES,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., November 3, 1980.

Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

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The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.●

PROTECTIONISM III

● Mr. HEINZ. Mr. President, I continue today with my presentation of materials discussing various aspects of protectionism. Today's article is entitled: "International Environment in the Post Multilateral Trade and Tariff Negotiations Period" which appeared in International Perspectives, November/December 1979.

Focusing on the "fundamental medium-term structural issues which will condition the international trading environment in the post-MTN period, and on the major trade-policy issues which flow from them," the article maintains that judicious use of protective measures can be a legitimate response to the injurious effects of imports.

Such measures are not means of merely deferring economic adjustment or safeguarding employment. Under the GATT, producers can and should be protected from actions such as dumping, governmental subsidization or predatory pricing practices. As Mr. Clark states in his article:

> Protective measures, both ongoing and temporary, are provided for in GATT and are not regarded per se as necessarily unwise or undesirable . . . application of temporary and reasonable protective instruments can be a legitimate response to the injurious effects of imports whose disruptive impact overwhelms the absorptive capacity of the receiving economy at the time.

Clearly it must be understood that protective measures, as provided for in the GATT should not be viewed in a pejorative sense. Worthwhile protective measures can be established so as to buy time for our domestic industries to adjust to the impacts of foreign competition, especially during an era where advanced industrial economies are forced to adjust to increasing energy costs, continued inflationary pressures, and reduced growth rates. Mr. President I ask that this informative article by Mr. Clark appear in the RECORD.

The article follows:

INTERNATIONAL TRADE ENVIRONMENT IN THE POST-MTN PERIOD

(By Robert G. Clark)

The Tokyo Round may have been the last and most ambitious multilateral trade and tariff negotiations (MTN) to be conducted on a comprehensive and global basis. The initialling of the results also marks the first time that any major GATT trade negotiation has been concluded during a protracted period of slow growth in the world economy. At the four economic Summits held from 1975 through 1978, leaders sought to give impetus to an early and satisfactory conclusion of the GATT negotiations then in progress. At the Tokyo Summit leaders drew attention to the MTN achievement, and pledged commitment to the "early and faithful implementation" of the MTN agreements. Now, attention can be focused still more closely on the fundamental medium-term structural issues which will condition the international trading environment in the post-MTN period, and on the major trade-policy issues which flow from them.

SLOW GROWTH

The advanced industrial economies are having to adjust to sharp increases in the cost of energy, persistent inflationary pressures and reduced growth rates. In these circumstances industrial economies are having to cope with slow productivity growth, fundamental demographic shifts, significant changes in demand and supply trends, technological changes, the effects of aging capital stock and the emergence of competition in some sectors from a number of developing countries. These structural phenomena (which have been exacerbated by cyclical overcapacity in some sectors) have been reflected in lagging domestic investment, unsatisfactory rates of unemployment and, externally, in large international-payments disequilibria and attendant periods of disorderly exchange market conditions. Domestically, these developments have led to pressures for increased government intervention, aimed particularly at stimulating investment and export earnings and protecting threatened industries from import competition.

While there has been a moderate economic recovery since the 1974–75 recession, current prospects are for little appreciable rate of increase in world trade or production for 1979 over 1978, and in particular little change is projected for real GNP growth in the industrial countries as a group (which averaged about 3.5 per cent in 1978). Looking further ahead, whether one accepts the "slow-growth" scenario or a more optimistic estimate, it seems generally agreed that the world will not soon return to the sustained growth rates characteristic of the pre-1973 quarter century. Among the many factors cited for this, is that tariffs have now been reduced in the West to the point where further reductions beyond those agreed in the MTN would be unlikely to lead to a significant expansion in international trade.

Thus, while constituting a signal success in present economic circumstances—a worldwide reduction in tariffs of about one-third, agreement on a series of significant nontariff codes, and strengthened procedures for surveillance, consultation and dispute settlement—the MTN achievement is unfinished. It will be important to carry out the implementation of the MTN results through a) bringing domestic legislation and regulatory practices into conformity with the newly negotiated codes where necessary, and b) giving force to the codes through their effective administration in GATT. This will entail an enhanced management and administrative capacity for GATT. It will also likely require the development of a trade-policy role for the organization, possibly evolving

from the existing Consultative Group of 18, which might be given a mandate to ensure that the spirit and intent of the MTN codes are fulfilled and trade-policy issues are addressed in a timely and coherent manner. Without determined follow-through, the MTN results might not be rigorously applied, increasing the risk of escalating trade-restrictive measures which the last six years of MTN negotiations have helped to avoid.

While the MTN result that has emerged is better than could reasonably have been expected under the circumstances, it can neither substitute nor lessen the need for fundamental adjustments in the world economy to the underlying structural changes which are now taking place. Moreover, given the degree of structural problems perceived and the lack of public support for freer trade, pressure to maintain protective mechanisms may rise in proportion as the pace of adjustment threatens to exceed domestic tolerance. Protectionism and adjustment thus confront trade policy makers with a basic two-edged issue which must be faced squarely if the MTN results are not to be endangered by the implementation of more sophisticated beggar-thy-neighbour policies. To reinforce their endorsement of the MTN results and any impetus given to their implementation, leaders at the Tokyo Summit made public their concern to manage the medium-term issues of adjustment and protectionism.

PROTECTIONISM

Protective measures, both ongoing and temporary, are provided for in GATT and are not regarded per se as necessarily unwise or undesirable. Judicious application of temporary and reasonable protective instruments can be a legitimate response to the injurious effects of imports whose disruptive impact overwhelms the absorptive capacity of the receiving economy at the time. Legitimate protective measures can be used to buy time for a domestic industry to adjust to foreign competition by becoming more competitive or to "adjust out" of an industry in a manner which minimizes hardship on the workforce. As sanctioned by GATT, they also protect producers from unfair injurious import competition arising from such measures as dumping, government subsidization or predatory pricing practices. However, especially in periods of slow growth, the danger is that protective measures will be used only as means of deferring adjustment and safeguarding employment—as palliatives treating immediate symptoms rather than as remedial actions aimed at underlying causes.

While often politically more attractive in the short term, protective action which does little more than prop up weak industries usually creates vested interests in continued protection, often attracts new investment to the least dynamic sectors of the economy, and thus contributes to inflexibilities in the economy which lock in labour and capital to their least dynamic uses. In the long run, this will involve loss of higher-income, higher-productivity jobs in those sectors with the most growth potential. Moreover, the real danger that protectionism would spread through example and retaliation cannot be underestimated in a sustained period of slow growth.

It is against this background that the OECD Trade Pledge (to avoid trade-restrictive measures for balance of payments purposes) was renewed at the OECD Ministerial Council Meeting in June. Artificially depressed demand in both the developed and developing economies through restricted market access would aggravate existing structural difficulties and result in a major impediment to any hope of a sustained world economic recovery. Equally, an undisciplined proliferation of export subsidies and investment incentives would lead to exaggerated distortions in capital and trade flows in relation to market signals.

ADJUSTMENT

The phenomenon of structural change and adjustment is not new. The post-war revival of Europe and the emergence in the 1960s of Japan and Italy were accompanied by pressures to accommodate new technologies and new patterns of consumption and trade flows. The western industrialized system has, by and large, been receptive to and has benefited from this dynamic change, acting from the premise that liberalized flows of trade and investment and the law of comparative advantage work to the benefit of the international community. What is new is current growth, serious structural problems and the rapid, export-led emergence of the upper-income developing countries as highly competitive producers particularly in standard-technology, labour-intensive industries.

The trade liberalization embodied in the MTN result will, if anything, accelerate the need for adjustment to structural change. At the same time, increased competition in domestic and third markets will mean that conditions are least favourable for positive adjustment policies in domestic decision-making. The time would seem ripe, therefore, for a concerted approach to the phenomenon of structural adjustment which will lend some element of predictability and market confidence with respect to legitimate "positive" adjustment, and at the same time, minimize the possibility that the adjustment process will become transformed into a negative-sum exercise whereby all governments would manoeuvre to shift the burden of adjustment to their trading partners. It is against this background that the OECD has undertaken an intensive examination into the difficulties encountered in shifting to more positive adjustment policies, including a clarification of some of the general issues raised, to assist policy-makers in their consideration of adjustment problems.

The OECD study recognizes that adjustment policies can be directed towards economic ends (encouraging the most efficient allocation of capital and labour) and non-economic ends (encouraging social goals through regional development and farm policies, income redistribution programs, etc., or mitigating the impact of severe economic dislocation). Adjustment policies are also viewed as integral to the achievement of sustained non-inflationary growth. Hence the OECD study points in the direction of choosing adjustment policies aimed at accomplishing the various socio-economic goals of governments with minimum distortion to the marketplace and by means that are compatible with economic efficiency.

It may be argued that the central challenge for policy-makers in the post-MTN environment will be to create an international climate of confidence—based on the reasonable expectation of mutual discipline—respecting structural adjustment. Otherwise, governments around the world, caught up in an escalating competition involving actions which retard adjustment, will find themselves running faster to stay in the same place relative to their trading partners, with each resistance to adjustment doing further harm to the cause of genuinely improving domestic economies. Thus, it was in this light that the Tokyo Summit leaders drew attention to the need to improve the long-term productive efficiency and flexibility of their economies.

INTERDEPENDENCE

A central feature of the trading environment during the 1980s will be the evolutionary integration of a growing number of developing countries into the international economic system. The extent to which Eastern European centrally-planned economies may share in this integration, and the impact they may have, is uncertain. Equally uncertain is whether the Chinese growth targets are obtainable, and if so, what will be the implications for the West of a billion people in that country becoming moderately more wealthy by the year 2000. Nevertheless, the principal issue posed by the emergence of the so-called "newly industrializing countries" is: what conditions should govern their entry as full participants into the world economic system? For it is no longer debated whether the prospects for accelerated growth in developing economies are a welcome development from the point of view of the industrialized economies.

There is a clear marriage of interest in favour of a mutual expansion of trade based on comparative advantage. The middle-income developing countries provide markets for the specialized, technologically innovative products and "know-how" services of the developed economies, while providing consumer goods at lower cost. Investment capital from the industrialized countries is used to finance development plans in LDC's—including the development of raw materials and energy—and in turn, frees up export earnings for the purchase of imported goods sourced from developed countries. In periods of weakened investment demand in the developed countries, the developing countries have also provided a welcome countercyclical outlet for investment. Growth in the developing world, for example, ameliorated the 1974–75 recession in the developed countries.

However, particularly in the wake of the 1974–75 recession, market penetration by low-cost imports in sensitive sectors of developed-country economies has brought pressures for relief for the threatened industries and a growing, sometimes exaggerated, concern generally about the implications of import competition from developing countries. Conversely, the developing countries perceive the existing international system as biased against them in terms of trade, access to private capital markets and control over resource development, and accordingly, they have called for fuller and more effective participation in all decisionmaking concerning the international economy. More particularly, during the Tokyo Round tariff negotiations, the developing countries pressed for special and differential treatment in the form of deeper-than-Most-Favoured-Nation formula cuts; faster or slower staging of tariff reduction, shallower MFN tariff reductions for items covered by the Generalized System of Preferences (GSP) to minimize the erosion of their GSP preference; binding of preferential concessions and margins, and various improvements in the GSP. In the negotiations of non-tariff codes as well, developing countries sought the incorporation into the codes of special and differential provisions. While MTN negotiations with a number of LDC's continue, they have already registered their dissatisfaction with the MTN results and the conduct of the negotiations, most recently at the UNCTAD V meeting in Manila in May.

While it is true that progress in meeting a number of the preoccupations of developing countries fell short of LDC expectations, the MTN negotiations provided developing countries with specific gains, in addition to the benefits accruing to them on an MFN basis from the concessions exchanged in the negotiations. These gains include a firmer legal basis for the GSP and for preferential trade arrangements among developing countries, the advance implementation of non-reciprocal tariff concessions on a range of tropical products, and provisions for special and differential treatment in the various non-tariff codes. The code provisions are particularly noteworthy, both in themselves and in the sense that they represent a departure from the Most-Favoured-Nation principle of GATT in order to respond to the interests of developing countries.

Whatever the perceptions of the MTN outcome, and its likely impact on trade, one

issue which will be significant in influencing the evolution of trade relations between developed and developing countries in the post-MTN period is the need for the more advanced developing countries to assume greater obligations and to take measures of liberalization commensurate with their state of economic development. At issue here are the implications for both the developed and developing countries of not reaching agreement on the difficult question of "graduation", and of prolonging a trading system wherein the benefits of special and differential treatment accrue to those developing countries which increasingly need it least.

As the most advanced of the developing countries continue to gain in economic strength, and as others join their ranks, the impact from their having derived disproportionate preferential benefits will increase for developed and developing countries alike. With respect to the latter, the advanced developing countries will likely attract investment away from lesser developed countries, will dominate intra-LDC trade, and, to the extent that developing countries maintain their solidarity in the North-South dialogue, may well have a dampening effect on the future willingness of the developed countries to accede to the demands of the LDC's as a group. As regards the developed countries, and especially their need to adjust constructively to the emergence of the newly industrializing countries, this will be more difficult politically if domestic interests perceive themselves as having to adjust not only to a change in comparative advantage, but to import competition which unfairly benefits from unwarranted preferential treatment.

As part of an attempt to encourage business confidence, and as a signal to both the lesser- and most-developed of the developing countries that "differentiation" is an issue with far-reaching implications, the international community will want to examine appropriate means of ensuring that all countries assume international trade obligations commensurate with their state of economic development.

JAPAN'S ROLE

During discussions on structural adjustment and the alignment of macro-economic policies at the Tokyo Summit, the role of the Japanese economy came under implicit scrutiny. Japan's global trade surplus, exceeding $25 billion, has resulted in strong pressures from both the EC and the U.S. for an increased contribution from Japan towards the achievement of greater bilateral and international equilibrium. The emphasis has been on securing more effective Japanese stimulation of domestic demand, together with greater liberalization of the Japanese market.

While the Japanese growth rate has fallen short of their undertaking at the Bonn Summit, the main concern of Japan's major trading partners, including Canada, has been market access, without which increased domestic demand in Japan loses its relevance. The Japanese in turn point to: steps they have already taken to meet others' concerns; the domestic political constraints upon the degree of flexibility they can be expected to show; the tradition of hard work and sophisticated marketing to which they credit their success; and (implicitly) the present and future vulnerability of their resource-dependent economy to external forces beyond their control. Although Canada places a high priority on obtaining market access in Japan for a higher proportion of processed and manufactured exports, its over-all trade surplus with Japan places it in a different position from the other Summit participants.

The Tokyo Summit was neither the time nor place to single out one Summit participant for attention or to press bilateral matters. It offered an opportunity, on the other hand, to stress the need for avoiding basic structural imbalances in the economic system, to welcome any contributions Summit countries might make to that end, and to reflect concern for the international system as a whole if it must sustain for much longer the maladjustments to which it is currently subject. It was also an occasion to recall that unilateral action by a Summit participant to restrict another's imports would be unfortunate politically as well as economically for both parties, and would likely entail adverse consequences for third parties through trade diversion.

CANADIAN INTERESTS

Given the nature of the Canadian economy, our position relative to the "Big Three" trading entities, and the emergence of newly industrializing countries with a growing capacity to compete with us domestically as well as in third markets, Canadian interests are served by an open international trading environment characterized by effective multilateral disciplines and non-discriminatory trade rules which work. This affords the best means of advancing Canada's basic trade interests, namely: the expansion of export opportunities for Canadian high-technology goods and processed industrial materials; the promotion of long-term and stable primary export markets on an internationally competitive basis; and the development of a competitive domestic economy with scope for an appropriate mix of access to and protection from imports to reflect Canada's particular circumstances.

Consistent with the above trade interests, there would be advantage for us in a post-MTN international trade environment which included the following major elements:

(a) Implementation of the MTN results through bringing national legislation and practices where necessary into conformity with the various GATT non-tariff codes:

(b) Strengthening of the GATT institutional framework to ensure that the letter and intent of the codes are fulfilled, and that major trade-policy issues are addressed in a timely and coherent manner;

(c) A common political conviction that with the MTN negotiations concluded, protectionism must be resisted in both developed and developing countries in the universal interest of continued economic recovery;

(d) Endorsement of a positive approach to structural adjustment, in both developed and developing countries, so that socio-economic goals of governments are achieved with minimum disruption to the efficient reallocation of resources both domestically and internationally;

(e) The gradual assumption by the more advanced developing countries of obligations and measures of liberalization commensurate with their state of economic development; and,

(f) More generally, engagement of the developing countries on a broad range of trade-policy issues subsequent to the MTN and UNCTAD V, involving a coherent approach to the contributions to be made in discussions in GATT, the OECD and UNCTAD.●

PROPOSED ARMS SALES

● Mr. PELL. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH) I announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I submit for the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 27, 1980.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-01, concerning the Department of the Army's proposed Letter of Offer to Greece for defense articles and services estimated to cost $14 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

ERNEST GRAVES,
Director.

[Transmittal No. 81-01]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Greece.
(ii) Total Estimated Value:

[In millions]

Major Defense Equipment*	$12
Other	2
Total	14

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Twenty thousand rounds of 8-inch high explosive artillery ammunition.

(iv) Military Department: Army (WIT).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1980.

(viii) Date Report Delivered to Congress: October 27, 1980.●

MAYOR KOCH'S CONFESSIONS

● Mr. GARN. Mr. President, since coming to the Senate 6 years ago, I have said, on the floor here, perhaps 100 times, that the country would be better off if more Senators had been local government officials. As a former mayor, I think that the mayoral experience is particularly useful in preparing one for the task of fashioning national legislation.

A recent article in the Public Interest confirms that belief. It is written by a man who reversed the process I have so often suggested. Edward Koch was a Congressman who later became mayor of New York City. He now faces the task of struggling to work with the programs he helped to create while he was in Congress. It has been an enlightening experience for him.

I cannot tell you, Mr. President, how gratifying it is to read words like these:

As a Member of Congress I voted for many of the laws I will discuss, and did so with every confidence that we were enacting sensible, permanent solutions to critical problems. It took a plunge into the Mayor's job to drive home how misguided my congressional outlook had been.

I can sympathize so well with those feelings, because I was a mayor, trying to deal with those same programs. I tried to tell Washington that many of its programs, while embodying great ideas, were inflexible and unworkable. I found, as Mayor Koch is finding, that Washington does not listen.

As a matter of fact, Mr. President, when I was mayor, Ed Koch was a Member of Congress. Now that he is mayor, I am in Congress and, thanks to the good sense of the voters of this country, I will be chairman of a committee that is of particular interest to Mayor Koch. I pledge to him that I will endeavor to be more responsive to his complaints about bureaucratic and legislative ineptitude than he was about mine.

In the meantime, Mr. President, every Senator and Member of Congress could profit from a close reading of Mayor Koch's confessions. I ask that they be placed in the RECORD at this point, and I recommend them to my colleagues.

The material follows:

THE MANDATE MILLSTONE

(By Edward I. Koch)

Over the past decade, a maze of complex statutory and administrative directives has come to threaten both the initiative and the financial health of local governments throughout the country. My concern is not with the broad policy objectives that such mandates are meant to serve, but rather with what I perceive as the lack of comprehension by those who write them as to the cumulative impact on a single city, and even the nation.

I want to emphasize that my criticism is directed at the shortcomings of a system that has evolved over the course of many years. This is not the fault of particular individuals nor of today's leadership; it is rather an inheritance from the work of several administrations and Congresses, including some in which I served.

The City of New York, as an example, is driven by 47 federal and state mandates. The total cost to the city of meeting these requirements over the next four years will be $711 million in capital expenditures, $6.25 billion in expense-budget dollars, and $1.66 billion in lost revenue.

On the federal level, the current crop of mandated programs is really the second stage in the evolutionary process of activist lawmaking exhibited by the Congress. First, in the 1960's came the Great Society programs. The nation's cities could choose from a bountiful catalog of federal grants which offered to foot 80, 90, or even 100 percent of the cost of enormously ambitious programs. In a time of unprecedented prosperity, with only higher expectations ahead, local governments eagerly went after federal funds even, at times, at the expense of comprehensive planning.

Left unnoticed in the cities' rush to reallocate their budgets so as to draw down maximum categorical aid were the basic service-delivery programs taken for granted by the Great Society architects. New roads, bridges, and subway routes were an exciting commitment to the future, but they were launched at the expense of routine maintenance to the unglamorous, but essential, infrastructure of the existing systems. Further, the enticement of federal aid drew cities into new social service commitments that were soon to monopolize their budgets.

The 1960's left a bitter legacy for cities in two respects. As prosperity fell hostage to inflation, and then stagflation, the bright promises of programs so boldly launched with federal aid collapsed under exponential cost overruns. Projects under construction, such as New York's Second Avenue subway, had to be abandoned, and the now-concealed but still-remembered excavation serves to remind the public of how easily government can fall victim to monumental folly.

Perhaps more damaging was the shift in the 1970's in the legislative approach, particularly in Congress, to the grand commitments of the 1960's. Sweeping solutions to social ills were still in vogue, but this time the public purse had a bottom to it, and its guardians became adept at fending off the claims of local governments. The result has been an ever widening gulf separating the programmatic demands of an activist Congress from its concurrent fiscal conservatism. By the close of the 1970's, the cities found themselves under the guns of dozens of federal laws imposing increasingly draconian mandates. From the perspective of local government the mandate mandarins who write these laws appear to be guided by certain disturbing maxims, such as:

1. Mandates solve problems, particularly those in which you are not involved. The federal government, for example, has shown no reluctance in ordering sweeping changes, the impact of which it will never have to face since it does not hold the final service-delivery responsibilities in such areas as education, transportation, and sewage disposal.

2. Mandates need not be tempered by the lessons of local experience. Frequently, a statutory directive will impose a single nationwide solution to a perceived problem, such as sewage treatment, that has been developed in the isolation of a consultant's office and rarely, if ever, exposed to real world conditions in the affected regions.

3. Mandates will spontaneously generate the technology required to achieve them. Congress has shown a disturbing penchant for prohibitions on existing approaches to problems such as ocean dumping, for which no practical replacement has been developed.

4. The price tag of the lofty aspiration to be served by a mandate should never deter its imposition upon others. Statutory commands are rarely accompanied by adequate financial assistance. Most extreme in this instance is the accessibility mandate for transit systems and the requirements relating to the education of the handicapped.

I do not for a moment claim immunity from the mandate fever of the 1970's. As a member of Congress I voted for many of the laws which I will discuss, and did so with every confidence that we were enacting sensible permanent solutions to critical problems. It took a plunge into the Mayor's job to drive home how misguided my congressional outlook had been. The bills I voted for in Washington came to the House floor in a form that compelled approval. After all, who can vote against clean air and water, or better access and education for the handicapped? But as I look back it is hard to believe I could have been taken in by the simplicity of what the Congress was doing and by the flimsy empirical support—often no more than a carefully orchestrated hearing record or a single consultant's report—offered to persuade the members that the proposed solution could work throughout the country. The proposals I offer address this problem by increasing the level of scrutiny applied to both the cost and feasibility of mandates directed at local governments.

Let me now turn to the case histories of some of the more onerous mandates faced by New York City. I use my city as an example because I know its problems best. The problems we face, of course, occur throughout the United States. The numbers may be larger in New York but these mandates have an equally significant impact on the budget and local autonomy of every city.

TRANSPORTATION AND EDUCATION FOR THE HANDICAPPED

An example of a mandate that may totally skew capital spending nationwide in the 1980's at all levels of government is the handicapped-access program required by regulations promulgated in response to Section 504 of the Rehabilitation Act of 1973.

No one would argue that we need not commit funds to make transit systems and buildings accessible to the handicapped. But one also has to deal with the limitations—both financial and physical—that exist in the real world beyond the printed page of the *Federal Register*.

The Departments of Transportation and Health and Human Services (the erstwhile Department of Health, Education, and Welfare), have issued regulations that set as a mandate total accessibility for the handicapped to transit *systems*, instead of dealing with the *function* of transportation: mobility. In rejecting numerous appeals for modest exemptions and waivers, these regulations impose a restrictive and inflexible interpretation of the basic mandate of Section 504. Ironically, in focusing on accessibility the regulations fail to benefit a significant portion of the severely disabled. Subways and buses may ultimately be made fully accessible, but a disabled person may not be able to get to the system to enjoy its accessibility.

In this instance, alternatives are available. New York City has a far more extensive and flexible bus system than subway system. Given the numbers of handicapped people affected—some 22,800 in wheelchairs and 110,000 semi-ambulatory for a system that carries about 5.3 million people on a weekday—a more reasonable approach can be formulated to meet the transportation needs of the disabled. The City of New York has proposed making its buses accessible and providing a paratransit system for the most severely disabled. Paratransit will provide door-to-door service and can make the difference between a handicapped person being a prisoner in his or her home or a mobile member of the community. Similar paratransit services are in planning or underway in other cities.

The DOT regulations presently proposed do not accept the alternative of a bus and paratransit mix. Beyond bus accessibility, the regulations appear to demand accessibility in 53 percent of our subway stations within 30 years, at a cost in today's dollars of some $1.3 billion. Add to this will be at least $50 million in recurring annual operating expenses. And the regulations make no affirmative provision for meeting the handicapped community's myriad difficulties in getting to buses and subways.

It would be cheaper for us to provide every severely disabled person with taxi service than make 255 of our subway stations accessible. Indeed, the Congressional Budget Office, in its report of November 1979 on "Urban Transportation for Handicapped Persons; Alternative Federal Options," estimated that the cost of implementing the Section 504 regulations, when spread over the limited number of wheelchair users and severely disabled passengers will be $38 per trip. In contrast, transit trips by the general public cost, on the average, about 85 cents.

Should we somehow achieve the prescribed level of systemwide rapid transit accessibility, I believe that even the most courageous will test it only once to satisfy themselves that they are able to ride the subways and that few will ride them on a regular basis.

The history of this mandate points up a basic fallacy in the process leading to its promulgation: unrealistic projections by federal agencies of the cost of realizing mandated goals. When the Department of Transportation issued its preliminary nationwide regulations for public review and comment in early 1978, it used a figure of $1.8 billion for the contemporary cost of making all transportation systems accessible. This was clearly an unrealistic estimate and implied an unwillingness by the Department to face up to the magnitude of the course they were proposing to require. The Congress acknowledged this credibility gap and in 1978 ordered the Department to submit by early 1980 a report on the costs of accessibility, based on a survey of all rail-transit operators.

Finally, the Section 504 regulations are crippled by the lack of available technology to achieve the mandated standard of accessibility. Bus lifts have yet to be developed that operate without frequent breakdowns; no American bus manufacturer would even bid to build the Transbus; and people are just starting to think about devices that can span the distance between a rapid-transit vehicle and the passenger-boarding platform.

The issue of transit accessibility is one that the Department of Transportation must deal with quickly. If an affirmative policy decision is not made to bring the demands of Section 504 in line with the practical limits on compliance efforts, transit subsidies in the 1980's will be severely distorted—making systems accessible to several thousand people, while forsaking improvements needed on the total system. The cost in operating reliability will very likely reduce the quality of service available to both current users and those who should benefit from improved accessibility. We may, in fact, build a system under the Section 504 mandate which most handicapped people won't be able to use because of the barriers still remaining, and which, if they do manage to board, breaks down far more frequently.

While the Congress may have been thoughtless or arbitrary in compelling universal access for the handicapped without sufficient consideration of the real world constraints on localities, it has been almost cynical in its implementation of the directive that all handicapped children be provided "a free and appropriate education." It is impossible to attack the virtues of this objective. Yet the structure of the program enacted to accomplish it not only dooms the compliance efforts of local school districts, but also jeopardizes the overall quality of education that can be offered to all children.

The federal law contains three fundamental defects. First, the formula by which accompanying federal assistance is measured looks to the national average cost of educating a non-handicapped child and thus completely overlooks the far broader scope of services that are needed to bring the promise of the mandate to the actual population it was designed to benefit. The formula contains a second fallacy in its use of a single nationwide average cost. It deprives school districts with high education costs and high concentrations of handicapped pupils of any recognition of the greater costs and special problems they face in designing compliance programs. In New York City we have had to budget $8,180 per handicapped pupil, nearly three times the cost of educating a non-handicapped child. This compares to the national average figure of $1,400 per non-handicapped child employed by the federal government to determine the level of assistance for educational programs for the handicapped.

Third, and most disturbing, has been the consistent failure by Congress even to appropriate the full measure of assistance authorized by an already restrictive formula. Here we have the Congress implicitly reneging on the delivery of an already meager federal share of the cost of meeting its own national mandate. The shortfall in appropriations has grown over the past two years to the point where less than half of the authorized amount has been distributed to affected school districts. The act authorized an appropriation in fiscal year 1980 of 20 percent of the understated federal calculation of national costs; the appropriation, however, was only 12 percent. In short, first they underestimate the costs and then they underfund the underestimate. New York City is receiving only $8.5 million in federal aid while spending an estimated $221 million in tax-levy dollars for special education in fiscal year 1980. Our commitment will grow to at least $278 million in fiscal year 1981 and we can only hope that the Congress will keep pace.

This mandate, combined with an inadequate level of federal funds for its fulfillment, has compelled the diversion of increasingly scarce local resources from the education of the rest of the school population. And as in Section 504, the absolute terms of the mandate discourage any efforts at the local level to develop alternative approaches to the statutory objective—such as the use of special facilities providing intensive attention to the needs of handicapped children—which might ease the enormous financial burden imposed by the program.

OCEAN DUMPING—A MANDATE GONE HAYWIRE

Perhaps the most graphic example of a mandate gone haywire is the prohibition, effective on December 31, 1981, of current ocean-dumping programs, including New York's, for the disposition of sewage sludge. In the face of an absolute command to shut down ocean dumping we must look for alternate technology. It would seem elementary that the planet earth, reduced to its most basic elements, offers us only land and water and what cannot be dumped in the ocean must be deposited on land. Incredibly, the Congress and the Environmental Protection Agency have imposed the ban out of concern for water quality, in the absence of reliable land-disposal technology.

Every way the City turns with its sludge it encounters another federal regulation. Banned from the ocean, the alternative we must use—dewatering and composting—will create an end product ladened with heavy metals, the disposal of which may come into conflict with anticipated landfill regulations, permanently rob the landfill of future agricultural use and endanger the area's watertable. The dewatering and composting of sludge will require a $250 million capital investment and $35 million in annual operating costs. The federal government will provide 75 percent of the capital costs; but New York City must shoulder at least 75 percent of the operating costs with the State assuming the remaining 25 percent. This will be only an intermediate step toward an as-yet-undeveloped permanent replacement for the existing ocean-dumping program. It is anticipated that a permanent replacement will be available in ten years, at which time we will be forced to abandon $150 million of the capital investment in the interim solution because of the potential health and environmental hazards it poses. This is what you might call a classic example of planned obsolescence—all for an imperceptible alteration in water quality for a brief period of time.

While we are covering our land with sludge contaminated by toxic materials, full compliance with yet another EPA regulation, administered jointly with the U.S. Army Corps of Engineers, may result in the cessation of all commerce in the Port of New York. This commerce annually produces more than $32 billion in foreign cargo trade and generates $1.5 billion in personal and business income for New York City's economy. To accommodate the large container vessels that have become the standard vehicle for moving goods by water, the natural depths of New York Harbor must be continually dredged. We have secured a three year extension of the ban on ocean dumping of dredged material. The extension does not, however, relieve us from the obligation to perform the costly bioaccumulation tests required by EPA's ocean-dumping criteria, which are subject to evaluation by both EPA and the Corps of Engineers. The interpretation of these tests by the two agencies can be inconsistent, so that they may be judged to be within permissible parameters by the Corps of Engineers but not EPA.

The disposition of dredge spoil is plagued by yet another arbitrary standard: the requirement that localities assess seven alternatives for the disposal of the material. The review of seven "possibilities" is required even though only three practical options appear to be available: ocean disposal, contained upland disposal, and use of subaqueous burrow pits.

While the standard laid down by the ocean-dumping mandate is currently unrealistic, another federal standard compels the City of New York to operate its sewage-treatment plants at secondary-treatment capacity, even though area water quality does not require this level of treatment year round. It may be hard to argue against pure waters, but this standard will force the City of New York to spend $10 million in FY 1981 for superfluous secondary treatment. I might add that while the federal government contributes 75 percent of the cost of constructing sewage plants, it leaves to the locality the full cost of their operation. Furthermore, the federal government tells us how to operate and man the plants. New York State has used its interpretation of the federal regulations as an excuse to deny its 25-percent share of operating costs. We are now having to sue the State of New York over the denial of the City's application for reimbursement in the amount of $6 million withheld in FY 1977.

San Francisco, like New York City, plans to build new secondary-treatment facilities. It also contends that full secondary treatment is not necessary on a year-round basis. Consequently, San Francisco has asked EPA to allow it to operate the plant at the primary-treatment level during the winter months. Other localities such as Los Angeles and Boston have filed applications with EPA in an effort to obtain complete exemptions from the secondary-treatment requirements.

My concern is not simply with the needless expenditure of local dollars, but also with the federal dollars committed to these programs in amounts that, considered in the context of overall urban needs, are desperately required by other urban programs. We must respond to the fiscal and public-policy dilemma that is created by the cumulative impact of courses that individual mandates are blindly propelling us down. Mandates obscure priorities and encumber comprehensive planning.

PUBLIC ASSISTANCE—STRANGE THINKING AND SKEWED FORMULAS

Another example of a federal statutory mandate that frustrates local efforts to administer vital programs is the ceiling placed on the use of restricted public-assistance payments. In New York State, the Aid to Families with Dependent Children program (AFDC) is structured to include a separate shelter allowance for welfare recipients. The total grant paid to each recipient is different depending on his or her rent expenses. The Congress mandates that these monies be included in the recipient's grant and

not be paid directly to the landlord. The ostensible rationale for this measure is to preserve the tenant's basic freedom of choice in allocating his check to food, housing, and clothing in a manner consistent with his priorities. Exceptions to this policy are made only if a recipient is found to have mismanaged the federal funds. Historically, nonpayment of rent for more than a month has satisfied the mismanagement test.

New York is faced with an accelerating syndrome of insolvency and abandonment by landlords who provide many of the lower-income rental units to AFDC recipients, usually because monthly rent collections fall far behind costs. These building owners have repeatedly approached the City seeking relief in the form of "two-party" welfare rent checks which would be issued to tenants who receive public assistance but require co-signature by their landlord before cashing. The City has made a strong effort to implement a two-party check program in areas especially hard hit by urban blight.

Our efforts to improve the situation have been blocked by a federal law that limits to 20 percent of the caseload the number of welfare clients who can be placed on restricted two-party payments. If we exceed this limit we are subject to federal and state disallowances that could result in the withholding of the 75 percent federal and state share of restricted rents exceeding the 20 percent ceiling. A flat 20 percent limit is unrealistic given the magnitude of the problem in New York City. In August 1979 restricted grants reached a level of 18.8 percent of total grant recipients. This required the launching of a crash effort last October to remove clients from two-party rent restrictions before we could recoup the funds advanced to prevent their eviction for non-payment of rent. We are now at a level of 17 percent of the overall caseload.

Our problems in this area could be compounded further. The Department of Health and Human Services (HHS) has aired a regulation that would prohibit placing a welfare recipient on the restricted-payment procedure solely for not paying rent on time.

HHS argues that failure to pay the rent may not be sufficient evidence of mismanagement. When pressed to provide an acceptable definition of mismanagement, HHS suggests that the City would, in every individual case, have to show a diversion of rental funds to such things as vacations, drugs, or liquor. Using rent money for items such as food and clothing would not be deemed evidence of mismanagement, despite the fact that the landlord will come up short in rent collections, and even though each recipient receives a special amount for rent, as well as food and clothing allowances.

The HHS answer to the loss of housing caused by non-payment of rent would appear to require the City to publicize counseling services to clients who have difficulty managing their budgets. HHS has even suggested that the City's social-service staff make home visits to clients to provide the counseling. This latter suggestion from Washington bureaucrats is particularly naive when it is made to a City saddled with an AFDC population of 736,000. The administrative cost of such a system would be enormous and its effectiveness a matter of speculation.

Fortunately, wiser heads appear to be prevailing. HHS officials are now discussing with State and City officials a more realistic approach to the problems associated with the definition of mismanagement. I am hopeful that this will yield an administratively practical way of protecting the interest of families, while not contributing to further deterioration of our housing stock.[1]

[1] In May 1980 officials of HHS agreed to revised procedures for the definition of mismanagement that are acceptable to the City.

The most severe impact of the restrictions imposed on the two-party check program is the loss of an important component of the City's housing-preservation efforts. Of far more immediate concern to our overall financial condition, however, is the statutory formula setting ceilings on the federal share of total AFDC and Medicaid programs. The underlying design of both programs directs that the City provide assistance to a potentially unlimited number of recipients, but allows little local control over the benefit levels or eligibility standards which determine their total cost. Having imposed these enormous expenditure commitments, the Congress then restricts its participation by a cost-sharing formula that has long been obsolete.

Enacted in the 1940's, the federal-share formula links the reimbursable percentage of program costs to the per capita income of each state. As much as 65 percent of AFDC and 70 percent of Medicaid benefits will be absorbed by the U.S. Treasury in states which rank lowest by this single measurement. New York, with one of the highest per capita incomes in the nation, is limited to the minimum 50 percent contribution for each program. The authors of the formula may have thought their index accurately measured the capacity of state and local government to generate the revenues needed to cover their share of the total costs of an open-ended program. But per capita income, in isolation, cannot reflect two other critical determinants: cost of living and the size of the overall tax burden that a state or city is asking its citizens to shoulder. Since New York ranks at or near the top of these criteria, the ability of its taxpayers to carry steadily-increasing public-assistance costs is, in fact, no greater than that of taxpayers from states enjoying the aid of the higher federal reimbursement rates.

COURT AND STATE MANDATES: NOT TO BE OUTDONE!

In addition to the federal statutory and administrative mandates reviewed so far, the City must also cope with the staggering impact that decisions of the federal courts, interpreting and applying the sweeping mandates of federal law, can have on the fiscal stability of localities and on their ability to govern with some minimum degree of flexibility. In New York City, for example, a program was initiated in conjunction with a planned new hiring of entry-level officers aimed at increasing the total number of minorities on the police force. The Police Department spent $250,000 conducting an intensive recruiting campaign among minority groups, and arranged for test preparation classes at locations throughout the City that were readily accessible to candidates from minority communities. The City designed a civil service examination, with the aid of outside experts, that would produce the largest possible number of eligible candidates from all ethnic groups. Minority applicants represented 30 percent of those taking the test. When the Civil Service appointment list was prepared from the results of the test, 13,000 candidates—the number sought as the pool needed for hiring—had obtained a grade of 94 or better. When an ethnic survey disclosed that of the 13,000 placed on the list only approximately 15 percent were black or hispanic, a federal judge found not only statistical discrimination from the test results, but went further and held that the results were evidence that the City had practiced intentional discrimination. He then directed that a quota be used in hiring from the list, requiring 50 percent of new hires be black or hispanic candidates, until at least 30 percent of the total police force was black or hispanic. The net effect is that the courts are no longer examining the fairness of the test; they are examining the results. And if the test does not turn out the way the judge wants, he imposes the result that is consistent with his personal, political viewpoint.

I believe that the judge in the police case is simply wrong on the finding of intent, and the facts and the law.[2] But the real threat to the City from this decision is that under federal law, unless the City enters into a compliance agreement with the Office of Revenue Sharing in the Treasury Department imposing some kind of quota or affirmative action program—and, I might add, thereby violates our Civil Service obligations under the State Constitution—the City's unrestricted revenue-sharing funds, approximately $300 million per year, could be withheld by the federal government. That situation is simply intolerable and affects not only New York but every state and city in this country.

The problems posed by the self-styled altruism of the federal mandates reviewed thus far are compounded by equally and in some cases more arbitrary dictates of state government. The unique size and density of New York City usually precludes our legislature from using the shield of uniformity to cloak an inflexible directive. That has not, however, prevented Albany from imposing its own onerous requirements on the City.

The state, with local concurrence, has assumed since 1976 responsibility for the administration of the judiciary at all levels. The generosity of this arrangement has been tempered in large degree by legislation a year later which restored the local obligation to finance all maintenance, improvement, and expansion programs required to support an adequate level of caseload capacity. Thus reduced to the status of a silent partner, we face escalating annual local-tax-levy commitments to the state-run court system that will reach $23 million by fiscal year 1982.

The state public-housing program offers a second example of the serious fiscal implications of an imposed local partnership. Prior to 1961 New York State made separate payments to each state housing project. Then, the legislature consolidated its subsidy payments, and froze the state share at $44 million. This has left the City's budget as the bank of last resort for the chronic deficits experienced in metropolitan-area projects. With rents kept down to assure an adequate housing supply for lower-income tenants, and maintenance costs increased by inflation and the facilities of age, the City must increase its subsidy to this program by an average of 17 percent each year. We will be spending $13 million by Fiscal Year 1983 to comply with the state-mandated obligations.

An even more extreme example is the state mandate that the City provide legal services for indigent parties in the courts. This exposes our budget to still another significant and potentially unlimited expenditure requirement that will amount to at least $9 million annually in the next three fiscal years. The state's contribution to this program is zero.

Perhaps the most unfair type of state regulation is that which holds out the promise of fiscal relief but measures eligibility by an impossibly high standard. Public-assistance recipients in New York who are not eligible for the federal AFDC program are given Home Relief benefits financed jointly by the state and the client's locality. The state share of these costs is normally 50 percent, but increases from 50 percent to 60 percent for any

[2] The United States Court of Appeals recently rejected the District Court's finding of intentional discrimination, and held that the test was job related. The Court of Appeals also ruled, however, that hiring from the list of successful candidates strictly by test-score-rank order violated Title VII, and that an affirmative hiring quota could be employed as a remedy. The City expects to appeal this ruling to the U.S. Supreme Court.

social service district that can demonstrate an AFDC error rate of 4.5 percent or less. That has not proved to be an overly difficult task for upstate communities whose aggregate caseload permits intensive monitoring. In New York City, however, a marginal reduction-in-error rate is achieved only after enormous investments in detection and prevention programs which must survey a welfare population of 736,000—larger than most towns in New York State. We have made impressive progress in this area, and can point to an error-rate-reduction program that has brought the City from the 1973 level of 18 percent to the current 7 percent rate. But we are far from achieving the 4.5 percent rate specified as a condition for a 60 percent state share of program costs, and the $23.5 million saving that would bring. It is quite possible that a system as huge as New York City's can never reduce errors to 4.5 percent, or could do so only at a cost far beyond the proffered fiscal incentive.

No review of state-imposed mandates would be complete without reference to the Heart Law. This directive, first enacted in 1970, is the most frustrating example of how the legislature can tie the hands of local officials charged with the responsibility of administering a program in accordance with the best interests of their community. The law deprives public pension-fund trustees of the broad discretion traditionally given them, by erecting what the unions claim is an absolute presumption that every heart ailment reported by a retiring police or fire department employee was attributable to an "accident" in the course of his employment. Since the underlying retirement program authorizes a tax-free disability pension at three-quarters pay for such a condition, the Heart Law creates a huge potential loophole in the half-pay ceiling placed on standard pension benefits. The mandate reflects an overwhelming concern for the welfare of one group of City workers, who can develop a heart condition on the job but may also do so behind the lawn mower on a day off—a concern, I might add, which does not extend to the job title of Mayor, whose occupant routinely encounters stress throughout a far less predictable working day.

The City believes that fully half of the disability applications approved under the law's compulsion would not stand up under a thorough medical analysis of the ailment's actual cause. And while some may view the law as generous, it is a measure of generosity—amounting to $12 million to date—that the legislature did not choose to fund and that the City can ill afford.

NEEDED REMEDIES

By cataloguing these arbitrary, restrictive, or counterproductive mandates I hope to have demonstrated both the complex demands confronting an urban chief executive today and the need for comprehensive revisions to the process by which such directives are formulated. A new mandate may appear to its authors to be a bold experiment in behavior modification for a worthy goal. But I do not think they view themselves as accountable for the hardship they may inflict on a particular locality. A superior level of government cannot, they would argue, be expected to anticipate every nuance in a far-reaching policy initiative. Indeed not—here lies the very reason why federal mandates must be flexible enough to accommodate local circumstances.

As the Mayor to whom those who must endure the hardship of irresponsible mandates look for relief, I can no longer accept the monotonous refrain that "it's up to Washington to correct its errors." It is long past time for the system to become responsive to the needs of those it purports to regulate, and for effective controls to be placed on the mandate machinery.

I do not claim to offer more than a rough outline for a modest measure of protection from the kinds of excesses now faced by a city like New York, but urge that prompt and careful consideration be given to the following proposals:

1. All mandates should include waiver provisions that afford an appropriate measure to recognition of a locality's efforts to address the objective through alternate means, or to integrate the required program with competing or complementary policies. New York, in several instances, commenced negotiations seeking administrative relief only to be met with an almost reflex hostility to allowing the slightest relaxation or modification of the mandate. This attitude may reflect a natural bureaucratic concern that the first variance breeds a collection of exceptions that will carve the underlying statute into an unworkable patchwork. But the administrators of these laws must be directed, by statute or Executive Order, to accommodate requests for waivers authorizing additional time or modified procedures from communities who offer reasonable evidence of an unfavorable impact.

2. Special consideration should be given to cities whose local revenue-raising and expenditure powers have come under the control of external authorities. It may be some years before we can measure the success of current efforts by all three levels of government to insulate the American metropolis from the twin cycles of declining revenues and spiraling costs. It makes absolutely no sense for the federal and state authorities to nullify their own ambitious urban assistance programs through the inflexible application of arbitrary mandates and the horrendous price tags they carry.

3. Action on any proposed mandate should be deferred until a report has been prepared on both the potential impact it would have on local government expenditures and the state of existing or proposed technology available to achieve timely compliance. Agencies such as the Congressional Budget Office and the Office of Technology Assessment are already in a position to perform an objective analysis of this nature, which could be summarized in the reports that accompany legislative proposals brought to the floors of Congress. Such a procedure would assure that the mandate makers are fully informed of the potential shock waves their action may send throughout affected communities.

4. No mandate should be imposed unless alternative methods of compliance are offered, with the final selection left to local option. In the exceptional case, in which mandates' authors are convinced that a single standard and procedure must be imposed, they should authorize variations in the timing of and approach to compliance within appropriate parameters, proportional to the degree of hardship or potential program failure among affected communities.

5. Finally, it is of overriding importance that every mandate be accompanied by financial aid sufficient to achieve compliance. The aggregate tax-levy resources which must be committed to all of the federal and state mandates presently imposed on the City amount to $938 million at a time when we must identify $299 million in net-expense budget reductions for fiscal year 1981.

Throughout its history, this nation has encouraged local independence and diversity. We cannot allow the powerful diversity of spirit that is a basic characteristic of our federal system to be crushed under the grim conformity that will be the most enduring legacy of the mandate millstone.●

SECTION 235 FUNDING IS NEEDED NOW

● Mr. WILLIAMS. Mr. President, 1980 has been one of the most difficult on record for the housing industry. By the end of 1980, only about 1.25 million housing starts—single and multifamily combined—will be achieved, according to the Federal Home Loan Bank Board, 500,000 below the 1.75 million starts tallied for 1979 and some 775,000 fewer than is generally believed necessary at a minimum to accommodate a growing population and to compensate for losses to the stock.

For thousands of builders and construction workers dependent for their livelihoods on a stable housing industry, the fall-off in production has brought financial ruin and unemployment. For young families in search of a home they can call their own, and for the poor or the elderly looking for decent rental shelter at an affordable price, opportunities in today's housing market have dwindled. For the economy in general, the housing recession has heightened the pressure on the Federal deficit, due to decreased tax revenues and increased transfer payments to those thrown out of work; and it has meant greater inflation as instability and uncertainty in the industry disrupt orderly production processes and as already serious housing shortages deepen.

Even though some gains in housing starts have been posted since last spring's disastrously low levels, the situation is still serious, and with interest rates pushing upward steadily we can expect unacceptably low production levels into next March, and perhaps even beyond.

Warning signals about an impending housing crisis were sounded early in 1980, and the Senate responded last April in bipartisan fashion by passing a special housing stimulus program based on the section 235 homeownership assistance program, which provides mortgage interest subsidies to low- and moderate-income persons who pay at least 20 percent of their income toward their mortgages. The stimulus program was designed to work in the same manner as the standard section 235 program, but with higher income eligibility ceilings, a much shallower mortgage interest subsidy, and opportunity for purchase of somewhat higher cost homes.

Particularly important, this stimulus program was developed as a low-cost alternative to the Brooke-Cranston emergency homeownership assistance program, which requires large up-front outlays. The low-cost nature of the stimulus program was based on its planned use of already appropriated funds earmarked for the standard section 235 program, but which had gone unused because of the program's low level of activity. Approximately $165 million in unused appropriations was estimated to be available for both the stimulus and the standard programs, with a maximum of $135 million, or 75 percent of the available funds, for the stimulus program. The 25-percent share available at a minimum for the standard program was deemed sufficient to allow that program to operate at its then current pace. It was estimated that the two programs together could assist up to 100,000 mortgages.

Despite the early Senate passage of the section 235 housing stimulus legislation, final enactment did not occur until President Carter signed the 1980 Housing and Community Development Act on October

8, 1980. By that time, the funds which the stimulus program was to use were almost all depleted by the standard section 235 program which, primarily because of low mortgage limits, worked in a relatively few, though widely scattered, areas of the country. Builders in areas that could use the standard program with its low mortgage limits had found that it was the one vehicle that could keep them in business during a period of extraordinarily high interest rates, and they flocked to it, causing a completely unexpected commitment of the remaining contract authority.

Now there is virtually no money left for either the standard program or for the stimulus program. As a result, many areas unable to use the standard program have had little relief from their housing recessions, while areas benefiting from the standard program face an uncertain future. In some places, HUD encouraged builders to construct houses under the section 235 program, under the assumption that mortgage interest subsidies for the buyers they had lined up would be available when the houses were finished. With the depletion of the program's appropriations over the summer, these builders cannot sell their homes, and must shoulder the unanticipated and substantial financial burden of maintaining them until they can be sold.

Mr. President, the current situation is totally at odds with the expressed intent of the Congress. On four separate occasions over the last 8 months, the Senate voted to establish a housing stimulus program that would be ready to provide a helpful, though modest, boost to housing markets unable to achieve adequate recovery on their own. With its planned funding gone, the program is today only a paper promise. The Congress also intended for the standard section 235 program to continue to operate uninterrupted. Now, for the first time in 6 years, the program is shut down.

On September 24, 1980, I introduced legislation (S. 3145) to make $125 million in recaptured contract authority available for use by the section 235 stimulus program, and by the standard section 235 program. This legislation currently has 12 cosponsors from both sides of the aisle. Assuming that 75 percent of the funds would go to the stimulus program, the maximum share permitted under the law, my legislation could assist approximately 50,000 home buyers. However, the Secretary has the flexibility to increase the proportion of the funds available for use by the standard program, which would tend to lower the number of units assisted overall because the standard program carries a deeper interest subsidy—down to 4 percent as opposed to 9½ percent under the stimulus program. It should also be noted that the standard section 235 program could resume operations immediately upon the approval of additional contract authority, while the stimulus program would require the Secretary of HUD to make a specific finding that conditions in the housing market warrant its use.

Mr. President, my legislation was designed to accomplish its objective without the scoring of new budget authority. The House Budget Committee, in approving its version of the second concurrent resolution, decided to make room for additional budget authority in the amount of $3.75 billion, which is the amount of contract authority—$125 million—multiplied by the 30-year term of the contract.

Whether or not new budget authority is scored, the actual cost of the program is very small; less than $380 million over the 30-year term of the contracts, according to Congressional Budget Office assumptions. This results from the certainty that the average contract will actually be held for a far shorter term, and from the law's requirement that upon sale or disposition of a section 235 dwelling, the seller pay back to the Federal Government the entire amount of interest subsidy he received, or at least 50 percent of the net appreciation in the value of the house, whichever is less.

S. 3145 endorses one approach to making the necessary contract authority available. The House Budget Committee's action signals preference for a different approach, one that requires the scoring of new budget authority and new Appropriations Committee action. Whatever route is pursued, the goal is the same—to assure that the section 235 programs have the means to do their job as Congress intended. I am hopeful that my colleagues in the Senate will take special note of the House Budget Committee's favorable action on section 235 funding.

During the next couple of weeks the Senate will have the opportunity to lend its support to this additional funding. We must not let this opportunity slip away.

Mr. President, I ask that at this point in the RECORD there be printed several recent articles underscoring the need for rapid approval of additional contract authority for the section 235 program.

The articles follow:

[From the Washington Post, Oct. 4, 1980]

HOUSING INDUSTRY'S MUCH-VAUNTED "RECOVERY" SHORTEST ON RECORD

(By Gary Klott)

NEW YORK.—The beleaguered housing industry, seemingly on the road to recovery this summer, is in trouble again.

The recent surge in interest rates has pushed mortgage rates to 14 percent in most parts of the country and forced hundreds of thousands of would-be home buyers out of the market.

[After dropping to just below 12 percent in June, mortgage rates in the Washington area climbed back to 14 this week, but lenders said they were getting few applications.

Local real estate sales had picked up during the summer, but now they've slowed again, reflecting the national trend. Homebuilders have seen traffic at their developments drop off by as much as 50 percent.]

Buyers have been cancelling commitments, leaving builders with a surplus of homes they thought they had sold.

"This may very well be the shortest housing recovery on record," said Michael Sumichrast, chief economist for the National Association of Home Builders.

[Rates swooped downward, then jumped back up so quickly that most borrowers didn't realize what had happened, said Thomas Owen, president of Perpetual Federal Savings and Loan, the biggest mortgage-lender in Washington. There was a momentary flutter of loan applications, he added, then business fell off again as rates rebounded beyond the reach of most borrowers.]

As Sumichrast explained: "You cannot sell homes with 14 percent mortgage rates. People just don't qualify for loans."

The mortgage rate adds $40 to the average monthly payment on the median-priced home, pushes up income requirements for the loan by nearly $1,500 and knocks an estimated one million U.S. home buyers out of the market.

For example, on a $66,000 home with a 20 percent down payment, monthly mortgage payments are $538 a month at 12 percent interest and it takes an annual income of about $23,000 to qualify.

But at 14 percent interest, the monthly payments are $518 and the home buyer has to earn $26,500 a year to qualify.

The housing industry experienced a strong rebound from one of the sharpest slumps on record when mortgage rates leveled off in the 11 to 12 percent range during the summer. Over the past three months, residential construction starts picked up by almost 50 percent to an annual rate of 1.4 million units from the May low of 900,000 units.

But when home loan rates started climbing again and prospective home buyers found theselves priced out of the market, there was almost a carbon-copy replay of last spring when rates soared to record high levels and the housing market fell into its worst slump in 30 years.

Housing starts will probably fall off again in the next few weeks, Peter Treadwell, chief economist for the Federal National Mortgage Association, predicted.

Homebuilders saw activity suddenly plunge a few weeks ago when mortgage rates hit 13 percent.

"I think 13 percent is the magic number," said Ray Lacombe, chief economist at AmeriFirst Federal Savings and Loan Association, the biggest mortgage lender in Florida. "Loan applications drooped 30 percent when mortgage rates hit 13 percent."

"Loan demand is effectively shut off," said Richard Linyard, senior vice president for loans at First Federal Savings and Loan Association of Chicago, where a severely depressed real estate market has kept mortgage activity 60 percent below a year ago. "The same thing happened to us last spring," said Frederick Napolitano, a Virginia Beach, Va., builder and a vice president of the NAHB. "The interest rate is knocking home buyers out of the market."

With traffic off some 50 percent and a growing number of contract cancellations, Napolitano said, "We're not going to build any more homes until we get rid of the ones we have."

(NAHB recently revised its fourth quarter housing start forecast to an annual rate of 1.2 million units from 1.35 million.)

With construction loans running two to four percentage points above the prime lending rate, Napolitano said, it is nearly impossible for a builder to turn a profit, especially if he can't sell immediately. An unsold home costs the builder anywhere from $300 to $700 a month.

Industry officials say the home market could turn again if mortgage rates or home prices were to reverse themselves. But few expect mortgage rates to reach the midsummer levels of 11 and 12 percent anytime soon, and home prices have continued to soar even in the weakened market.

As Saul Klaman, president of the National Association of Mutual Savings Banks, warned business leaders in New York last week, "Unless inflation is slowed significantly or housing subsidies broadened substantially, many American families will never obtain homeownership."

[From the Wall Street Journal, Oct. 29, 1980]

FOR THE FIRST-TIME HOME BUYER: DESPAIR, SACRIFICE, COMPROMISES

(By Lawrence Rout)

Most people want to own their own homes. But few can afford to buy that first one. "The first-time home buyer is the real loser today," says Sid Green, a real estate agent in Manchester, Conn. "With interest rates so high, and houses so expensive, these kids are really getting squeezed. How can they save as much as they need?"

They can't and so many have stopped looking for homes. First-time home buyers accounted for only 18% of the market last year, down from 36% two years earlier, according to a survey by the U.S. League of Savings Associations. Those who buy often do so only by borrowing from relatives and forgoing many of life's luxuries. A few are getting help from new types of mortgages and relaxed lending standards.

The numbers are striking. Take a $70,000 house, which is just a shade above the average price for an existing home. With a 20% down payment and a 30-year loan at a 13½% interest rate, annual mortgage payments come to about $7,700. In 1977, the average existing home cost $47,500. With a similar loan but at the then prevailing 9% rate, annual mortgage payments were about $3,670.

"It's ridiculous. We can't afford to make mortgage payments that are double what we're paying for rent," says Georgia Keiss, 31 years old, who lives with her husband and two children in a two-bedroom apartment in Evanston, Ill. "We'd love to have a home. We're so tight in this place we've got kids coming out of our ears. But if we bought a house, we wouldn't eat for a year."

Still, the desire to own is strong. A 1978 Louis Harris poll showed that 93% of the prime first-time home buying group, those aged 25 to 34, wanted their own homes. "I think it has surprised everyone just how much people have been willing to sacrifice to get that first home," says Bernard Frieden, professor of urban studies and planning at Massachusetts Institute of Technology.

Part of that sacrifice, Mr. Frieden says, is manifested in changing lifestyles. Couples are having children later, allowing both partners to work longer. They are returning to the cities, he says, "not because they want to live in cities, but because it's a first step on the ladder of home ownership. City homes are cheaper."

Furthermore, says Robert Sheehan, an economist with the National Association of Home Builders, first-time home buyers are going after more modest homes. He says that the average square footage of living space in new homes fell from 1,704 in 1979 third-quarter sales to 1,688 in the fourth quarter to 1,667 in this year's first quarter, the latest data available.

Derrell and Sherry Dunnagan of Rochester, Wash., settled for less than they had hoped. They were living with their three children in a mobile home "when we decided we wanted a real house," the 23-year-old Mrs. Dunnagan says. But new houses were out of the question. "We were shocked," she says. "We would have to spend $70,000 for a new house, and it wouldn't be anything special."

So they recently settled for a $58,000, four-bedroom house, built in the 1920s. "It isn't a dream house," Mrs. Dunnagan says, "but it's nice."

It's also expensive. The couple put down $14,000 cash, which was borrowed from Mr. Dunnagan's parents. They borrowed the rest from a bank, at 13 percent interest, which translates into $423 a month in mortgage payments. Mr. Dunnagan, a mechanic, takes home about $1,000 a month. "Things are awfully tight," Mrs. Dunnagan says. "We don't go out; we don't buy new furniture. But we have our house. It's worth it."

Relatives also helped Mary Ann and Patrick Phillips buy their first home in Knoxville, Tenn. "It was the only way," says Mrs. Phillips, a nurse. "We couldn't have stashed the down-payment away for years."

A new type of mortgage also helped. The couple got a renegotiated rate mortgage, whose rate is reviewed in three years, but for those first three years it is an unusually low 11¾ percent. "There wouldn't have been any way we could have afforded the current rates," says Mrs. Phillips. She adds that she and her husband, a city planner, probably will put off having children another year because of the burden of house payments.

Even if the desire and the willingness to sacrifice are there, many people still can't get that first house because they don't meet lending standards. The traditional standard is that housing payments can't exceed 25 percent of the borrower's gross income. On a typical $56,000 mortgage at 13½ percent, for instance, the borrower must make more than $35,589 a year to qualify.

But that rule may be changing, MGIC Investment Corp., the nation's largest private insurer of home mortgages, last month raised that level to 33 percent. In the example above, that would mean a person could make $26,958 a year and still qualify.

Although most people agree that the relaxed standards will bring in more home-seekers, some experts doubt that the effect will be significant. "It's just a gimmick," says Ronald Barstow, chairman of Bell Federal Savings & Loan Association in Chicago. "We aren't turning people down because they don't qualify. People aren't coming to us because they know they can't afford a house."

Mr. Frieden of MIT further warns that some of the current strategies to buy the first house may backfire. In particular, he says that the two-income method may fall prey to the high divorce rate and periods of high unemployment. Besides, he adds, "prices are getting so high that husbands may need to go to polygamy to buy a house. They'll need two working wives."

Energy costs are considered by three out of five home-mortgage lenders when deciding mortgage loan applications, according to a survey by the Federal Home Loan Mortgage Corporation. The survey also found that two-thirds of the lenders told their appraisers to look at energy efficiency in evaluating houses.

[From the New York Post, Oct. 30, 1980]

MORTGAGE VIEW: DIM THROUGH '81

(By Stan Strachan)

A key federal banking regulator yesterday offered a pessimistic outlook for mortgage rates.

Speaking before the New York Financial Writers Assn., Jay Janis, chairman of the Federal Home Loan Bank Board, the agency which supervises savings and loan associations, predicted that mortgage rates may get down to 11½ percent next year, but that to reach even that level the economy "would need a good performance on inflation."

Otherwise, mortgage rates could remain well above 12 percent for all of 1981, he said.

Long-term rates, including those on mortgages, may have peaked for the current period, Janis noted. But short-term rates, including the prime lending rate, which yesterday hit 14½ percent, "still have a little further to go" before starting down.

Short-term rates are likely to drop much faster in 1981 than are long-term interest costs, he told the financial writers.

Janis also urged congressional action on some form of tax incentives for savers. He said he supports the use of a certificate, the interest on which would be tax-free to depositors.

This would give banks and S&Ls a chance to bring in deposits at a below-market rate. Janis urged that funds in these accounts be targeted for use in mortgages at rates below those available through other means.

He said this is the only method that might allow the nation to meet its need for 22 million new homes during the 1980's.

He said this year will end with about 1.25 million starts and predicted housing starts next year of about 1.5–1.6 million.

[From the Baltimore Sun, Nov. 5, 1980]

INTEREST RATES EXPECTED TO STAY HIGH

NEW YORK.—Don't expect any bargains at the loan counter. Bankers say that after soaring and slumping earlier in the year, interest rates are likely to continue higher for a while longer.

So much for agreement. Economists remain split today on the impact of costly money on consumers and the entire economy.

Here are some questions and answers about the interest-rate outlook:

Question: When will the current interest-rate climb end?

Answer: That question may not be answerable, but economists are guessing nonetheless. Morgan Guaranty Trust Company, in a new forecast, won't go beyond saying U.S. interest rates "seem likely to remain high for some time to come."

Bankers Trust Company is a little bit more precise, forecasting "higher interest rates as the year comes to a close." And Morgan Stanley & Co., Inc., the Wall Street investment banker, sees interest rates peaking by year end, then heading "downward toward a . . . trough in the second or third quarter of 1981."

Q: Why is there such a difference of opinion?

A: Part of it has to do with disagreement about forecasts for economic growth. Economist Irwin L. Kellner of Manufacturers Hanover Trust Company believes Federal Reserve Board policies aimed at keeping inflation under control will "cause interest rates to rise sooner than they otherwise would in an economic recovery." That policy will slow the recovery from this year's recession "by making it more difficult for businessmen and individuals to borrow," he says.

Edward E. Yardeni, an economist at the broker E. F. Hutton & Co., Inc., has a different outlook. He sees consumer spending on autos, housing and services powering "an economic recovery not much different" from those in the past. While high interest rates "will keep economic activity from approaching the last expansion's highs," they "won't abort the recovery," Mr. Yardeni contends.

Mr. Yardeni says "radical regulatory changes in the mortgage market," allowing hard-pressed homebuyers to obtain new types of mortgages even in times of tight money, and "a reservoir of pent-up demand for cars and houses" will spur the economy.

Q: What about interest rates during this recovery?

A: Economists are split again. Mr. Yardeni says that even if money growth rates exceed the Fed's targets, "the Fed would generate intense political heat in trying to control the money supply by raising interest rates while the economy is recovering and inflation is still moderate."

[From the Daily News, Oct. 9, 1980]

BORROWERS GO UP IN SMOKE AS MORTGAGES GO THROUGH ROOF

(By James A. White)

The New York area residential mortgage market is slowing to a crawl because mortgage seekers are balking at interest rates now more than 14% and still climbing, lenders and other experts said today.

Yesterday, Citibank raised its mortgage rate 1% to 14¼% for conventional loans and

15% for co-op loans in an effort to get in line with other area banks. But sources say there are a few homebuyers shopping for money at any rates.

And though pockets of mortgage money still are available, the supply also is starting to dry up.

"We are close to the point where we will withdraw from the mortgage market," said Peter C. Underwood, senior vice president and chief mortgage officer of the New York Bank for Savings, the nation's fourth-largest mutual savings bank. "It's possible that we will do it tomorrow."

The bank boosted residential mortgage rates to 14¼% on Oct. 3, the same rate that Citibank posted yesterday. Rates at most other area lenders are hovering around 14%.

"You have to shop around a little but there is mortgage money still out there if you're willing to pay the price," said Underwood. "When the rate goes over 13%, you really see a falloff in demand."

Because mortgage rates no longer are controlled by usury-law ceilings, lenders are free to charge whatever they please on mortgages, preventing a complete dry-up of the market. But institutions also lose deposits with rate rises and have to purchase costly replacement funds in money markets if they wish to keep making mortgages.

Mortgage rates then climb, which in turn reduces demand as consumers decide to wait for a later decline or fail to qualify for the higher payments.

"There is a great deal of consumer resistance in New York state when mortgage rates go about 13%," said Brian Dittenhafer, executive vice president and economist for the New York Federal Home Loan Bank. "The banks that have the money definitely want to lend it because they would love to have a 13% mortgage out when rates decline," he said.

While still losing deposits, major mortgage lenders are in far better shape than in 1979. Mutual savings banks in the state had a deposit outflow of $61 million in August, compared with an average monthly loss of $500 million a year ago.

"That's a very modest loss but it is still an outflow and more of it probably came in New York City than upstate," said Monte Radack, vice president of the state Savings Bank Association. He said many mutual savings banks already have withdrawn from the multiple-family mortgage market and more will shut down their single-family business as interest rates continue their climb.

The experts say consumers can expect mortgage rates to fluctuate more rapidly than in the past since they now are more closely linked to money-market interest rates. And while resistance remains strong to paying anything more than 13% for a mortgage, consumers have had experience with stratospheric rates as recently as last spring when they ranged up to 17%.

"There is a learning curve phenomenon," said Dittenhafer of the Home Loan Bank, which acts as a central bank for savings and loan associations. "The longer the rates remain high, the more people are willing to accept them," he said.

[From the Daily News, Nov. 6, 1980]

INTEREST RATES RISE ON MORTGAGES

WASHINGTON.—Home mortgage interest rates rose in October for the second straight month after declining for four months, the Federal Home Loan Bank Board said today.

Reporting on a survey taken during the first week of October, the board said the average interest rate at which conventional mortgages on single-family homes were closed increased to 12.64%, compared with 12.37% a month earlier.

The October level was 1.37 percentage points below the peak hit last May and 1.39 points above the October 1979 level.

Another measure of interest rates—the average rate quoted in early October for a future 25-year mortgage on a new, single-family home—was up to 13.84%. That compared with 13.23% in September, 16.59% last April, and 11.62% a year ago.

[From the Times-Picayune, Oct. 19, 1980]

FIFTEEN PERCENT RATE PEAK PREDICTED

Mortgage interest rates will peak in the 15 percent range late this year, but they'll probably fall back to no less than 13 percent, two economists predict.

The forecast is by Kenneth J. Thygerson, chief economist for the United States League of Savings Associations, and James W. Christian, senior economist for the group.

"Surging short-term interest rates, weak savings flows, saturated bond markets and renewed inflationary expectations all are major factors" which will force mortgage rates back near historic highs, the two economists said.

The pair added that mortgage loan applications "will fall to a trickle" as loan rates pass the 14 percent level.

Housing starts will remain essentially flat because of high interest rates, they also noted.

But the early 1981 outlook for home construction and mortgage rates is somewhat better, the economists added.

Housing starts this year should total 1.2 million, they estimated, making 1980 the slowest housing construction year since 1975, when starts totaled 1.16 million.●

ADDRESS BY DAVID B. WAGNER

● Mr. PRYOR. Mr. President, during the October recess, I had the honor and privilege of addressing the Sheet Metal and Air Conditioning Contractors' National Association at their 37th annual convention in Atlanta, Ga. This organization is made up almost exclusively of small businessmen. On the same program was the incoming president of that organization, David B. Wagner. Mr. Wagner's address outlined the need to end the adversarial role between Government and small business and to replace it with a new partnership of understanding based on cooperation.

I recommend Mr. Wagner's address to my colleagues and ask that it be printed in the RECORD.

The address follows:

ADDRESS OF DAVID B. WAGNER

Like all of you, I am a sheet metal contractor. And like almost all of you, I am a small businessman, according to the government's definition. This being the case, probably none of us should be here—because the problems we face are almost overwhelming.

We are under-financed. We are over-burdened with federal, state and local paperwork. We are not experts in the fine points of tax manipulation. Time and time again, we are bludgeoned by local labor conditions that would seem to make it impossible to show a profit.

Yet here we are . . . right in the middle of another round of inflation and recession, and we've turned out in larger numbers than ever before. So somehow we're managing to survive.

Yes, we are surviving, I think for a number of reasons. First, we are resourceful. Second, we are adaptable. Third, we are not afraid of hard work. Fourth, we are not afraid to spend our own money to finance our local, state and national associations, so we can improve our professionalism and our product.

Finally, and most important, the pride we take in our product and our industry—pride which we've expressed by coming here to Atlanta.

Taken together, these reasons underscore our belief in the free enterprise system.

In fact, we in the construction industry and the small business community are virtually all that is left of the free enterprise system in this country. And, as the free enterprise system, we are being challenged from every country.

As I see it, our population today basically is made up of three contending groups.

There are the have-nots, who are struggling hard at this time to pull themselves up, but who primarily are dependent on people like us to foot the bill.

Then there are the very wealthy and the giant corporations, who, with the talent and resources they can command, avoid the fair share of the tax burden.

And then there are you and me and our employees, both union and non-union. We, in deference to our location, are the peanut butter holding the two pieces of bread together to form America's economic sandwich. Without the peanut butter to give this sandwich some substance, the two pieces of bread soon would become stale and tasteless.

I am reminded of an old story about a pig who ate his fill of acorns under an oak tree, and then started to root around the trunk. A crow saw him and said, "You shouldn't do that. If you lay bare the roots, the tree will wither away and die."

"Let it die," said the pig. "Who cares, as long as there are acorns?"

What I am suggesting is that unless we can change the attitude towards small business in this country, there will be no oak tree or acorns for that huge pig we call the federal bureaucracy to live upon.

We are the roots of that tree, and we are being gnawed away.

For example, we are now hearing a tremendous hue and cry about declining productivity in the United States. Everyone is quick to blame someone else for the problem.

We, in management, say that labor won't produce anymore and that restrictive work rules are killing us. Labor answers by saying management is doing a sloppy job and is not sensitive to the needs of their employees.

Both labor and management accuse various government agencies of interfering in their daily routines, thus slowing productivity.

And in turn, these agencies say both labor and management are insensitive to consumers, so that the interference is justified.

To some extent, everyone is correct in this circular dispute. But because the dispute is an antagonistic one, the problem doesn't get solved.

All this certainly characterizes much of the legislative and regulatory processes today, where different groups are pitted against one another, where each tries to grab what it can for itself.

As a result, we are losing incentives, innovation, and know-how, three fundamentals of American enterprise. Not coincidentally, these qualities also have typified small business in the United, and have given us the ability to adapt and change with the times.

Our industry has these qualities in abundance. We can look back over the past decade and take pride in the way we as sheet metal contractors have responded to new challenges in areas such as air pollution control and energy.

We've also been able to find new and better ways to manufacture, install, and test our products during this same period.

We are able to do this in large part because we are not far removed from what goes on in our shops. There is no substitute for this kind of experience and expertise.

In any case, we cannot afford to rely on batteries of lawyers and accountants to make us look good in the short term without paying attention to the future. Unlike some corporate giants, we do not have the luxury of the government bailing us out when things get tough.

Instead, we are being forced today to waste much of our time and resources to cope with economic problems and regulatory excesses that are destructive and debilitating to small business.

To end this situation of constant confrontation, I think management, labor and government need to develop a new partnership of understanding based on cooperation.

We need to begin working together to diffuse the hostility with which we regard each other's interests and seek solutions that benefit all of us as members of a free society.

In such a partnership, small business would ask only two things. First, that we be given tax incentives to allow us to grow. Second, that government stop trying to "help" us in the every day management of our businesses.

To put it another way, both labor and government must allow us to make a profit. They must come to grips with the fact that the punitive tax structure in this country makes it vitally impossible for us to expand and increase productivity.

I challenge Messrs. Carter, Reagan and Anderson to give us tax incentives for capital expansion, jobs, and an end to "boom or bust" economics in construction.

I say to these men that we have the inherent ability to seize upon opportunities as they present themselves, and can quickly take advantage of them if we are given the chance.

Gentlemen, give us the investment incentives we need, and watch us work!

Governor Reagan recently advocated ending the inheritance taxes that are a death knell for many family-owned businesses like ours. I heartily endorse this position.

If President Carter is re-elected, I hope he will follow up the recommendations he received last year at the White House Conference on Small Business with meaningful incentives.

I strongly urge both these leaders, their parties, and Congress to change government's attitude towards us. If government worked with us, instead of against us, there would be no productivity problem, and issues such as environmental and consumer protection, and workplace safety could be resolved without our survival being called into question.

Further, we need labor's help and cooperation as well. The future of our industry is only as strong as our unity. I think this statement is all the more true when we consider how successfully we worked together to pass the ERISA legislation this year. And it is all the more true when we get the bargaining table and act as if our industry would last no longer than the expiration date of the contract we were about to negotiate.

But how can we, as small businessmen, and sheet metal contractors, make this partnership I've talked about a reality?

We can become involved in the process.

For many years, the small business community abdicated its responsibility to provide leadership in government at every level—local, state and national. We turned it over to labor, to professors, to lawyers—groups that don't understand how we make our money, but are all too happy to spend it.

Only in the past few years have we, as business people, started to challenge the actions of legislative and bureaucratic bodies that so disrupt our ability to produce.

SMACNA's Government Affairs Committee is only eight years old—SMAC-PAC only four. Yet in this short time, both have made an impact. The dues you pay and money you donate to them helps get you involved . . . but only somewhat involved. There is more each of us can do.

We, as responsible business people, need to become actively involved in both major parties—both physically and financially. The financial aspect can be done through local and national political action committees. The physical part can be done only by you.

I plead with you to become involved in the elections that are only three weeks away. Send to Washington people who are convinced that the free enterprise system is the only system that can work for us.

SMACNA will continue to do its part. We now are in the process of enlarging the Government Affairs staff so that we can have even more impact in Washington. New goals and programs will soon be put in place to build on PAC. We are getting much broader recognition in the agencies and in Congress, but we need you to become involved.

We will not be afraid to try new and innovative approaches to problems. I am sure we will make mistakes, but there will be mistakes of commission, not omission. We will not be afraid to fail . . . for the fear of failure results in no action being taken at all.●

SUPERFUND LEGISLATION

● Mr. STAFFORD. Mr. President, there has been a great deal of speculation in the last few days that the so-called superfund legislation is dead.

The purpose of my statement is to make clear that, at least as far as this Senator is concerned, that superfund lives. In fact, I still hold hope that it will be enacted during this session of the Congress.

The superfund legislation would provide funds to compensate victims of toxic substance sites and to clean up those sites.

Surveys have indicated that 80 percent of the American people support such legislation. The Surgeon General of the United States has said that toxic chemicals pose perhaps the most serious threat to health in the United States of the coming decade.

Senator CULVER, other members of the Committee on Environment and Public Works, and I have worked on this legislation for nearly 3 years. The product of those efforts is S. 1480, a sound and workable bill. It is a bill I continue to support enthusiastically.

Unfortunately, my enthusiasm is not shared by all of my colleagues, although I believe that if S. 1480 were brought to a vote on the floor of the Senate, it would pass by a substantial margin.

Nevertheless, the reservations of some Senators have been enough to delay the progress of S. 1480. Some Senators and many interest groups are extremely anxious to have a bill enacted this year. These are legitimate concerns, and, although I believe S. 1480 is right for the task, I stand willing to accommodate others.

For this reason, on Monday, I will introduce a proposed substitute for S. 1480 with Senator RANDOLPH.

I wish to emphasize that this proposed substitute is not the best bill for the task. S. 1480 is the best bill.

But, I believe this proposed substitute incorporates the provisions of three bills—one in the Senate and two in the House—on which their is broad consensus. It should, I hope, therefore be acceptable to all concerned.

If there is no objection, I would ask that a brief description of my proposed substitute be printed at this point in the RECORD.

STAFFORD-RANDOLPH SUPERFUND SUBSTITUTE

Will embody those features of S. 1480, H.R. 7020, and H.R. 85 on which there is a positive consensus. It will also eliminate those features which have proven most controversial.

SCOPE OF GOVERNMENT RESPONSE

The Government, using the Fund, will respond to releases of hazardous substances without regard to the medium or pathway. People could be hospitalized, water supplies could be replaced, and releases cleaned up and contained without regard to whether the release was a spill into a navigable water or a release from an abandoned hazardous waste site.

SCOPE OF LIABILITY

An express strict liability regime would incorporate the scope of H.R. 85 plus H.R. 7020; releases from inactive sites; and, spills into navigable waters. In addition, spills onto land or spills affecting ground water would be covered. Occupational exposure would not be covered.

NATURE OF LIABILITY

Any references to joint and several liability or proportionate liability would be eliminated. The liability of join tort feasors would be determined under other law, not this bill. In addition, a third party defense would be added. A third party cause of action for damages, including medical expenses and economic loss, would be elimiinated.●

ORDER FOR RECESS UNTIL MONDAY, NOVEMBER 17, 1980, AT 9:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Monday next.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for convening on Monday be changed to 9:45 a.m. on Monday next.

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

REVIEW OF CERTAIN DISABILITY DETERMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1131.

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

The legislative clerk read as follows:

A bill (H.R. 2510) to amend title V, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the Civil Service Retirement and Disability System.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had

been reported from the Committee on Governmental Affairs with an amendment: On page 2, strike line 18, through page 3, line 14.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

● Mr. PRYOR. Mr. President, I rise in support of H.R. 2510, to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system.

Under current provisions of law, 5 U.S.C. 8347(c) the decisions of the Office of Personnel Management concerning questions of disability "are final and conclusive and are not subject to review." H.R. 2510 would remove the bar to judicial review of disability retirement decisions only in those cases where the finding of disability was made in response to an application filed by an agency for an employee's involuntary disability retirement and then only if the finding of disability is based in whole or in part, on the employee's mental condition. This change would make OPM's decisions on such cases subject to review by Merit Systems Protection Board under 5 U.S.C. 7701, and the Board's decision would become subject to review by U.S. Court of Appeals or the Court of Claims.

H.R. 2510, as amended, provides for court review on the same basis as almost all other appeals. Such review would be by a U.S. Court of Appeals or the Court of Claims under 5 U.S.C. 7703 under which the court is to set-aside any decision that is arbitrary, capricious, and abuse of discretion, otherwise not in accordance with law, obtained without required procedures, or unsupported by substantial evidence.

In summary, this bill, as amended, provides for appropriate review of decisions affecting the lives and careers of Federal employees and assures that their rights are protected in such proceedings.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2510) was passed.

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

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN LAND IN SANDOVAL COUNTY, N. MEX.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1133.

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

The legislative clerk read as follows:

A bill (H.R. 1762) to convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1762) was ordered to a third reading, was read the third time, and passed.

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

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO POSTPONE INDEFINITELY S. 2279

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 1129, S. 2279, be indefinitely postponed.

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

RECESS UNTIL 9:45 A.M. ON MONDAY, NOVEMBER 17, 1980

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:45 a.m. on Monday next.

The motion was agreed to and, at 5 p.m., the Senate recessed until Monday, November 17, 1980, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 1980:

IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Spence M. Armstrong, [redacted], Regular Air Force.
Brig. Gen. Stanley C. Beck, [redacted] Regular Air Force.
Brig. Gen. Theodore D. Broadwater, [redacted] Regular Air Force.
Brig. Gen. James R. Brown, [redacted] Regular Air Force.
Brig. Gen. Richard A. Burpee, [redacted], Regular Air Force.
Brig. Gen. Melvin F. Chubb, Jr., [redacted], Regular Air Force.
Brig. Gen. Neil L. Eddins, [redacted] Regular Air Force.
Brig. Gen. Donald L. Evans, [redacted] Regular Air Force.
Brig. Gen. James L. Gardner, Jr., [redacted], Regular Air Force.
Brig. Gen. Harry A. Goodall, [redacted] Regular Air Force.
Brig. Gen. Jack I. Gregory, [redacted] Regular Air Force.
Brig. Gen. Titus C. Hall, [redacted] Regular Air Force.
Brig. Gen. Stanley C. Kolodny, [redacted] Regular Air Force, Medical.
Brig. Gen. William G. MacLaren, Jr., [redacted] Regular Air Force.
Brig. Gen. Leo Marquez, [redacted] Regular Air Force.
Brig. Gen. William E. Masterson, [redacted] Regular Air Force.
Brig. Gen. Robert F. McCarthy, [redacted] Regular Air Force.
Brig. Gen. Keith D. McCartney, [redacted] Regular Air Force.
Brig. Gen. Marvin C. Patton, [redacted], Regular Air Force.
Brig. Gen. Milton R. Peterson, [redacted], Regular Air Force.
Brig. Gen. James C. Pfautz, [redacted], Regular Air Force.
Brig. Gen. John L. Pickitt, [redacted] Regular Air Force.
Brig. Gen. Winston D. Powers, [redacted], Regular Air Force.
Brig. Gen. Graham W. Rider, [redacted] Regular Air Force.
Brig. Gen. Albert G. Rogers, [redacted] Regular Air Force.
Brig. Gen. Walter C. Schrupp, [redacted], Regular Air Force.
Brig. Gen. Carl R. Smith, [redacted], Regular Air Force.
Brig. Gen. Click D. Smith, Jr., [redacted], Regular Air Force.
Brig. Gen. Perry M. Smith, [redacted] Regular Air Force.
Brig. Gen. James P. Smothermon, [redacted] Regular Air Force.
Brig. Gen. Casper T. Spangrud, [redacted] Regular Air Force.
Brig. Gen. Howard R. Unger, [redacted] Regular Air Force., Medical.

I nominate the following officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Christopher S. Adams, Jr., [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Lt. Gen. Charles C. Blanton, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Robert M. Bond, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. James R. Brickel, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Bruce K. Brown [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. George M. Browning, Jr., [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj Gen. Gerald J. Carey, Jr., [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Robert F. Coverdale, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Charles L. Donnelly, Jr., [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Herbert L. Emanuel, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Billy B. Forsman, [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Brig. Gen. James L. Gardner, Jr., [redacted] (brigadier general, Regular Air Force) U.S. Air Force.
Lt. Gen. Philip C. Gast, [redacted]

(brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Dewey K. K. Lowe, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Waymond C. Nutt, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Earl T. O'Loughlin, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Lawrence A. Skantze, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. Click D. Smith, Jr. (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Herman O. Thomson, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jasper A. Welch, Jr., (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Maj. Gen. James H. Ahmann, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James I. Baginski, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Stanley C. Beck (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Schuyler Bissell, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Richard T. Boverie, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John A. Brashear, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William R. Brooksher, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Bill V. Brown, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Louis C. Buckman, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Chapman, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James E. Dalton, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Neil L. Eddins, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Jay T. Edwards, III, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack I. Gregory (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. David M. Hall, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Titus C. Hall, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Hansen, (colonel, Regular Air Force) U.S. Air Force, Medical.

Maj. Gen. Guy L. Hecker, Jr., (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert T. Herres, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Avon C. James, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles W. Lamb, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Leo Marquez, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William E. Masterson, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert F. McCarthy, (Colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Messerli, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Horace W. Miller, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Joseph D. Mirth, Regular Air Force) U.S. Air Force.

Maj. Gen. Harry A. Morris (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Murray, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James C. Pfautz, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard W. Phillips, Jr., (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Winston D. Powers, (colonel, Regular Air Force) U.S. Air Force.

Lt. Gen. John S. Pustay, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert H. Reed, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter C. Schrupp, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jerry W. Tietge, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward L. Tixier, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Twinting, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Howard R. Unger, (colonel, Regular Air Force) U.S. Air Force, Medical.

Brig. Gen. Thomas E. Wolters, (colonel, Regular Air Force) U.S. Air Force.

IN THE NAVY

The following-named commanders of the U.S. Navy and Naval Reserve for temporary promotion to the grade of captain in the various staff corps, as indicated, pursuant to title 10, United States Code, sections 5773, 5791, and 5793, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Amis, Edward S., Jr.
Babka, John C.
Borel, Sylvain A.
Bortz, Bernard J.
Boyle, Robert S.
Branch, John W.
Burnett, John R.
Burrows, William M.
Caldwell, Craig W.
Campbell, Corder C.
Campbell, James A.
Carlisle, John L.
Carlisle, John W.
Chandler, James L.
Chaney, Robert D.
Christensen, Mahlon F.
Collins, John T.
Connor, Thomas M.
Crafts, Robert, Jr.
Craver, William D.
Edwards, Bruce G.
Ellwood, Leslie C.
Flynn, Edward T., Jr.
Foote, D. D.
Getz, Lawrence G.
Gonzalezliboy, Gonzalo
Gorske, Arnold L.
Grodin, Douglas M.
Hall, James H.
Hallenbeck, John M.
Hardy, John S., Jr.
Harper, David G.
Holtzman, Garry L.
Houghton, James O.
Houk, William M.
Mines, Mario B.
Johnson, Ray M.
Judson, Preston L.
Kemp, David G.
Kennedy, Harry G.
Klein, William J.
Knight, Douglas R.
Koenig, Harold M.
Lewis, Stephen B.
Lichtman, David M.
Lomax, William R.
Luiken, George A.
Lukens, Robert W.
Lynch, Thomas P.
MacDonald, Gordon R
Margulies, Robert A.
Martinson, Alice M.
McArtor, Robert D.
McDaniel, William J.
McLamb, James N.
McMillan, Donald M.
Meinecke, Henry M.
Miller, John S., Jr.
Mlynarczyk, Francis A.
Muller, Steven A.
Myster, Stuart H.
Navarro, Godofredo L.
Neal, David A.
Nelson, Richard A.
Nowak, Gerald J.
O'Connel, Kevin J.
Moller, Dale W.
Paul, Theodore O.
Plaza, Jesus A.
Pratt, Richard A.
Pryor, Charles A., Jr.
Pryor, Norman D.
Reinert, Carol G.
Reinert, Charles M.
Rend, Charles A.
Roelofs, Bruce A.
Sanford, Frederic G.
Sawyer, Ralph A.
Scher, Irwin
Scott, Hugh P.
Scott, Kenneth N.
Shaw, Gerald L.
Shima, Boston S.
Spence, Clarence H.
Steele, Samuel M.
Stenberg, Michael D.
Stice, Richard B.
Tashchian, Agop
Taylor, Emmett L., Jr.
Telesh, George G.
Vanderberry, Robert C.
Vasquez, Guillermo A.
Welch, William C.
Wilson, Richard L.
Zei, Gerald

SUPPLY CORPS

Arendell, Russell W.
Billings, Thomas H.
Carver, Roy E.
Clark, Paul D.
Collette, Royal G. C.
Cook, Bennie W.
Cooper, Donald R.
Daeschner, William E.
Dempsey, Robert J.
Dickinson, Robert A.
Dolina, John R.
Draper, Walter S., IV
Erickson, Roger C.
Ervine, Donald M.
Fava, Ernest E.
Fenick, Robert W.
Gear, James R.,
Gibfried, Charles P.
Harms, Ralph J., Jr.
Jarman, Cecil A., Jr.
Jones, Everett I. III
Kittock, Kenneth E.
Knapp, Emmett J.
Krieg, William C.
Ledwig, Donald E.
Lee, Richard H.
Leisenring, Richard P.
Mabie, Marshall L.
Marshall, Clyde M.
Moore, Robert M.
Morgart, James A.
Nissalke, Alan J.
Nopper, Donald N.
Paszly, Alexander K., Jr.
Russell, Joseph F. III
Sareeram, Ray R.
Shroeder, James A.
Selgelid, Larry C.
Straw, Edward M.
Sims, Thomas M., Jr.
Mellow, Edwin N.
Smith, Charles T.
Steidle, Robert E.
Straw, Edward M.
Swanson, John L.
Talbot, Patrick J., Jr.
Tempest, Edward H.
Verplaetse, Ronald A.
Walker, Samuel J.
Withrow, Edward W., Jr.

CHAPLAIN CORPS

Anderson, Philip D.
Antos, Paul J.
Boyette, Earl L.
Brock, David F.
Campbell, Eli H., Jr.
Clifford, William J.
Cunningham, Robert R.
Dowd, Patrick A.
Duke, Robert W.
Frates, Joseph H.
Frazier, Joseph R.
Graham, Jack D.
Hughes, Eward L.
Jayne, Edward E.
Koeneman, Alvin B.
Krabbe, Donald L.
Libera, Angelo J.
Loughman, Kenneth M.
Moor, James W.
Mowry, John J.
Pepera, Alfred S.
Perdew, James R.
Peters, Jack R.
Purdham, Aldon E.
Rice, Ben A.
Turner, Wallace B.
Witt, George R.

CIVIL ENGINEER CORPS

Bell, Warren M.
Bolinger, Donald S.
Bonham, Paul W., Jr.
Briselden, Don J.
Carricato, Michael J.
Doebler, James C.
Eber, Richard D.
Emsley, Thomas H.
Falk, Norman D.
Forney, David L.
Frazier, William F.
Greenwald, James M.
Harmon, William H.
Horacek, Jerry L.
Lewis, Quentin E. D.
Maskell, Charles M.
Matthews, William G.
Monarch, Delmont J., Jr.
Osborn, James H.
Patterson, Joe T., Jr.
Peechatka, Farley
Podbielski, Victor
Poole, Arthur S., Jr.
Robinson, George S., Jr.
Tucker, Tracy C.
Vasilik, Kenneth J.
Wilson, Eric R., Jr.

DENTAL CORPS

Bernhard, George K.
Boles, Michael E.
Campbell, Alvin D.
Coggeshall, William T.
Pfeifer, David L.
Sanders, Arthur R.
Sepe, Walter W.
Yavorsky, John D.

JUDGE ADVOCATE GENERAL'S CORPS

Caprio, Michael R., Jr.
Gaeta, Sebastian Jr.
Gormley, Matthew J., III
Hunt, Roger W.
Michael, George L., III
Trocki, Daniel B.
Vanderlugt, Robert W.
Warwick, Howard R., Jr.
Ziemniak, Daniel J.

NURSE CORPS

Blank, Norma J.
Johnston, Georgia F.
Flochte, Rose M.
Merrill, Shirley E.
Porter, Julia H.
Scherer, Carolyn E.
Sovich, Patricia A.
Spellman, Georgia E.
Stewart, Nicola J.

IN THE NAVY

The following-named lieutenant commanders of the U.S. Navy and Naval Reserve for temporary promotions to the grade of commander in the line, pursuant to title 10, United States Code, sections 5769 and 5791 subject to qualifications therefor as provided by law:

LINE

Abbot, Charles S.
Abraham, Michael III
Ackerson, Jeffrey T.
Alderink, James W.
Alexander, Samuel J.
Allman, John C., Jr.
Alvarez, Joseph A.
Ameel, Frederick D.
Amerault, James F.
Anderson, Gerald B.
Andrews, Roger M.
Arcari, Joseph P.
Arendt, Steven M.
Arje, Andrew C.
Arluck, Richard M.
Armstrong, Douglas M.
Arsuaga, Miguel J.
Ashby, Gary L.
Ashford, Ervin A.
Ashford, Richard F., Jr.
Atkinson, Harvey E. III
Badger, Richard L.
Baggett, Donald W.
Bailie, James
Baird, Leo J. M.
Bandy, Robert F.
Banks, Bruce C.
Bardsley, George P.
Barkley, Stephen J.
Barr, Richard W.
Barry, Thomas J.
Bartel, Edward D.
Bartholomew, James C.
Batcheller, Oliver A.
Bateman, James H.
Bates, George M.
Baumann, Dennis C.
Beaird, Perry W.
Beal, Robert E.
Beard, Timothy R.
Beattie, David J.
Beaty, William E. III
Beck, Andrew C. II
Becker, Frederick J., Jr.
Beers, Charles J., Jr.
Beeson, Thomas F.
Begbie, Albert J.
Bell, James K.
Berg, Ronald V.
Bergen, Laurence M., Jr.
Bernard, Alan C.
Berning, Ronald C.
Betts, Craig R.
Bien, Lyle G.
Bier, Gary L.
Bill, David S. III
Biller, Charles J.
Bird, Walter D.
Birkmaier, William B., Jr.
Bixler, Paul W.
Black, Harold D.
Blockson, Roland D., Jr.
Boennighausen, Roger P.
Bokesch, William M.
Bondi, Robert C.
Bonewitz, Richard F.
Booth, Gregory S.
Borich, Michael S.
Bouck, Dudley C.
Bourland, Harry R. II
Bowen, James L.
Bowers, William R.
Bowles, Hugh C.
Boyce, Brian F.
Boyd, John S.
Brennan, Neil M.
Bridges, Wilber E. II
Bright, Phillip G.
Brodsky, Robert G.
Bronaugh, Welbourne F.
Broome, William H.
Brown, John E.
Brown, Michael E.
Brown, Robert L.
Brown, Robert D.
Brown, Stanley M. III
Brownley, Lawrence L.
Brunson, Richard A.
Bryant, Franklin S.
Buchanan, Richard A.
Bucher, Lawrence C.
Buckingham, James R.
Buege, Paul S.
Bunton, Ray L.
Burger James C.
Burhans, Nicholas P.
Burke, Jerome J., Jr.
Burkhardt, James R. II
Burnett, Roger A.
Burnett, William H.
Burns, Kenneth E.
Butler, George W.
Butterfield, Richard S.
Byrd, William J.
Cahill, William H.
Callaghan, James M.
Callahan, Patrick A.
Campbell, Darrell W.
Campbell, James G.
Canady, Brent A.
Cannon, Arthur B.
Capute, Joseph R.
Carey, Edwin F., Jr.
Carlson, David S.
Carlson, Edward J.
Carlson, James R.
Carlton, Kenneth M.
Carr, Terry A.
Carroll, James N.
Carter, William C.
Carver, William E., Jr.
Cash, Ted E.
Casmer, Stephen B.
Castle, William K., Jr.
Castor, Ralph J., Jr.
Cavanaugh, Francis P.
Chance, Logan O.
Chandler, Thomas H.
Chase, Robert W.
Cherry, Michael E.
Chiprany, Thomas A.
Chown, Donn M., II
Clark, Richard A.
Clarke, Joseph D., IV
Clarke, Wayne A.
Clesen, Gerard F.
Clinton, John W.
Clothier, Thomas J.
Cloyes, Robert D., Jr.
Cohen, Jay M.
Colley, Donald V.
Collins, James P.
Collins, Wendell R.
Conley, William M., Jr.
Conn, George R. W.
Connell, Jack P.
Cook, Larry L.
Coon, James M.
Coovrey, Donald P.
Copeland, William W., Jr.
Corcoran, Gerald J.
Cordell, Jeryl W.
Courts, David P.
Covington, Donald K., III
Cox, Mariner G.
Crabtree, Carlton P.
Craig, Billy J., Jr.
Creighton, John O.
Crenshaw, William R., Jr.
Cripe, Paul L.
Crociata, Joseph P.
Cronyn, Brian S.
Cross, William V., II
Crowell, Gary D.
Crowley, Jarrett H., II
Cruser, Peter J.
Crutchfield, James C., III
Cumings, Ronald A.
Cummings, David L.
Current, Max C.
Curtis, Stephen E.
Cwiklinski, Stanley F.
Davidson, Gary P.
Davie, Clinton W.
Davis, Charles J., Jr.
Davis, Ernest L.
Davis, Joseph W.
Davis, Kenneth J., Jr.
Dawson, Larry E.
Deal, Leonard J., Jr.
Dearth, Lawrence C.
Decker, Peter B.
Demarse, John P.
Denigro, Joseph P.
Dennis, Patrick J.
Denton, Richard J.
Devall, Roger R.
Diel, Harry A.
Diman, William L.
Doane, Robert K.
Dolson, Richard C.
Donaldson, Paul H.
Donnelly, Robert J.
Donnelly, Walter P., Jr.
Dove, Curtis R., Jr.
Draper, John J., III
Driscoll, John R., Jr.
Dryer, Ross E.
Dudley, Scott B.
Duffy, James M.
Duffy, John F.
Dulin, James E.
Duncan, Robert N.
Dvorak, James A.
Eaton, Paul N.
Eberle, Daniel J.
Ellington, James D.
Ellis, Charles E.
Ellis, Thomas C.
Emery, Robert H.
Engle, Ronald A.
Engle, Robert A.
Erickson, Paul R.
Ernst, Larry L.
Eshleman, Donald E.
Eubanks, Thomas I.
Evans, Kirk E.
Evans, Samuel H.
Ewing, Ward H.
Fahey, John M.
Fairchild, Lawrence V.
Fallen, David L.
Falls, James S.
Farber, Donald J.
Farrell, Patrick F.
Farrell, Richard K.
Fears, John A.
Feichtinger, William M.
Feisinger, Richard C.
Felt, Robert Y.
Felty, Joseph W. R.
Fenn, Richard G.
Ferrell, William M.
Field, Michael E.
Fielder, John R., Jr.
Findley, Joseph H., Jr.
Fisher, Dwight D.
Fitzgerald, John S.
Fitzgibbons, Thomas A
Flanagan, Richard J.
Flegel, Kenneth C.
Foltz, Stanley C.
Foote, Jerry L.
France, Robert T.
Frantz, James J.
Franzitta, Anthony M.
Frederick, Jeffrey C.
Frick, Kenneth E.
Friese, Laurence V.
Fuentez, Raymond M.
Fuller, Robert T.
Gabber, Wilhelm M.
Galbraith, Donald E. II
Galvin, James J.
Garcia, Larkin E.
Garnar, George E.
Gary, Michael A.
Gautier, William K.
Gay, Robert G.
Gebeaux, Robert J.
Gehr, Thomas R.
Gehrman, Fred H., Jr.
George, Harold W.
Giblin, James F., Jr.
Giles, Wayne H.
Gillard, James H.
Gladman, Dennis S.
Glevy, Daniel F.
Gnerlich, Charles H.
Gooding, Leroy A.
Gordon, Ian S.
Gouslin, William A.
Gragg, Richard V.
Grandon, Raymond A., Jr.
Gray, Will P.
Greenamyer, Richard D.
Greenwell, William M.
Gregory, Cletis Jr.
Griffin, David M.
Grove, John A. II
Guarino, Kenneth R.
Hahn, Richard A.
Haley, James R.
Ham, Edward E., Jr.
Hand, James M.
Hanley, Wayne R.
Hanratty, William J.
Hansen, Frederick D.
Hanson, Jeffery W.
Harbeson, Richard F.
Harford, Joseph L.
Harnes, James J., Jr.
Harp, Jerry W.
Harrison, Chester F.
Harsanyi, William S.
Hartung, Timothy R.
Hartwell, Charles M.
Harvey, Phillip I.
Haskins, Michael D.
Hattan, Robert L.
Hawk, William H.
Hayes, Timothy J.
Hayes, William S.
Helmsin, Francis K., Jr.
Henderson, Joseph K.
Hendrickson, Larry J.
Henry, Gary R.
Herranen, Peter A.
Herrera, Henry F.
Herrington, David L.
Hester, William G.
Hewitt, Frank F.
Hewlett, Holden W.
Hill, Roger B.
Hill, William F.
Hoberg, Raymond J.
Hodge, Jerome B.
Hoffman, Phillip S.
Holbrook, Robert S.
Holden, Harry F., Jr.
Holian, Francis K.
Holk, Frederick A., Jr.
Hollender, Edmund V.
Holzapfel, Jon D.
Hoover, Joseph G.
Horner, Timothy F.
Horst, Gary L.
Hough, James A.
Houser, Robert E.
Howe, Daniel B.
Howell, Buford F.
Howick, James F.
Hoxie, Stephen S.
Huber, Paul M.
Hudson, Warren P.
Huffman, Thomas B.
Hughes, James L.
Hughes, Kirby E. II
Hulse, Richard L.
Humphreys, Thomas B.
Hunt, Andrew W., Jr.
Hunter, William C., Jr
Hutchinson, Thomas G.
Ihlenfeld, David L.
Ireland, Robert L.
Isban, Michael A.
Iselin, Robert A.
Jaccard, Michael D.
Jacka, Alan W.
Jackson, Earl J.
James, Gary D.
January, Paskell D., Jr
Jewell, Charles N.
John, William H.
Johnson, Jay L.
Johnson, Jerry L.
Johnson, Paul N. T.
Johnston, Bruce A.
Jones, Arthur D. III
Jones, Charles E. III
Jones, David M.
Jones, James W.
Jones, John P.
Jordan, Robert L.
Joslin, Leslie A.
Joyce, William J., Jr.
Judd, Steven E.
Julian, Benjamin E.
Kapernick, Robert E.
Kappel, Leslie G.
Kauffman, Gordon E.
Kauffmann, Carl F.
Kaufhold, Francis F.
Kearney, Michael E.
Keiser, Ronald L.
Kelly, Harold W.
Kelly, John T.
Kelsey, Robert J.
Kesson, Charles E., II
Kickhofel, George C.
Kidd, James S. L., Jr.
Kincaid, Joseph D.
Kincheloe, James
Klahr, Owen A.
Klimchak, Andrew J., Jr.
Klinkhamer, David J.
Knappe, Dougles G.
Knott, Gerald W.
Kobylk, Nicholai S.
Korbet, Michael T.
Kowalick, Stephen J., Jr.
Kraft, Charles M., Jr.
Kuhn, Richard C.
Kupka, Stephen G.
Kuykendall, George I., Jr.
Labo, Larry G.
Labrecque, Robert J.
Lackey, Terry C.
Langknecht, John M.
Lash, William J.
Lasswell, John D.
Lauzon, Gilbert P.
Lawhorn, Robert M.
Lawless, John M.
Lawson, Dunbar, Jr.
Lawver, Allen E.
Lee, Lynden D.
Leonard, Fred P., III
Lester, Edwin T.
Letter, Stephen P.
Leverette, Ronald S.
Lewis, James C.
Lewnes, Christopher
Lichtenwalter, James E.
Lightstone, Robert M.
Liner, Bennice L.
Lingo, Dennis R.
Lipfert, Ralph H.
Lockwood, Bruce W.
Loop, David E.
Lopacinski, James M.
Lorenz, William F., III
Love, Glendel D.
Lovelady, David E.
Lowell, Robert L., Jr.
Lubenow, Richard J.
Lundberg, William D.
Lyons, John T., III
Lyons, Joseph E., Jr.
Mackenzie, Donald K.
MacPherson, George W.
Mahlstedt, Paul W.
Mall, Alan D.
Malloch, Douglas C.
Mann, John E.
Marcely, James A.
Marfiak, Thomas F.
Marnane, Michael J.
Marquez, Octavio J.
Martin, Port R.
Martineau, Paul W., Jr.
Martinek, Charles A.
Martinsen, Larry G.
Martus, Michael F.
Mason, James R., Jr.
Massicot, William H.
Masters, Quentin S.
Mattis, David W.
Matton, Michael N.
Mattox, Walter C., Jr.
Mayer, Martin J.
Maynard, James D.
McArthur, Donald M., Jr.
McClendon, Robert P., Jr.
McConathy, Donald R., Jr.
McCullough, Carl P.
McCumber, Ralph R., Jr.
McCurdy, Philip D.
McDaniel, Edwin R.
McDonald, Gerald W.
McDonald, Jerry R.
McDowell, Elmer J.
McGann, William H. III
McGaughey, James W., Jr.
McGinlay, Thomas C. J.
McGovern, Patrick D.
McGuffey, Artie T., Jr.
McKay, Ludwell H.
McKenney, Edward A.
McKinney, Ronald L.
McLaughlin, Charles W.
McMahon, John S., Jr.
McMahon, John P.
McPherson, Thomas L.
McWhorter, John D.
Mears, Allen K.
Mears, Michael L.
Meier, Michael A.
Meloney, Michael B.
Messina, Edward F.
Michna, Kenneth R.
Miles, Robert J.
Miller, Randall H.
Miller, Roger L.
Miller, Ronald D.
Miller, William C. III
Millward, John E.
Minor, Donald A.
Mitchell, John T.

Mitchell, John T.
Mittendorff, Gerald E.
Mobley, Joseph S.
Mockford, Martin D.
Mollot, Robert E.
Montgomery, Samuel A. III
Moore, Billy G.
Moore, Gregory R.
Morgan, Donald L.
Morris, Ralph R.
Moser, Robert D.
Muccia, Daniel R.
Muldoon, Patrick M.
Mushen, Robert L. II
Natter, Robert J.
Nebiker, Ralph R.
Nelson, Lauren E.
Nelson, Lawrence W.
Nesbit, Thomas B.
Nesbitt, Howard W.
Neville, William J., Jr.
Nichols, Loring B.
Nicholson, Samuel T.
Nick, John I.
Nick, Louis S., Jr.
Nisbet, Robert E.
Nordgren, Robert C.
Nordman, Robert W.
Norton, Arthur E.
Nunno, Thomas
Oates, John S.
O'Brien, Michael F.
O'Connor, Joseph M.
O'Grady, James W., Jr.
O'Hearn, Michael S.
Ohlert, Edward J.
O'Keefe, Thomas S., Jr.
Olmstead, Allen J., Jr.
Olsen, Arthur E.
Olsen, Curtis W.
Olsen, Sven I.
O'Malley, John F.
Osborn, Kenneth E.
Osterhoudt, Robert R.
Ostheimer, William L.
Overton, Christopher G.
Palmer, Burdette A., III
Parker, Edward W.
Patch, David A.
Patton, Bernard W.
Paul, Thomas W.
Peirce, Gregory N.
Pelaez, Marc Y. E.
Pelensky, Mark
Percival, Robert C.
Pergler, Robert A.
Perrotta, Joseph W., Jr.
Perry, Albert K.
Pester, James L.
Peszko, David A.
Peters, Robert K.
Peterson, Gordon I., Jr.
Pfaff, George L.
Pfeifer, Charles G.
Pfitzenmaier, Larry D.
Phelan, Joseph F.
Phillips, Glenn P.
Phipps, Jeffrey R.
Pickavance, William W., Jr.
Pieper, Bruce A.
Pinz, Bradley A.
Piper, Jack L.
Pitman, Edgar L.
Plante, Robert J.
Ploeger, Robert B.
Plummer, David M.
Pocklington, Thomas P.
Porter, Charles W.
Porter, Thomas J.
Powell, James M., Jr.
Price, Leland H.
Prout, James G., III
Prusaitis, Gerald J.
Pursley, Robert E., III
Queen, Stephen J.
Quigley, Michael D.
Quinn, Neal A., Jr.
Qurollo, James V., Jr.
Razz, Richard D.
Radican, William W.
Rahn, Donald F.
Rankin, Robert E.
Rawson, Warren A., Jr.
Raysbrook, Charles F.
Reass, Richard M.
Revenaugh, John T.
Reynolds, Felix M.
Reynolds, Tom H., Jr.
Rice, Theodore L.
Rich, John S.
Richards, Robert R.
Richardson, Terry A.
Richardson, Robert L.
Richmond, Steven A.
Riley, Michael D.
Ringwood, Paul
Rist, Austin M.
Rittenour, Harry T.
Roach, Charles A.
Robb, William S., Jr.
Robbins, Charles B.
Roberts, Frank S., II
Roberts, Malcolm W.
Robinson, Charles L.
Rockwell, John H., III
Roland, John R., Jr.
Rollins, Richard E.
Roop, William A.
Rosendale, Burgess E.
Ross, Alan L.
Roth, Milton D., Jr.
Rowe, Donald
Runyon, William E.
Ruppel, Jack C. L.
Ryan, James J.
Sadlier, Richard T.
Saffell, Charles R., Jr.
Sage, Fred W., III
Salinas, Daniel, II
Sanders, Robert T.
Sandoz, John F.
Sansom, Edward L.
Scango, Patsy D.
Schaede, Harry R.
Schalk, William H.
Scheerer, Raymond H.
Scheider, Sam M.
Schlein, Paul B.
Schmidt, William R.
Schneider, Edward T.
Schneider, Ronald D.
Scholl, Clifford W., Jr.
Schottle, Robert A.
Schuster, Michael A.
Scott, Robert P.
Scott, William R.
Sears, Jay A.
Sears, Everett E.
Sears, Scott L.
Sego, Thomas E.
Sexton, Theodore C.
Shannon, James O.
Shaw, Herbert B. III
Shaylor, Stanley R.
Sheedy, Patrick J., Jr.
Shedlenberger, Wilmont N.
Shelton, Leonard G., Jr.
Sherer, Wesley M.
Sherlock, James C.
Sherman, Marshall R.
Sherman, Michael T.
Shewell, Daniel J.
Shipe, Edwin E. III
Shong, John W., Jr.
Shumadine, William A.
Sigler, John F.
Singler, Charles W.
Siverling, Robert C.
Skaar, Gerhard E.
Skinner, Thomas R.
Skroch, Albert P., Jr.
Slaasted, Richard M.
Smith, James H.
Smith, Ronald E.
Smith, Thomas H.
Smith, Tracy W.
Snyder, John W., Jr.
Snyder, William T. D.
Solomon, William E., Jr.
Sosnicky, Andrew P.
Spayd, Steven H.
Speakman, Glendon C.
Speed, James G.
Spelbring, Daryl C.
Spikes, Clayton H.
Stakel, Robert W.
Standley, Cecil E.
Stanley, Robert R., Jr.
Steiner, Clifford
Sterling, Stroughton III
Stevens, David M.
Stevenson, Robert W.
Stewart, John C.
Stewart, William C.
Stillmaker, William J.
Storwick, Richard A.
Stout, Charles L., Jr.
Stoutamire, Stoney L.
Strada, Joseph A.
Strawn, William W., Jr.
Stumm, Albert F., Jr.
Sulfaro, John J.
Sullivan, Donald L.
Sullivan, George T., Jr.
Sullivan, James V., Jr.
Sullivan, Michael J.
Sumnick, John M.
Swank, Jeffrey L.
Swientek, Francis M.
Taylor, Edward J.
Tedford, Timothy W.
Temme, Robert L., Jr.
Tennant, Donald A.
Terrill, Thomas J.
Tessada, Enrique A., IV
Tetrick, Edward L.
Thomas, William N.
Thompson, John R.
Thornton, Gary L.
Tickle, Harold J.
Tillman, Donald N.
Timmons, David R.
Tobin, Roy W.
Touve, Bruce N.
Transue, Michael J.
Tritten, James J.
Troy, Thomas G., Jr.
Truesdell, William C., Jr.
Tryon, Frank H., Jr.
Tuck, Charles M.
Turner, Dean
Turner, Guy F., Jr.
Uelses, John H.
Uhrle, Richard J., Jr.
Urbik, Lawrence W.
Valley, Bruce L.
Vanderpoel, Eric, II
Vansaun, David
Vazquez, Frank X.
Verhoef, Thomas T.
Vidrine, David M.
Vinson, John E.
Vogt, Peter D.
Volkman, George C., II
Vonsuskil, James D.
Voshell, John E.
Votava, Charles F., III
Waggoner, David T.
Wagner, James A.
Wahlig, Leonard O.
Waite, Robert C.
Walker, Bill
Walker, David M.
Walker, Robert J.
Walls, William H.
Walsh, David F.
Walton, William L.
Warren, Edward O.
Waschbusch, John F.
Wassmer, Douglas H.
Waterman, Steven G.
Waterman, William L.
Watson, David
Webb, Stephen L.
Weber, Robert S.
Webster, Kirwin S.
Weeks, Floyston A.
Welch, James T.
Weller, Philip B.
Welsch, James E.
Welty, Robert W.
Wendt, Terrill J.
Wesh, Francis R.
Westerbuhr, Norman L.
Whalen, Daniel P.
Wheeler, Howard A.
Wheeler, William R.
White, Allen H., Jr.
White, David O.
White, Peter L.
Whitehouse, Theodore W.
Whittemore, Michael A. N.
Wied, Edwin M., Jr.
Wielandt, Frederick M.
Wiese, Clifford A.
Wiggins, Joseph L., Jr.
Wilks, Robert E.
Williams, David M.
Williams, Gregory B.
Williams, James T.
Williams, John W., Jr.
Williams, Thomas J., Jr.
Williams, Thomas R.
Williamson, Francis T., Jr.
Wilson, John F.
Wirzburger, Allen T.
Witt, George S.
Wittenberg, Robert R.
Wolf, Edward J.
Wolfgang, Earl D.
Woltz, David R.
Wood, Bruce V.
Wood, Stephen C.
Wood, William A.
Woodson, Walter B. III
Woolard, Richard T. P.
Woolrich, Raymond D.
Worthington, Richard O.
Wright, Clinton E.
Wright, John R.
Wright, Peter W.
Wyatt, James C. III
Wyman, Bruce D.
Yakeley, Jay B. III
Yarbrough, Earl C.
Yasutome, Kenneth K.
Zahalka, Joseph H., Jr.
Zettle, Charles E.
Zucker, Clayton G.
Zvacek, Robert D.
Zveare, Dennis L.

The following-named women lieutenant commanders of the U.S. Navy for permanent promotion to the grade of commander in the line; pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualifications therefore as provided by law:

Anderson, Betty S.
Boling, Deanna I.
Byerly, Kathleen D.
Canfield, Susan B.
Kazanowska, Maria
Kilmer, Joyce E.
Kummer, Sandra I.
Lee, Patricia A.
McBride, Mary L.
Prose, Dorothy A.
Reilly, Christine M.
Tyler, Paula J.

EXTENSIONS OF REMARKS

CONGRESSIONAL CONCERN OVER EROSION OF FREEDOMS IN SOUTH KOREA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. EDWARDS of California. Mr. Speaker, I insert into the RECORD the following letter which I recently received from the administration regarding the situation in South Korea. The letter was in response to an earlier letter which Representative BONKER and I had sent to the President expressing our concern over the erosion of democratic freedoms in South Korea and reiterating our belief that Ex-Im credits to Korea should be suspended.

As the letter states in reference to South Korea:

There are serious problems. The treatment of the government's political opponents, and in particular the death sentence that was levied against Kim Dae Jung, remains of particular concern to us.

The letter continues to state:

We have made certain that there is no misunderstanding by the Korean leadership of the grave consequences that execution of such a person would have for United States-Korean relations and for our ability to protect our mutual interests.

In a further paragraph the letter states:

A new constitution was adopted in a referendum October 22. Our influence will continue to be used to press Korean leaders into giving maximum political content to the new institutions and into alleviating the recent tendencies toward arbitrary treatment of those who dissent. The real outlines and direction of the political institutions will not be clear until after the elections next spring. Only then will we know whether majority aspirations will be met in that society.

I welcome the administration's expression of concern over events in South Korea and in the case of Kim Dae Jung. However, I think that recent events have clearly shown that the "real outlines and direction of the political institutions" will be clear long before next spring. Indeed, it is clear now that democracy will have no role in next spring's election.

The announcement that more than 800 politicians and high-ranking officials are banned from South Korean political life for the next 7 years and 8 months clearly indicated that the government of President Chun will not tolerate any opposition in the upcoming elections. Under these conditions, the election cannot constitute anything more than a rubber stamp for the autocratic rule of Chun Doo Hwan.

The letter follows:

DEPARTMENT OF STATE,
Washington, D.C., October 31, 1980.

Hon. DON L. BONKER,
Chairman, Subcommittee on International Organizations, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The President has asked me to respond to your letter of October 3 in which you and Representative Edwards expressed continued concern over the situation in the Republic of Korea and reiterated your belief that the United States Government should suspend Export-Import Bank credits to that country. I am sending a similar reply to Mr. Edwards.

The Republic of Korea has gone through a turbulent political transition since the assassination of President Park in October 1979. The United States has made very clear to the Korean Government, particularly since the tense events of May 1980 and the subsequent suppression of political activity, that development of broadly representative, popularly-supported political institutions is important to Korea's long-term political stability. We have urged the development of a political system providing peaceful means for resolution of political differences and the honoring of fundamental, widely accepted human rights. We believe this would promote internal stability and therefore would serve our mutual security interests, and would also help to retain the essential public support for our programs in the Republic of Korea by the American people.

There are serious problems. The treatment of the government's political opponents, and in particular the death sentence that was levied against Kim Dae Jung, remains of particular concern to us. The first appellate trial in the Kim case is under way; further judicial appeals and executive reviews are expected. We have made certain that there is no misunderstanding by the Korean leadership of the grave consequences that execution of such a person would have for US-Korean relations and for our ability to protect our mutual interests. We are concerned at the sentences given also to Kim's associates in that trial, and also about some other court martial trials which have been in progress. At the present we are seeking to obtain further information, for example, about the conviction of a number of persons in Kwangju in connection with cases stemming from the incidents there in May.

Developments in Korea have been rapid since the establishment of the new government in early September. A new constitution was adopted in a referendum October 22. Our influence will continue to be used to press Korean leaders into giving maximum political content to the new institutions and into alleviating the recent tendencies toward arbitrary treatment of those who dissent. The real outlines and direction of the political institutions to be formed under the new constitution will not be clear until after the elections next spring. Only then will we know whether majority aspirations will be met in that society. President Chun has publicly committed his government to parliamentary and presidential elections next spring, to the full removal of marital law prior thereto, and to the resumption of political party activity at least three months before elections.

The issue of misrepresentation of American positions has not been a serious problem since late August. Censorship continues under martial law, and this issue could thus recur although we believe Korean authorities are now more sensitive to the problems posed by such distortion of American concerns.

Thus political trends are in flux at the present, and internal Korean dynamics surrounding the Kim trial itself are complex. We are seeking to assure that we act so as to maximize the prospect for a more positive final outcome to the Kim case and that we do not jeopardize his life. We will continue to examine all options open to us and will bear your views in mind.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary
for Congressional Relations.●

TRIBUTE TO CONGRESSMAN SATTERFIELD

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. MICA. Mr. Speaker, I rise today to pay tribute to the distinguished Congressman from Virginia, Mr. SATTERFIELD, who will be retiring from this body at the end of this session of Congress. His retirement will end 16 years of service to his district, Virginia, and the Nation.

I have had the pleasure and honor while a Member of Congress to have served on the House Veterans' Affairs Committee with DAVE SATTERFIELD. I commend him for his work on that committee. His dedication and hard work on behalf of our Nation's veterans is well known and appreciated throughout the veteran community. As a new member of that committee I have appreciated his counsel and have benefited from his example.

Congressman SATTERFIELD has had a long and outstanding career in public service. His accomplishments are far too many to mention. We will miss his wise and reasonable counsel in this body and his statesmanlike approach to the difficult problems we face.

Martha and I wish he and his wife Anne the very best for the future. We have no doubt in our minds that the attributes that have served him so well in his public life will bring him increased enjoyment as he enters private life.●

ROCKETDYNE SALUTED FOR 25 YEARS OF SERVICE TO U.S. SPACE PROGRAM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. GOLDWATER. Mr. Speaker, on the occasion of the 25th anniversary of Rockwell International Corp.'s Rocketdyne Division, I rise to pay tribute to our country's recognized leader in the production of liquid rocket engines—as much a fact now as in 1948 when the first Navajo thrust chamber was tested at the division.

As history tells us, Rocketdyne stands alone with its record of developing and producing the liquid rocket engine systems which boosted U.S. launch vehicles on ballistic flights and into space. A record of uncomparable success and reliability in the liquid rocket engine field has been achieved.

During the years since the country's first space flight, Rocketdyne has been the company to provide the boost power for nearly every major American space effort. The list includes Redstone, Jupiter, Thor, Atlas, Delta, Apollo/Saturn, Skylab, Apollo/Soyuz test project—and now Space Shuttle.

As technology and expertise increased along the way with each new rocket engine developed, Rocketdyne was the logical choice by the National Aeronautics and Space Administration to develop and produce the most challenging rocket engine of all.

Never before had the combination of stringent requirements such as reusability, light weight, high performance, relatively small size, and easy and quick maintenance, even been considered.

In contrast, the country's major space program prior to the Space Shuttle, the Apollo/Saturn Moon missions, enjoyed adequate program funding with ample test hardware to assist in reaching the U.S. goal of putting a man on the Moon in that decade.

Consideration of the diverse rocket engine requirements for the Space Shuttle orbiter, along with imposed funding and testing limitations, gives an even greater significance to the present status of Rocketdyne's Space Shuttle main engine. It is truly the culmination of total application of expertise in all facets of liquid rocket engine development acquired, retained, and applied to this new breed of rocket engine.

Additionally, with its typical flair for meeting challenges, Rocketdyne found ways to use this same liquid rocket engine technology to point the way to various solutions to new national challenges of a very different nature. These entail many energy, resource, and environmental hurdles to be overcome. But Rocketdyne has again demonstrated it can meet any challenge, and the division has recorded significant progress in overcoming a number of these current problems.

Rocketdyne's achievements do not stop there. The wealth of expertise, and the knowledge to make its innovative application to new fields, has also resulted in recognition as an industry leader in still other new fields. Waterjet propulsion is representative of the division's commercial endeavors while rapid strides in laser technology have earned Rocketdyne a top spot in that rapidly growing segment of our Department of Defense activities.

Along with the present diversity of programs at the Canoga Park, Calif., plant, the liquid propulsion business continues to thrive as Rocketdyne still delivers the booster propulsion systems for the Atlas and Delta launch vehicles, but at increasing savings to their U.S. Government customer.

The division's success record in the business world is partly responsible for the U.S. Air Force's selection of Rocketdyne for full-scale engineering development of the intercontinental missile X stage IV. This relatively new major program follows on the heels of successful production of the Minuteman III postboost axial engine for the same customer.

At Rocketdyne, astute business management, creativity, and the total utilization of liquid engine know-how have teamed to create a unique story of a division and have led to the division's continued financial success. Therefore, rightfully, I ask you to join me in saluting the Rocketdyne Division of Rockwell International on the observance of its 25th year of service to our country.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. CORCORAN. Mr. Speaker, due to a longstanding commitment in Illinois yesterday, I was not present during the consideration of legislative business. It was unfortunate since I am a strong supporter of the revenue sharing program and of the States' involvement in the program. My Illinois commitment had been on the books since Labor Day and I had no idea that H.R. 7112 would be considered yesterday. Had I been present, I would have voted in the following way on issues before the House yesterday:

Roll Call No. 626, On agreeing to the Speaker's approval of the Journal of Wednesday, November 12, "yea."

Roll Call No. 627, On agreeing to the amendment offered by Mr. Horton of New York to H.R. 7112, Revenue Sharing, which sought to extend the revenue sharing program for local governments for one year, but which precluded assistance to the states, "no."

Roll Call No. 628, On agreeing to the amendment offered by Mr. Brooks of Texas to H.R. 7112, which sought to eliminate the state share of revenue sharing, "no."

Roll Call No. 629, On agreeing to the amendment offered by Mr. Maguire of New Jersey to H.R. 7112, which sought to exclude exported state severance taxes levied on energy natural resources from tax effort computations, "aye."

Roll Call No. 630, On agreeing to the amendment in the nature of a substitute offered by Mr. Wydler of New York to H.R. 7112, which extends the local revenue sharing program for three years and authorizes revenue sharing for states in fiscal 1982 and 1983, "aye."

Roll Call No. 631, On final passage of H.R. 7112, "yea."

Roll Call No. 633, On agreeing to an amendment offered by Mr. Lowry of Washington to S. 885, Pacific Northwest Electric Power, which sought to strike Bonneville Power Authority guarantee authority to purchase power-generating capacity, "no."●

NUTTING HALL PLACED ON NATIONAL REGISTER OF HISTORIC PLACES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. YATRON. Mr. Speaker, through the kindness of Mrs. Dorothy Nagle of Schuylkill Haven, Pa., I have learned that the house of Henry and Margery Mattox of Pine Grove, Pa.—Nutting Hall—has been placed on the National Register of Historic Places.

In a recent newspaper article by Mrs. Nagle she describes the history of Nutting Hall.

The 22 room mansion, named Nutting Hall, was built between 1832 and 1825 by Peter Filbert for the family of Christian Ley. Ley was a wealthy land owner. It was later sold to William Graeff, a tanner by trade, and later one of the early prominent independent coal operators in the Southern Anthracite field. Upon the death of Graeff, the family home passed into the hands of Colonel J. L. Nutting, Graeff's son-in-law.

Nutting Hall is one of the earliest homes built for the wealthy coal operators and land owners in Pine Grove.

Architecturally the building remains intact and contains many original details such as doors with original hardware, shutters, siding and gardens. Peter Filbert, Nutting Hall's architect and builder, served as a carpenter apprentice to Jacob Filbert, in Bernville, Berks County, between 1810 and 1814. Buildings constructed by Peter Filbert clearly illustrate the influence of Germanic Construction methods brought to this couhtry by the Palatine immigrants of the 17th and 18th centuries.

The Mattox' property has the distinction of being the only home site registered in Pine Grove on both the Pennsylvania Inventory of Historic Sites and National Register.

Mr. and Mrs. Mattox became owners of Nutting Hall in 1974. At that time the house was divided into seven apartments. Mrs. Mattox describes the appearance of their property at the time, 'pipes from the upstairs units ran down into the foyer and the kitchen fireplace, the interior paint was peeling, there were as many as six layers of wallpaper on some walls, and everywhere there were partitions and more partitions.' Husband Henry was helpful in tearing out partitions before leaving on a job assignment in New Mexico.

Margery, having restored two other houses at New Smithville, and Aspers, near

Gettysburg, was challenged with the task of renovations. Scarcely five feet tall, she carted rocks, built stone walls, crawled around rooftops, puttied windows and generally amazed anyone who observed her. By Christmas, 1974, the restoration was complete, and the house has been opened for public tours at various times.

I know that my colleagues will join me in commending Henry and Margery Mattox for their efforts to preserve part of our national heritage and thanking Mrs. Dorothy Nagle for sharing this important part of Americana with us.●

MR. REAGAN AND THE CLINCH RIVER PROJECT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. WYDLER. Mr. Speaker, one of the major energy supply issues that the new administration must consider and which the next Congress must take a position on is that of constructing a breeder reactor powerplant. As the Members are very well aware, the Congress has confronted the Carter administration on this critical issue for 3½ years. Now we have an opportunity to move ahead with this important technology demonstration project rather than continuing to waste valuable time and money because of a stalemate. Forbes magazine published a timely article on the Clinch River "shoot-out" on October 13 and I recommend it heartily to all of my colleagues who are interested in energy supply. Let us get on with building this plant rather than more paper studies.

STALEMATE ALONG CLINCH RIVER

(By Carol E. Curtis)

Since the nuclear accident at Three Mile Island, attention has focused on the freeze in building conventional nuclear power plants. But along the banks of Tennessee's Clinch River, stakes have been quietly mounting in another critical nuclear standoff: the Clinch River breeder reactor.

It is there the Department of Energy, 753 utilities and 149 private companies are pushing ahead with the breeder, an advanced type of nuclear power plant that breeds more fuel than it consumes.

Pushing ahead? In April 1977 President Carter called for cancellation of the Clinch River breeder, on the grounds that the process yields plutonium, an essential ingredient in the manufacture of nuclear weapons. He feared that an active U.S. breeder program would set an example that would make it easier for countries without nuclear weapons to develop them.

Carter made it impossible for the Nuclear Regulatory Commission to issue the license needed to begin construction on Clinch River. But in the last 3½ years Congress continued to fund the breeder as if the White House directive had never appeared. Congress has appropriated $600 million since 1977 so that work on the project could continue. Almost two-thirds of the $932 million spent on the project to date has been approved since President Carter declared the project terminated. "The nonproliferation argument did not sell with Congress," says a congressional source who is also a nuclear expert. "They felt the breeder was an unlikely export item."

For all the money spent, the site for this first large-scale U.S. breeder demonstration—1,364 acres in Oak Ridge, Tenn.—remains empty. By law, no construction can begin until the Nuclear Regulatory Commission gives the green light. But the manufacture of major components, design work and related research and development continue apace.

The breeder has become a major piece of business. Over 4,000 people are working full time on the project in 24 states. To manufacture the hardware, 149 companies have a piece of the action. To get around the lack of a license or construction permit hardware that cannot be delivered by train or truck is barged into warehouses in Memphis.

"I don't see anyone sitting around waiting," says William J. Purcell, the project manager for Westinghouse, the project's primary contractor. Westinghouse has a bigger stake in Clinch River's completion than any other company, with over 660 full-time employees working on the project. Westinghouse has so far spent $2.4 million of its own money on the Clinch River breeder, and $305 million in government funds.

Burns & Roe, the architectural and engineering firm for Clinch River, is in the same position. When Burns & Roe won the $55 million government award in 1972, a spokesman said the company committed over 400 of "the best people in the company" to the project. Since then, says Ernest B. Tremmel, special assistant to Burns & Roe's president, "The work has never stopped."

As private industry's stake has grown, so has the commitment by utilities. The electricity generated by the 375-megawatt reactor would be fed into the grid of the Tennessee Valley Authority, providing the first real test of commercial power from a U.S. breeder. Clinch River's appeal for utilities is so great that 753 utilities have agreed to pay $257 million of the breeder's cost for the learning experience. It is the largest industry commitment ever made to a single research and development project.

With numbers that size, utilities are understandably getting impatient about ending the standoff. At the time President Carter decided against granting Clinch River a license, utilities were talking of a completion date of 1985. Since then, the date has been pushed back to 1988 to allow for the longer construction time. "When you lose control over planning, it's hard to continue the momentum," says William F. Rolf, chief utility spokesman for the project.

For every year Clinch River is set back, the project's total cost, now put at $2.88 billion, goes up by at least 10 percent, or $288 million. That puts the cost of the 3½-year stalemate over $600 million—a hefty price tag for procrastination.

But the utilities and companies are by no means ready to give up. They reason that with continued strong support in Congress, political change is likely to force a shift in the breeder's favor.

Proponents also believe that since Carter's decision, circumstances have weakened, or nullified, the Administration's three major arguments against the breeder: nonproliferation, technical obsolescence and cost.

Of the three arguments, the most critical is nonproliferation. The Administration hoped that by ending Clinch River it would demonstrate to other countries that the U.S. was reconsidering its commitment to the "plutonium economy" created by a breeder industry. By setting an example, it reasoned, other nations would follow suit, reducing the risk of spreading nuclear weapons.

That has not happened. The 66 countries that participated in the International Fuel Cycle Evaluation (INFCE) program have since indicated their intention to proceed with breeder programs, regardless of U.S. policy.

Some former Administration officials concede it was a mistake to link anti-Clinch River arguments to nonproliferation. "The rhetoric . . . hurts us," says John Deutch, former undersecretary of the DOE and now a professor at MIT. "Clinch River was not a place where it was necessary to use that argument."

More recently, the Administration has also argued that the Clinch River breeder has become technically outdated. "The design is bad, the technology is obsolete," says Thomas B. Cochran, senior staff scientist with the Natural Resources Defense Council and a member of the team Carter appointed to study the breeder in 1977. Cochran and other environmentalists say that the basic "loop" design is inferior to a "pool shaped design," and that breeder builders have failed to make basic changes.

Congress has refused to buy such attacks on the technology. "It is not outdated and is still adequate for the job," says one Senate energy committee staffer who is a physicist.

The Clinch River contractors also say they are upgrading the design to make sure the technology is current. "I don't see anything coming down the pike that will make this obsolete," says David Shoaf, director of Avanced Energy Government Programs for Westinghouse. Adds Tremmel, "We've got things in there that Super-Phenix [the French breeder] would like to have."

More to the point, perhaps, is an argument that has come to the fore during this year's recession: that completion of Clinch River would carry an unacceptably high cost. A presidential aide now cites "economic risks" as the greatest single reason for slowing the need for breeder technology. Says he: "The chances of selling the breeder become more distant as the economics of nuclear power slow down." A congressional source dismisses that argument: "The Administration just doesn't want to spend that kind of money."

But ending the breeder would also carry a heavy cost. With close to $1 billion already spent, the General Accounting Office estimates that it would cost as much as $350 million more to terminate the Clinch River project. This means that even if it is halted now, nearly half the cost of completing it would be spent anyway.

As the debate drags on, the stakes go up. For it is not only U.S. allies who are pushing ahead with breeders as a replacement for costly OPEC oil. This year the Russians began operating a 600-Mw breeder, the fourth to start up in the U.S.S.R. The French are scaling up from the 250-Mw Phenix to the 1,200-Mw Super-Phenix, scheduled to be completed in 1983. Other countries with advancing breeder programs include the United Kingdom, West Germany and Japan.

At the World Energy Conference in Munich last month, participants agreed that the U.S. is out of step with the rest of the world in development of nuclear energy. Delegates from France, the U.K. and other countries attacked the Carter Administration for holding back progress in nuclear power.

Companies and utilities working on Clinch River point out that the conventional reactor industry has been virtually shut down since the Three Mile Island accident last year. In the circumstances, they say, Clinch River is a base to keep American industry in

the nuclear business. Says Tremmel of Burns & Roe: "Events show we will have to go [to the breeder]. Cancel it, and you squander 10 to 20 years of development. How do you put a dollar value on that?"

NEVER UNDERESTIMATE THE OPPOSITION

If the U.S. falls behind other nations in building breeder reactors, you can thank the professional antinukers.

The decision to license the breeder reactor would have been made long before President Carter's 1977 call for cancellation if the Natural Resources Defense Council, a Washington-based pressure group, had not forced the old Atomic Energy Commission (now the Nuclear Regulatory Commission) to engage in years of legal and technical debate, beginning in 1971.

That was the year the NRDC initiated a lawsuit on behalf of the Scientists Institute for Public Information against the AEC. The suit charged that the AEC was trying to get the breeder started without providing an environmental impact statement for the overall system. The NRDC won the suit on appeal, and after two years, the Energy Research and Development Administration (now part of the Department of Energy) completed the environmental impact statement, and licensing hearings began.

During the license application process in 1975-77, the Nuclear Regulatory Commission heard anti-Clinch River arguments from the NRDC pressure group, which set forth its views in 15 bound volumes and directed 10,000 questions to the NRC and the license applicants. The Carter Administration, backed by the traditional arms control community, brought the process to a halt in 1977 when it withdrew ERDA's license application.

Some of the men who led NRDC's fight have since become the most powerful environmentalists in Washington. Gus Speth, cofounder of the NRDC, was appointed by President Carter as a member of the Council on Environmental Quality in 1977. In 1979, he became chairman. Another NRDC ex-member, Anthony Roisman, now heads the Justice Department's strike force against alleged chemical polluters.

The current antibreeder crusader at NRDC is Thomas Cochran, who joined the group in 1973 and was later appointed by President Carter to his breeder study team. "If the NRDC lawsuit never came up, the Clinch River breeder would be well under construction," Cochran says. "I have absolutely no qualms about trying to kill this project, given the proliferation concerns. I don't read the comics section on Sunday—I read Breeder Briefs." Meanwhile, the U.S. oil-import bill mounts and American technology continues to lose ground.

JONATHAN GREENBERG.●

THE VOTERS HAVE SPOKEN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. FORD of Michigan. Mr. Speaker, last week, the citizens of our Nation spoke with their votes, and elected Ronald Reagan as the next President of the United States. They spoke rather clearly, giving Governor Reagan a substantial majority of both the popular and electoral vote.

They did, however, speak with a mixed voice—the President will be a Republican, the Senate will be narrowly controlled by the Republicans, but the Democrats will retain a substantial majority in the House of Representatives.

It is too early to draw any conclusions or make any predictions. Democrat or Republican, we all want the same thing; we want what is best for our Nation. Hard work and good will, will overcome political differences as we work toward this goal.

As we face the task of governing our Nation with a divided Government, it is worth pausing a moment to consider the situation from the historical perspective.

First, it should be noted and celebrated that our Nation is one of the few in the world in which political power and control of the Government changes hands peacefully as a result of a democratic election. It never crosses our minds that the disgruntled losers might refuse to yield power to the winners. What we assume to be the normal course of events after an election is only a dream and an ideal in most other nations of the world.

Second, elections in this country do make a difference. Given a Reagan administration and the changed composition of the Congress, the policies of the Federal Government will be different in ways that will significantly affect the lives and futures of the American people. While I cannot predict specifically what these changes will be, there will be changes. I hope that the new policies will be sensitive to the needs and aspirations of working people, our urban areas and the disadvantaged. I will certainly continue to work toward making these concerns a high priority for Federal policy.

Third, when the new President and the new Congress take office in January, we will be facing a situation that is virtually unprecedented in our history. We will have a President who is beginning his first term in office with one House of the Congress controlled by his party and the other House controlled by the opposition party. This has occurred only once before in our national history when Rutherford B. Hayes, a Republican, was elected President in 1876 and the Republicans controlled the Senate and the Democrats controlled the House.

Hayes won election with less than a majority of the popular vote and by a margin of one electoral vote in the bitterly disputed election.

In his relations with Congress, Hayes fought with the Senate of his own party over patronage and appointments. He also fought with the House, controlled by the opposition, over policy issues.

The House attached legislative riders to vital appropriations bills in an attempt to work its will and Hayes made, for his time, extraordinarily vigorous use of his veto power. His relations with the Congress were turbulent and tumultuous. That one lesson of history would suggest that this is what lies in our future. Or, perhaps a more reasonable spirit will prevail, and we may have new policies without attempts to erode the values which I consider to be essential.

The phenomenon of divided party control dates back to the earliest days of our Nation.

President George Washington began his second term in 1793 with the House and Senate controlled by different parties.

The situation was rather common in the mid to late 19th century. It occurred in the 52d (1891-92), 50th (1887-88), 45th (1877-78), 44th (1875-76), 36th (1859-60), 34th (1855-56), 30th (1847-48), and 28th (1843-44) as well as the 3d (1793-94) Congresses.

It is interesting to note that all of these Congresses—with two exceptions, the 3d and 45th—are even numbered; that is, they are elections that came in the middle of a President's term. I think that this situation of divided party control of the Congress is usually a transitional phenomenon—the country is moving toward the rejection of a President and his party.

This was most clearly the case in the 62d Congress when the Republicans lost the House in the 1910 election and then lost the Senate and the Presidency (to Wilson) in 1912.

In the 72d Congress, the Republicans lost the House in the 1930 election and then lost the Senate and the Presidency (to Roosevelt) in 1932.

The last time that the House and Senate were controlled by different parties—and the last time that the Senate was Republican, the House Democratic and the President Republican—was the 72d Congress, 1931-32. The Democrats controlled the House, 220-214, the Republicans controlled the Senate by one vote, 48-47, and Hoover was President.

The perceived "unrepresentativeness" of the 62d Congress was one of the factors leading to the adoption of the 17th amendment to the Constitution, providing for the direct election of Senators. The 17th amendment was ratified in 1913 and was seen as one of the most important reforms of the progressive era.

History should never be used as a yardstick for the future. Despite some of the problems encountered in the past, because of divided control, I am hopeful that the next 2 years will see a spirit of reasonableness.

Mr. Speaker, I know that all of us who reassemble here in January will come with a spirit of cooperation and compromise. I personally will have an open mind to any new ideas and new policies, so long as they do not attempt to erode the values which I consider essential, and for which I have fought throughout my congressional career.●

AUGUSTIN "VAL" VALDERRAMA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend to the House of Representatives Augustin Valderrama. "Val" has served as president of California's largest Federal employees' local union in California for the past 2 years.

Elected president of the National Federation of Federal Employees, Local 687, at Norton Air Force Base in 1979, he has greatly improved labor-management relations throughout the base and increased union visability by aggressive action to protect and represent the workers at Norton. During Val's tenure, communications between the local at Norton and my office and other congressional offices has greatly improved. He has kept area representatives informed of the problems of the Federal worker and been instrumental in enlisting congressional help. Val's ability to interact with people is exemplified by his work within his local, at the national union level, and with management to highlight the plight of applicants for disability retirement. Moreover, as a tribute to his foresight, he has been the key factor in bringing women into executive positions within the union for the first time.

Born and raised in San Diego, Calif., 1 of 12 brothers and sisters, he attended St. Augustine's High School and upon graduation entered the Navy where he served for 4 years. After receiving an honorable discharge from the Navy in 1955 he entered the civil service and is now a hazardous materials transportation specialist at Norton Air Force Base.

Beyond his many contributions to the workers at Norton, Val finds time to be active in the local little league, the Knights of Columbus, and serve on the men's advisory group at Our Lady of Fatima Catholic Church in San Bernardino.

Mr. Speaker, Augustin Valderrama is truly one of the outstanding men in America today and it is my honor to commend him to my colleagues and wish him the best of luck in the future.●

THE PLIGHT OF THE PARITSKY FAMILY OF KHARKOV

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. DONNELLY. Mr. Speaker, I rise to bring a matter of great injustice within the Soviet Union to the attention of my esteemed colleagues. Alexander Paritsky and his family live in Kharkov, U.S.S.R., and have yearned to emigrate to Israel since 1976, and be reunited with their relatives. Repeatedly, exit visas have been refused for Alexander Paritsky, his wife Paulina, and their young daughters, Dorina and Anna.

Alexander is a Soviet Jew proud of his heritage, and hopeful that his children will be able to live without fear of expressing their religious beliefs. Paritsky, his wife and daughters have been subjected to merciless harassment by the KGB, the state-controlled media, even the girls' teachers since the initial application in 1976. This family has one hope that has kept their spirit alive. In January 1981, they can reapply for exit visas. The U.S. Congress has long professed its concern and support for people facing tyranny like Alexander, Paulina, Dorina, and Anna Paritsky. I encourage my honored colleagues to write to President Brezhnev at the Kremlin in Moscow, and express your personal support for this brave family's emigration application. Truly, this is the least we can do, and our sincere interest will be forever appreciated.●

INTEREST RATES

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. MOTTL. Mr. Speaker, outrageously high interest rates are crushing the Nation's hopes of pulling out of the recession and putting the unemployed back to work.

After peaking at 20 percent last spring, interest rates declined to lower but still intolerable levels. Now, interest rates have again crept above 15 percent. The result is that our economic recovery is being unmercifully choked off at a tremendous human expense.

Autoworkers cannot work because people do not buy cars when they cannot afford the financing.

Young families can only dream of buying the home they could have afforded before skyrocketing interest rates ballooned their monthly mortgage payments.

While big corporations can weather financial market ups and downs, the small businessman who needs to borrow is swept away in a tide of red ink.

It is well known that the Federal Reserve Board policy is to wring inflation from the economy by tightening the money supply. But we must spread the burden of fighting inflation beyond monetary policy, or we risk more economic devastation and human misery.

Therefore, I urge President-elect Reagan to seek the resignation of Fed Chairman Volcker unless the Chairman commits himself to bringing down the exorbitant level of interest rates.●

SEATTLE PROGRAM FOR HANDICAPPED TRANSPORTATION EFFECTIVE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. SIMON. Mr. Speaker, in reviewing accessible public transportation services for the handicapped, we often fail to examine those existing systems which are effective. A well planned program does work. Nowhere is that better exemplified than in Seattle, Wash.

Seattle has many of the same obstacles to accessible transportation as other cities—such as lack of sidewalks and curb cuts, and hilly terrain. However, while other cities were working on waiver requests for the Department of Transportation's 504 regulations, Seattle was committing itself to a fully accessible transportation system. On April 20, 1978, the Seattle Metro Council adopted an elderly and handicapped transportation policy which would enable it to fulfill that commitment.

The latest ridership count in Seattle shows 70 one-way trips per weekday, or about 2,000 one-way trips a month. One-fourth of all routes are accessible. Furthermore, recent studies have shown that service is reliable. Out of 231 trips, only 3 passengers had to wait for another bus or a backup system to provide them transportation. That is a commendable record of service by any measurement.

The article I am inserting into the RECORD at this point was written when the service was first started. It serves as an example of what can be accomplished when a transit system dedicates itself to meeting the requirements of the law and the needs of the handicapped population. I urge my colleagues to review this effort seriously before deciding upon the merits of accessible public transportation systems.

SEATTLE EXPERIENCES SUCCESS WITH LIFT SERVICE

Seattle Metro, among the nation's fastest growing transit systems, is also leading the way in making its 1,000-bus fleet fully accessible to handicapped persons. And what's more, the program is off to a successful start.

As of February 1980, 23 of Metro's 100 routes were operating with buses equipped with wheelchair lifts. And all future bus purchases—including an order for 228 more articulated buses—will be lift-equipped. This action stems from a policy that the Metro Council adopted in 1978, according to B. J. Carol, project manager for Seattle Metro's accessible service program.

Metro first began lift-equipped service on six routes in September 1979. Today 23 routes offer accessible trips at approximately one hour intervals. The service is provided on Metro's new fleet of Flyer diesels equipped with Lift-U-lifts.

More routes will be added as the balance of the order of 259 Flyers is delivered. So far, 108 have been delivered. A total of 109

AMG trolley-buses, all to be retrofitted with lifts, will be put in service as soon as Seattle Metro's rehabilitated trolley system is completed next year. These trolley-buses will add nine accessible routes with frequency of service ranging from every five minutes in peak times to hourly intervals at other times, Carol explained.

"We listened to a dozen 'horror stories' from other agencies on how impossible it would be to implement wheelchair-lift service on fixed routes," Carol said. "I was told that the union, drivers, and non-disabled passengers all would oppose such service. It seemed that the basic problem was resistance from those who didn't understand exactly what they would be asked to do," Carol said.

After drafting a work plan and policies, Metro reviewed the accessible project with Amalgamated Transit Union Local 587. The union agreed with the proposed policies affecting the drivers and eagerly embraced a proposed driver task force for accessible service. In fact, the union took a strong position that this task force should play an active role in making changes or additions to the program.

The task force, composed of 12 drivers, has played a major role in the development of the accessible program. For example, the Flyer buses were ordered with "crab claw" tie-down devices that will not accept most electric wheelchairs. Two retractable cargo straps were therefore installed per wheelchair location. The task force recommended that even with nonelectric chairs, one side of each chair should be secured with the cargo strap in addition to the conventional tie-down device—at least until the system gains more operating experience. The revised procedure brought mixed reviews from handicapped riders. Some thought Seattle Metro was going overboard on safety. Others said they were supportive.

"We are very comfortable accepting driver recommendations," said B. J. Carol. "They are the professionals who work with passengers every day. They are much more sensitive to and aware of the safety and comfort needs of a whole range of riders than are others who have only a theoretical knowledge of the process."

Local 587 representatives also reviewed the driver training course for accessible service. In addition to the eight-hour human relations course, which includes sections on disabled riders, each driver receives a two-hour orientation in wheelchair-lift operation.

Working in teams of two, one driver operates the lift while the other plays the role of the wheelchair passenger. The drivers then experience what it feels like to wheel a chair over a grassy, muddy bus stop area and ride the lift. The drivers then reverse roles.

A citizen committee, including representatives of the disabled community, also plays an active role in advising Metro and bringing problem areas to Metro's attention. Representatives of this committee made the original selection of the wheelchair lift equipment.

Carol said there are still problems to be solved. Sometimes the lift fails to work or the cargo straps used for electric wheelchairs are missing. And some bus stops do not accommodate wheelchair lifts.

"Our handicapped riders give us plenty of feedback—they are appropriately critical when we fail, but they go out of their way to call or write commending drivers who are especially helpful or skilled," Carol said.

A ridership survey performed by Seattle Metro four months after service began showed an average of 20 riders per day using the first nine routes in operation. A lift bulletin showing new routes and tips on riding is issued monthly and sent to anyone who requests it. In addition, members of the driver task force go on outreach programs to disabled community centers and schools so that handicapped riders can get a chance to practice on the lift before trying it in regular service. Besides acquainting potential riders with the equipment, drivers can discuss procedures with handicapped riders in a relaxed atmosphere.

"We are actively marketing the lift service and hope to see a steady increase in use. At the same time, we continue to fine tune the service so that it becomes more reliable and easier to use," Carol concluded.●

ELTON HILL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. RODINO. Mr. Speaker, I want to recognize an outstanding public servant in my congressional district whom I have come to know and admire.

I am not alone in my appreciation for Elton Hill, business administrator of the city of Newark. In fact, tonight over 600 Newark residents will attend a roast of Elton at Thomm's Restaurant. His many friends and admirers in the city will make jokes about Elton this evening, but they will all be there out of respect for the dedication and human compassion that Elton has brought to administering the services of our city government.

As the business administrator and Mayor Kenneth Gibson's highest aide, Elton Hill oversees all of the city's departments and a $130-million budget. He has lived in our city most of his life and after working at the Newark Housing Authority he came to city hall with Mayor Gibson in 1970. Since then he has become an invaluable part of the city government—a man who cares about people and who makes government work for all the people.

His commitment to helping people does not stop at city hall. He is an active member of the National Association for the Advancement of Colored People, the Newark Chamber of Commerce, the National League of Cities, the Newark Boys Club, the Kenneth A. Gibson Civic Association, the National Black Caucus of Elected Officials and the 100 Black men of New Jersey.

Consistent with Elton's concern for young people and the future of our community, he has designated the proceeds of tonight's event to go to the United Negro College Fund.

I am fortunate to work with such an able public servant for the betterment of the city of Newark, and I am proud to call him my friend.●

AARON COPLAND

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. RICHMOND. Mr. Speaker, Aaron Copland, the dean of American composers, celebrates his 80th birthday on this day, November 14, 1980. I am certain that my colleagues wish to join me in honoring this extraordinary American on this happy occasion.

Aaron Copland, our country's greatest living composer, epitomizes the classic American success story: A man from modest beginnings who has reached the top of his profession through talent, determination, and singlemindedness. Copland was born in 1900, in Brooklyn, N.Y., to immigrant parents. He studied piano and harmony privately, went to Boy's High School and dreamed of going to Paris where the most exciting developments in the arts were taking place. When he saw an announcement of a school for Americans to begin in the summer of 1921 at Fountainbleau near Paris, Copland rushed to sign up. After 3 years in France the young composer returned to New York to pursue a professional career in music composition.

Toward this end, he initiated performances and festivals of contemporary American music. His prolific literary writings and lectures provided a forceful voice in the cause of promoting and performing American music. Virtually every music organization dealing in any way with 20th century music has benefited from Copland's participation and leadership, including the Royal Academy of Music, the International Society for Contemporary Music, and New York's outstanding, dynamic, composer advocacy organization, Meet the Composer.

In searching for an American sound, Copland used jazz rhythm in works such as "Music for the Theatre of 1925" and the "Piano Concerto of 1929." Deeply concerned about the accessibility of music for the public, he turned in the thirties and forties to the music he is not most widely known for—the ballets "Appalachian Spring," "Billy the Kid," "Rodeo," and the other orchestral work "El Salon Mexico." These masterpieces brought a true American flavor, with all its excitement and diversity to serious music for the first time.

In 1942, Copland wrote "Fanfare for the Common Man." This work, born out of our struggle against tyranny in World War II, stands with the greatest achievements in American art. Mr. Copland's music for the films "Of Mice and Men," "Our Town," and "The Heiress" are among the finest film scores of the century. For his film work, he gained an Academy Award.

Aaron Copland, always at the frontiers of American music, has become its most distinguished elder statesman. His honors include 33 honorary doc-

torates, the Pulitzer Prize, the Presidential Medal of Honor. His music is unmistakable and evocative of all that is best in American life and culture. We salute this fine American for his music and for his tireless efforts on behalf of American music.●

GROUND WATER CONTAMINATION

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. WHITE. Mr. Speaker, on September 30, 1980 the Government Operations Subcommittee on Environment, Energy and Natural Resources issued a document entitled, "Interim Report on Ground Water Contamination: Environmental Protection Agency Oversight." Although the subcommittee would not guarantee the accuracy of the information, it does list 2,100 U.S. locations of possible ground water contamination.

I was dismayed to see that Halliburton Services Co. of Monahans, Tex. was included on the list. The subcommittee's report intimates that the sites listed represent current danger to water supplies. The truth is Halliburton has never been charged with a State or Federal contamination violation. Two years ago, a problem was corrected after it was discovered a pond on Halliburton's property was a possible source of sodium chloride, creating brine water. At that time, the pond was filled in to the satisfaction of all parties concerned, including the Texas Water Quality Board. Contrary to the implication of the report, there is no present danger, and it should be noted the pond in question 2 years ago was never a threat to the city's deep water wells which are located 12 miles from the pond.

Despite its compliance with environmental quality standards, Halliburton has become one of 2,100 sites across the Nation over which a shadow has been cast. In Monahans, this has caused considerable damage to the reputation of Halliburton, a loss of confidence in the city's water supply, and undermining of efforts to attract families and industry to this west Texas community.

Ward County, city of Monahans and other communities in Ward County are devoted to helping this Nation become energy independent. The populace are dynamic, hospitable, and justly proud of their community that offers much in good living. Their patriotism and support of this Nation has never wavered. It seems an irony that such a solid American community should be so hopelessly stigmatized by erroneous publicized information. I offer this statement in part to counter the injustice that has been perpetrated on the people and the dedicated authorities of this area.●